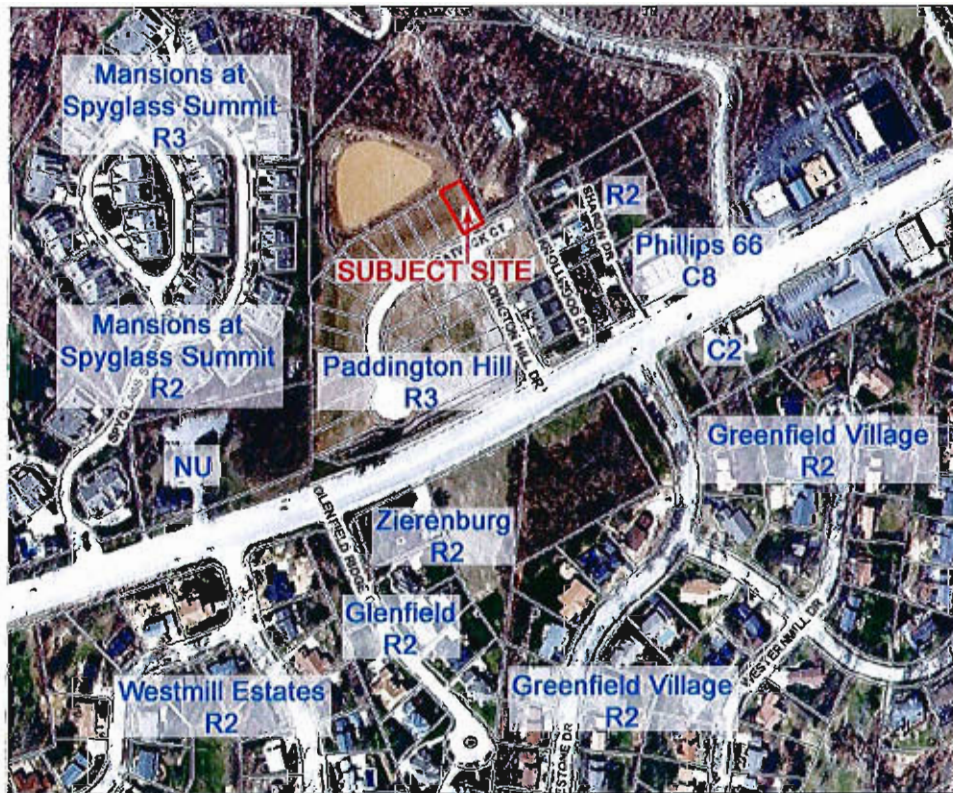


**Notice of Public Hearing  
City of Chesterfield  
Board of Adjustment**

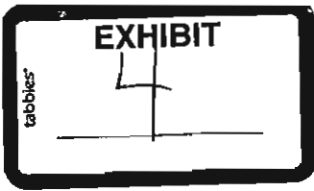
**NOTICE IS HERBY GIVEN** that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, November 4, 2010 at 7:00 p.m. in the City Council Chambers at the City of Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

The Board will consider the following:

**B.A. 03-2010 14349 Gatwick Court (Robert & Kathryn Gatheman):** A request for a variance from City of Chesterfield Ordinance Number 2101 to permit a residential lot in the Paddington Hill Subdivision to maintain a thirteen (13) foot rear yard setback in lieu of the required fifteen (15) foot rear yard setback. (16R340472)



Information on this Public Hearing may be found on the City's website at <http://www.chesterfield.mo.us/public-notice.html> or by contacting Planning and Development Services Director Aimee Nassif at 636-537-4749 or via e-mail at [anassif@chesterfield.mo.us](mailto:anassif@chesterfield.mo.us). All interested parties will be given an opportunity to be heard at the Public Hearing.



**III.B.**

---


690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

---

## **Board of Adjustment Staff Report**

**Variance Type:** Area or Bulk

**Meeting Date:** November 4, 2010

**From:** Aimee Nassif, AICP  
Planning and Development Services Director 

**Location:** 14349 Gatwick Court

**Applicant:** Robert and Kathryn Gatheman

**Description:** **B.A. 03-2010 14349 Gatwick Court (Robert and Kathryn Gatheman):** A request for a variance from City of Chesterfield Ordinance Number 2101 to permit a residential lot in the Paddington Hill Subdivision to maintain a thirteen (13) foot rear yard setback in lieu of the required fifteen (15) foot rear yard setback.

---

### **PROPOSAL SUMMARY**

Robert and Kathryn Gatheman are requesting a thirteen (13) foot rear yard setback in lieu of the fifteen (15) foot required setback established in the site specific ordinance for this subdivision. The purpose for this area variance request is to accommodate construction of a deck in the rear of this residential structure.

An application submitted by Robert and Kathryn Gatheman is attached hereto which includes an explanation of the above referenced request, statement of unnecessary hardship, description of the effect or impact on neighboring properties. Also attached for your reference is a copy of the Municipal Zoning Application which was rejected by the Department on October 11, 2010.

### **SITE HISTORY**

The Paddington Hill Subdivision was originally zoned "R-3" Residence District with a Planned Environment Unit (PEU) in June of 2004. The site consists of 7.8 acres of land and zoning entitlements allow for the construction of 27 single family attached residences.



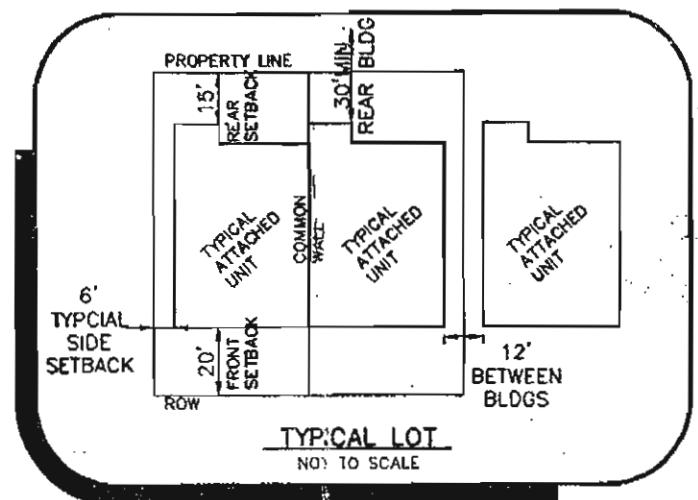
The map to the right depicts the subject site with the zoning and development names of the surrounding parcels. This subject site is located in Ward I of the City of Chesterfield.

This is a photo of 14349 Gatwick Court which is an attached residential dwelling. The adjoining unit is 14345 Gatwick Court which has also filed an application for a variance to the rear yard setback requirement to accommodate construction of a deck.



The structure setbacks for this development as required per the site specific ordinance, Ordinance Number 2101, are as follows:

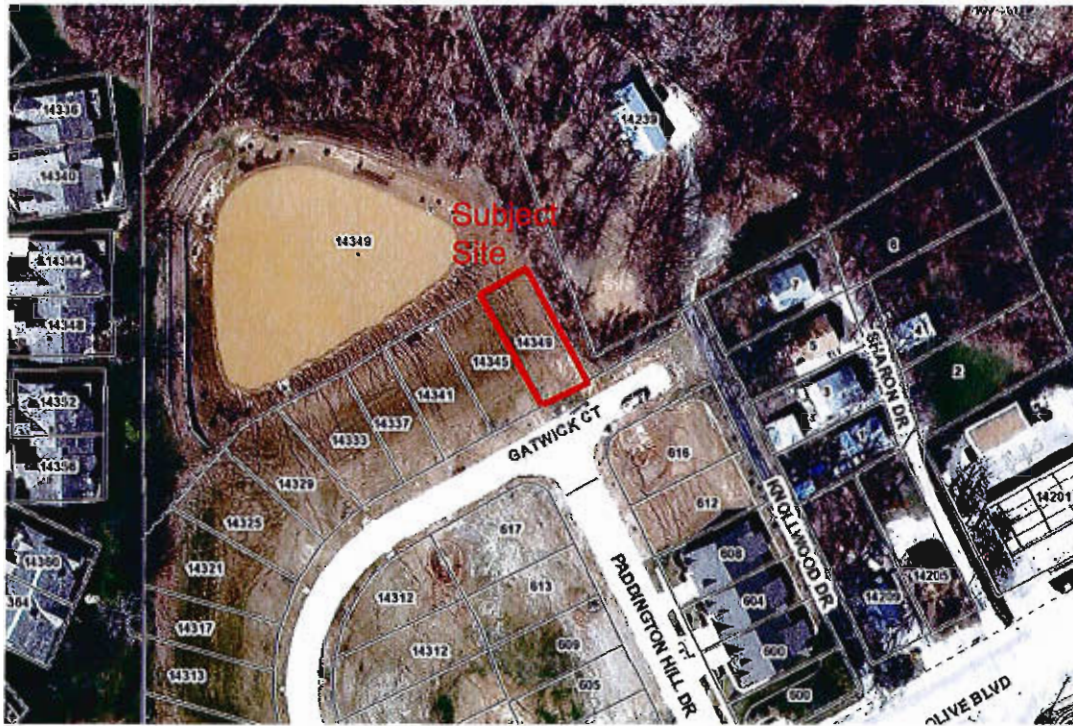
1. Minimum front yard setback is 20 feet.
2. Minimum rear yard setback is 15 feet with a minimum between structures of 30 feet.
3. Minimum side yard setback is 6 feet with a minimum between structures of 12 feet.



After the change of zoning was approved, the Site Development Plan for Paddington Hill Subdivision was approved and subsequently, in June 2007 an amended Record Plat was approved which platted the subdivision into 27 residential lots with approximately 3 acres of common ground. The residential lots range in size from approximately 4,200 square feet to approximately 7,200 square feet.

**EXISTING CONDITIONS**

Construction is currently underway for Paddington Hill. To date building permits have been approved for the construction of 17 lots. The Gatheman's parcel is shown below.



\*The Gatheman's structure was recently constructed, therefore maps depicting the structure on this lot are not currently available.

In August 2010, the Gatheman's submitted a Municipal Zoning Application (or MZA) to the Department for construction of a deck at the rear of the structure. The deck was shown to encroach in the rear yard setback and general utility easement by two (2) feet.

As mentioned previously, the deck proposed by the Gatheman's encroaches into both the rear structure setback and general utility easement. For your review and consideration is the matter related to the structure setback only. Construction within a utility easement is permitted provided that all utilities with legal interest in the easement submit written consent for the encroachment. The City of Chesterfield is one such entity, and after review of the improvement plans, it was determined that consent would be granted. In addition, consent has been granted by the Metropolitan Sewer District.

### **Approval Criteria**

1. In order to grant a variance, there must be proof that the applicant did not bring the burden upon himself through some action, but instead had the burden imposed on him.
2. An individual cannot create a situation and then claim he needs a variance. *Wolfner v. Board of Adjustment of City of Warson Woods*, 114 S.W.3d 298 (Mo.App.E.D., 2003).
3. The burden of proving the elements is on the applicant.
4. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the applicant has established the necessary "practical difficulties or unnecessary hardship" and when "the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
5. Section 2-216 of the City of Chesterfield Municipal code states that the Board of Adjustment shall have the following powers:

"To permit a variation in the yard requirements of any zoning district or the building or setback lines from major highways as provided by law where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided that such variance will not seriously affect any adjoining property or the general welfare of the public."

**Staff requests action by the Board of Adjustment on B.A. 03-2010 14349 Gatwick Court.**

### **Exhibits**

1. City of Chesterfield Zoning Ordinance (not in packet)
2. Notice of Publication
3. Affidavit of Publication (not in packet)
4. Staff Report
5. Petitioner's Application
  - a. Application to Board of Adjustment
  - b. Rejected Application
  - c. Photos of site from Applicants
  - d. Approval from Paddington Hill Homeowners Association
6. City of Chesterfield Ordinance 2101



EXHIBIT  
5A



# City of Chesterfield

RECEIVED  
OCT 14 2010  
DEPT. OF PLANNING  
& PUBLIC WORKS

## DEPARTMENT OF PLANNING AND PUBLIC WORKS

### BOARD OF ADJUSTMENT APPLICATION

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. The Board hears requests for variances and appeals of administrative determinations. A variance is deviation from the zoning ordinance requirements for a specific parcel. The types of variances heard before the Board of Adjustment are Use, Area, and Bulk Variances. A variance is granted only upon demonstration of a hardship such as lot size, topography, or other issues not created by the lot owner. For questions about this application, please contact the Department of Planning and Public Works at 636-537-4746. For information about this and other projects under review by the Department of Planning and Public Works, please visit "Planning Projects" at [www.Chesterfield.mo.us](http://www.Chesterfield.mo.us).

Check (✓) the type of variance for which you are applying:

- Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Use variance: A request to allow deviation for the permissible uses of a zoning district.
- Sign variance: A request to allow deviation from dimensional/quantity regulations
- Appeal of Administrative Determination

Please note areas in gray will be completed by the Department of Planning and Public Works.

STATE OF MISSOURI )  
 )  
 CITY OF CHESTERFIELD )  
 )

BOA NUMBER \_\_\_\_\_  
 HEARING DATE \_\_\_\_\_

Petition for Appeal from Zoning Regulations

### I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor's Record: Robert J and Kathryn L Gatheman

Address: 14349 Gatwick Court Chesterfield, MO 63017

City: Chesterfield State: MO Zip: 63017

Tel.: 314-392-9658 Fax: 314-392-9560

Petitioner, if other than owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel.: \_\_\_\_\_ Fax: \_\_\_\_\_

Legal Interest: \_\_\_\_\_  
 (Provide date of contract and date of expiration of contract)

\*Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)

**II. PROPERTY INFORMATION**

**Project Address:** 14349 Gatwick Court Chesterfield, MO 63017

**Locator Number(s):** Lot 6 16R340472 Lot 7 16R330518

(List additional locator numbers on separate sheet and attach to petition)

**Acreage:** \_\_\_\_\_ (To the nearest tenth of an acre)

**Subdivision Name (If applicable):** Paddington Hill

**Current Zoning District:** R-3 P.E.U.

**Legal Description of Property:** Lot 06 of Ammended Plot of Paddington Hill, a subdivision of St. Louis County. Recorded at Book 355 Pg 439 of St. Louis County Records.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

**Unique physical characteristics of the lot (e.g., size, slope, etc.):** \_\_\_\_\_

46.33' x 106.00' 4,910 S.F. 6.42' from easement

(amended plat attached)

(Attach additional sheets as necessary)

**Description of the necessity of the proposed improvement:** Rear of home is 6.42' from easement.

Requesting approval for 2' cantilever of deck, in order to have usable size deck depth of 8.42' to allow for small table, 2 chairs, and grill to fit onto deck. All supporting posts to be within property line.

(Attach additional sheets as necessary)

**Ordinance Number and section to which a variance is sought:** 2101

Section V (A)(1)(e)(ii)

(Attach additional sheets as necessary)

**Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition?** Check (✓) one  Yes  No

**Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:**

Attached villa is built with back end 6.42' from easement. Requesting approval to build deck with 2' cantilever in order to have usable deck depth of 8.42', to allow for small table, 2 chairs and gas grill to be put on deck. A deck depth of only 6.42' deep would make it very difficult to function, allow use of deck furniture, and enjoy deck.

Finished size of proposed deck will be 8.42' deep by 21' wide, appropriately sized (and yet relatively small) for this villa.

Area behind villa is comprised of common grounds with a small pond and woods. There are no visible property owners behind home (see attached photos). There are no utilities of any kind in the easement. All supporting deck posts will be within property limits.

Approval has been granted by both MSD (attached) and Community Managers Associates, Inc. (attached).

Cantilever of deck will have no negative impact on the Paddington Hill community, its residents, or on other neighboring homes. Having a usable size deck will add value to both the villa and the community.

As ten year residents of Chesterfield, we are respectfully requesting this approval for the sole purpose of constructing a deck size that will usable, but not excessive. Our children are now grown and on their own, and we expect this to be our final move.

---

(Attach additional sheets as necessary)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 [www.chesterfield.mo.us](http://www.chesterfield.mo.us)



**Description of the effect or impact on neighboring properties:**

As described above, villa backs to common ground with a pond and woods. There are no visible neighboring properties behind this villa, as there are dense trees and vegetation behind and on the east side of villa.

Proposed deck will be professionally constructed by California Decks, with a pergola overhead to protect from sun. This will be a high quality deck constructed of Fiberon Horizon (no maintenance) composite materials, with a hand crafted (no maintenance) pergola. Information concerning proposed deck materials is attached.

There will be no negative impact to the Paddington Hill community or its neighbors.

(Attach additional sheets as necessary)

**For Area or Bulk Variance Requests, complete the following section:**

**A. Setbacks/Height:**

	<b>The Petitioner(s) request the following setback(s):</b>	<b>City of Chesterfield Regulations require the following setback(s) for this site:</b>
<b>Front Yard:</b>	n/a _____	n/a _____
<b>Side Yard:</b>	n/a _____	n/a _____
<b>Rear Yard:</b>	n/a _____	15' _____
<b>Height:</b>	n/a _____	n/a _____

**Provide the following:**

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Twenty-five (25) copies of the following for inclusion in the packet:
  - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

*For Sign Variance Requests, complete the following section:*

**B. Signage:**

	<b>The Petitioner(s) request the following :</b>	<b>City of Chesterfield Regulations allow the following for this site:</b>
<b>Number of attached business signs:</b>	n/a	
<b>Size of attached business signs:</b>	n/a	
<b>Number of freestanding business signs:</b>	n/a	
<b>Size of freestanding business signs:</b>	n/a	

**Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.**

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**Provide the following:**

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Twenty-five (25) copies of the following for inclusion in the packet:
  - A site plan showing:
    - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
    - The location of proposed signs.
    - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business)
  - A detail sign plan indicating:
    - Dimension of signs with detail sign lettering layout.
    - Total square feet of signs. If attached, what percent of wall.
    - Light detail, if any.
  - Letters from abutting property owners stating their position.
  - Copies of the completed application.
  - The City of Chesterfield rejection or denial.
  - Any other information as required by the City of Chesterfield

**IV. COMPLIANCE**

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes     No. If no, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes     No. If no, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**[THIS SPACE INTENTIONALLY LEFT BLANK]**



V. STATEMENT OF CONSENT

STATEMENT OF CONSENT

I hereby give CONSENT to n/a (type, stamp or print clearly full name of agent) to act on my behalf to submit, this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the [x] owner [ ] contract purchaser. (check (x) one)

Robert J and Kathryn L Gatheman

(Name- type, stamp or print clearly)

[Handwritten signature]

(Signature)

14349 Gatwick Court Chesterfield, MO 63017

(Address, City, State, Zip)

(Name of Firm)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 13th day of OCTOBER 20 10.

Signed

[Handwritten signature] Notary Public

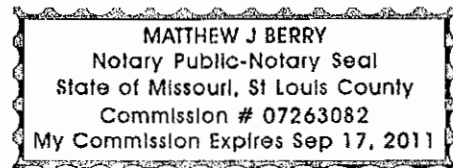
Print Name:

Matthew J. Berry

Seal/Stamp:

My Commission Expires:

09/17/2011





**VII. CITY OF CHESTERFIELD  
LIENS AND FINES CERTIFICATION**

Project Name: \_\_\_\_\_ Ward: \_\_\_\_\_  
Address: \_\_\_\_\_ Locator: \_\_\_\_\_

**STATE OF MISSOURI, CITY OF CHESTERFIELD**

I do hereby certify to the Council of the City of Chesterfield that:

\_\_\_ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

\_\_\_ There are the following fines and/or liens owed to the City of Chesterfield:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

\_\_\_\_\_  
Director of Finance  
City of Chesterfield

\_\_\_\_\_  
Date

**[THIS PAGE FOR INTERNAL USE]**



**STAFF / BOA USE ONLY**

**Intake Date:** \_\_\_\_\_

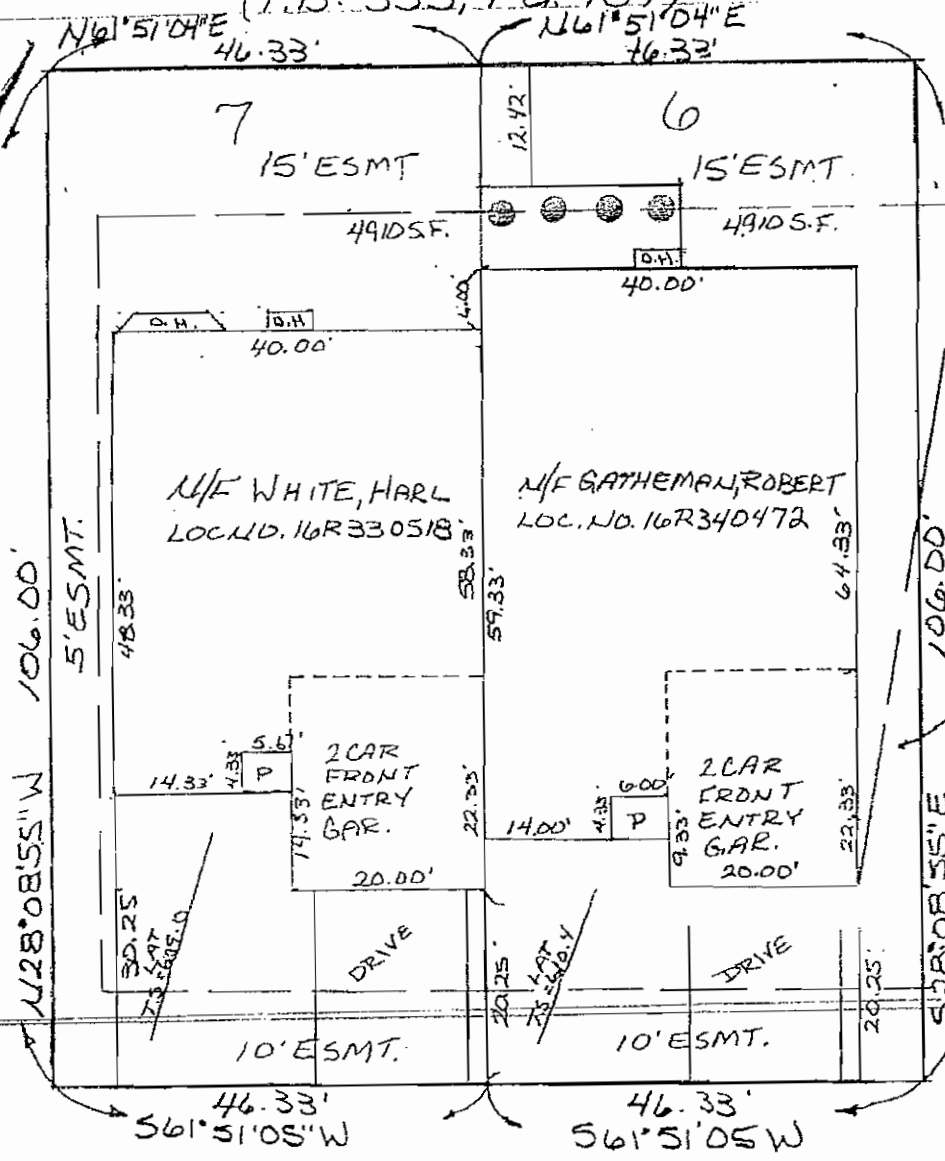
**This petition is granted / denied (circle one) on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_**

**Signed:** \_\_\_\_\_

**Chairman**

**[THIS PAGE FOR INTERNAL USE]**

AMENDED PLAT OF  
PADDINGTON HILL  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MO  
(P.B. 355, PG. 439)



GATWICK (50' W) COURT

SCALE: 1" = 20'

EXHIBIT "A"

INITIAL: V.L.

ENCROACHMENT PLAT  
LOT 6 OF PADDINGTON HILL AMENDED AS RECORDED  
IN P.B. 355 PAGE 439 OF THE ST. LOUIS COUNTY  
RECORDS IN THE CITY OF CHESTERFIELD,  
ST. LOUIS COUNTY, MISSOURI

**Bob Gatheman**

---

**From:** KLGatheman@aol.com  
**Sent:** Monday, October 11, 2010 3:15 PM  
**To:** Bob Gatheman  
**Subject:** Fwd: Fw: RE: Municipal Zoning Application MZA\_100721

From: vicki@caldecks.com  
To: nliuzza@mcbridehomes.com, KLGatheman@aol.com  
Sent: 10/11/2010 1:33:22 P.M. Central Daylight Time  
Subj: Fw: RE: Municipal Zoning Application MZA\_100721

Here is the rejection notice from Chesterfield.

Vicki Leesmann  
California Custom Decks, Inc.  
9227 Manchester Rd.  
Rock Hill, MO 63144  
Phone: 314-968-3325  
Fax: 314-968-3326  
email:

-----Original Message-----

*From:*  
*Date:* 10/11/10 09:30:33  
*To:*  
*Subject:* RE: Municipal Zoning Application MZA\_100721

Project Location: 14349 GATWICK CT  
Work: Porch/Patio/Deck  
Application Status: Rejected

Hi Vicki,  
Your application cannot be approved based on:

The Deck encroaches the 15' setback. The application will need to go before the Board of Adjustment.

If you have any questions, please contact me at City Hall:  
690 Chesterfield Parkway W  
Chesterfield, MO 63017  
(636)537-4748

\*\*\*\*\*

This email should be considered "unofficial communication"





## St. Louis County Property Viewer



© Copyright 2010 St. Louis County. All rights reserved. Terms of Use. St. Louis County makes no warranty for fitness of use for a particular purpose, express or implied, with respect to this map product. Printed: Oct 13, 2010

16R340472

10/13/2010

**Divisions:**

- Assessment
- Collection
- Land Information Services
- Licensing
- Recorder of Deeds

- Revenue Home
- Revenue Site Map
- Revenue Phone Numbers
- Revenue Contact Us
- Property Value Appeals

**Available Tax Years:**

2011

**Available Cards:**

Card: 1 of 1

**Ownership / Legal Information - Tax Year: 2011**

Location	Tax Year	Assessment Code	City Code	Site Code	Destination Code
16R340472	2011	108CF	105	0349	
Owner:	Gatheman Robert J & Kathryn L H/w				
Taxing Address:	14349 Gatwick Ct Chesterfield, MO 63017				
Care-Of Name:					
Listing Address:	Same as taxing address.				
Sub. Book & Page:					
Assessor's Parcel ID:	11 0822				
City Code - Name:	105 - Chesterfield	Trash District No.			
Subdivision:	Paddington Hill Amended				
Legal Description:					
Roll - Frame:	19126 2069				
Lot No.:	6	Block:			
Lot Description:	0046/0046 0106/0106	Acres:	0.113		
Recorder's Date & Daily:	2010092100603	Deed Type:	WD		
Taxing Status:	A - Taxable	Land Use Code:	910		
Deed Information:	Locator Deed Search Information				



Map/Aerial Photo

**Requirements:**

Adobe Flash Player version 9 or above.

- Assessment Data
- Property Data
- Printable Version

- Tax Amounts Due
- Tax History

**2011 Documents**

**Note:** The information on this site was last refreshed on Oct 13, 2010.

**Assessment Information**

**2011 assessment information will not be available until June 1, 2011.**

PREVIOUS	Appraised				Assessed		
	2009	2010	2011	%	2009	2010	2011
Tax Year: 2010							
Residential	98,200	0	98,200	10%	18,660	0	18,660
Agricultural:	0	0	0	12%	0	0	0
Commercial:	0	0	0	32%	0	0	0



**Metropolitan  
St. Louis Sewer  
District**

2350 Market Street  
St. Louis, MO 63103-2555  
(314) 768-6200

September 29, 2010

Robert & Kathryn Gatheman  
14349 Gatwick Court  
Chesterfield, MO 63017  
c/o Vicki Leesmann  
California Custom Decks, Inc.  
9227 Manchester Road  
Rock Hill, MO 63134

Re: Easement Encroachment Agreement  
Lot 6, Paddington Hill Amended Plat  
Loc. No. 16R340472  
MSD Ref. No. M-0825002-10

Dear Mr. & Mrs. Gatheman,

This letter is to inform you and others of interest that the Metropolitan St. Louis Sewer District approved your request and has entered into an "Agreement and License to Encroach on Sewer Easement" on September 27, 2010.

This "Agreement" is being forwarded to the St. Louis County Recorder of Deeds for recording. Once MSD has received the recorded copy of this "Agreement", a copy will be sent to you for your records.

Should you or other parties of interest have any questions or concerns regarding this matter, please contact this office at 314-768-2710.

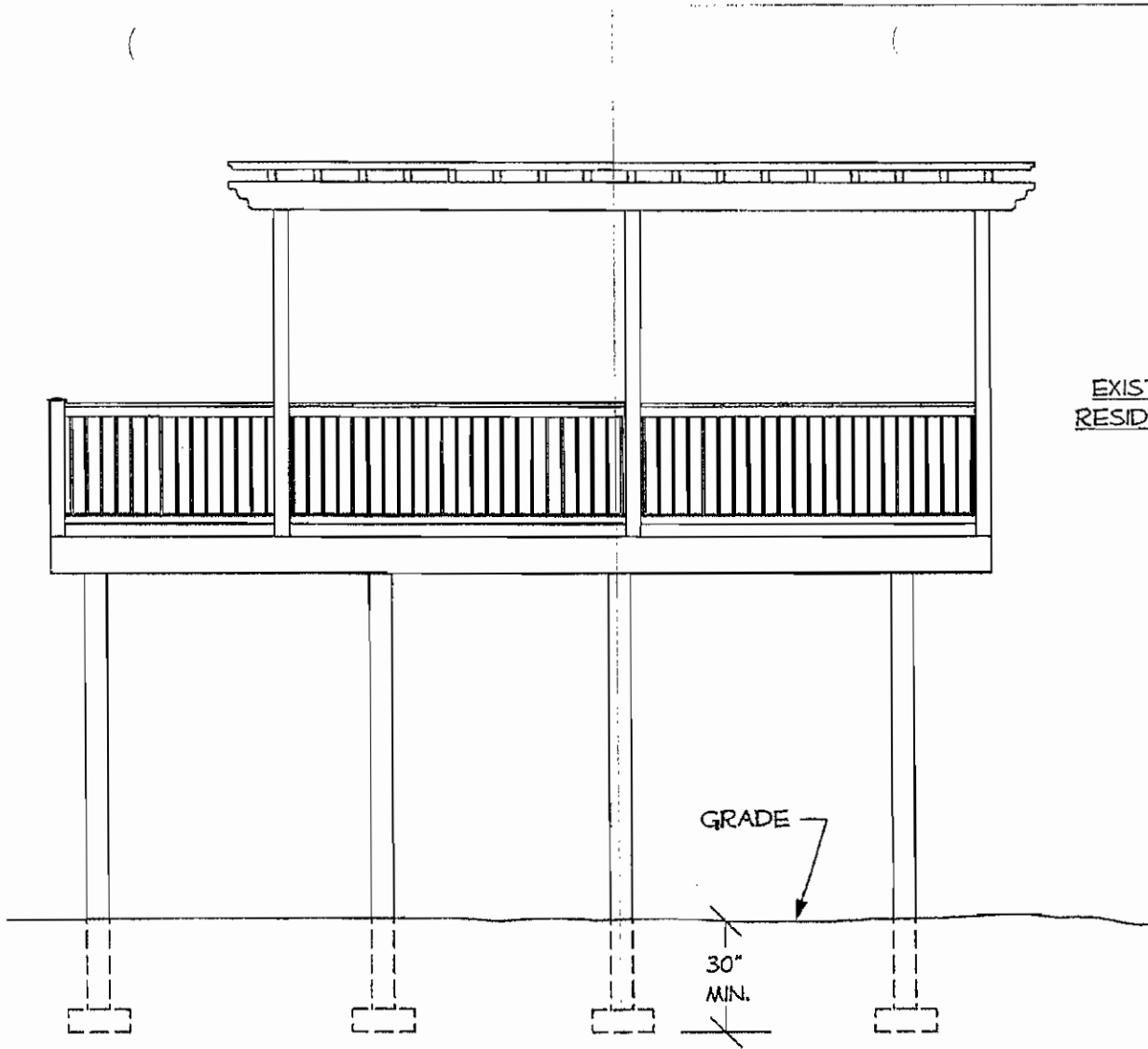
Sincerely,

Melvin B. Archie  
Engineering Plan Review/Permits

MBA/ljt

cc: MT Buechter  
California Custom Decks, Inc.  
File

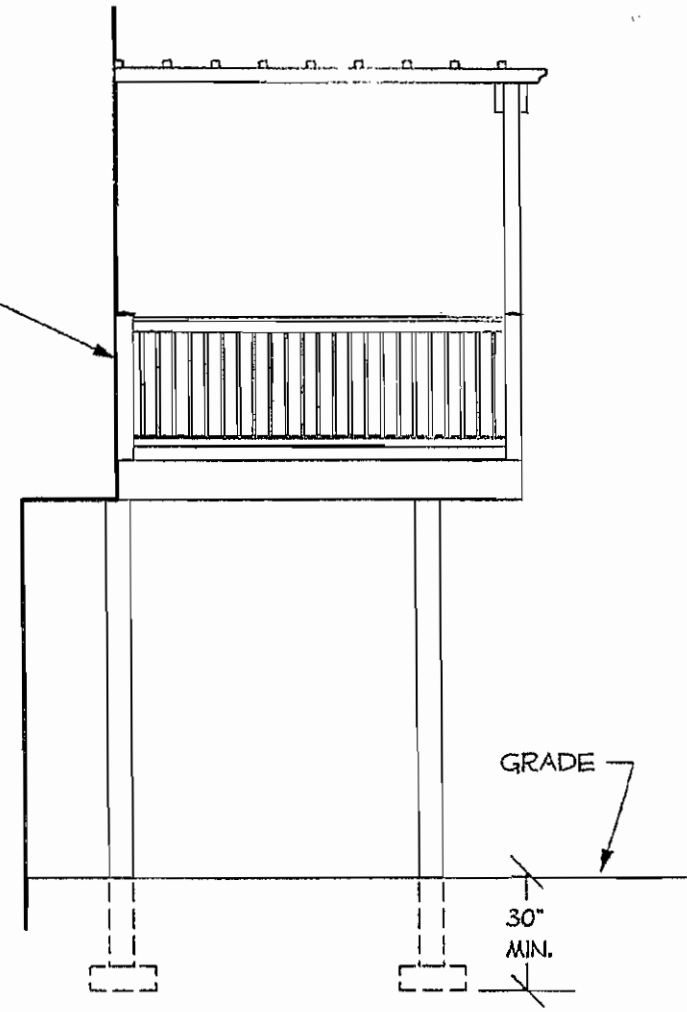




NORTH ELEVATION (LOOKING SOUTH)

BACK VIEW

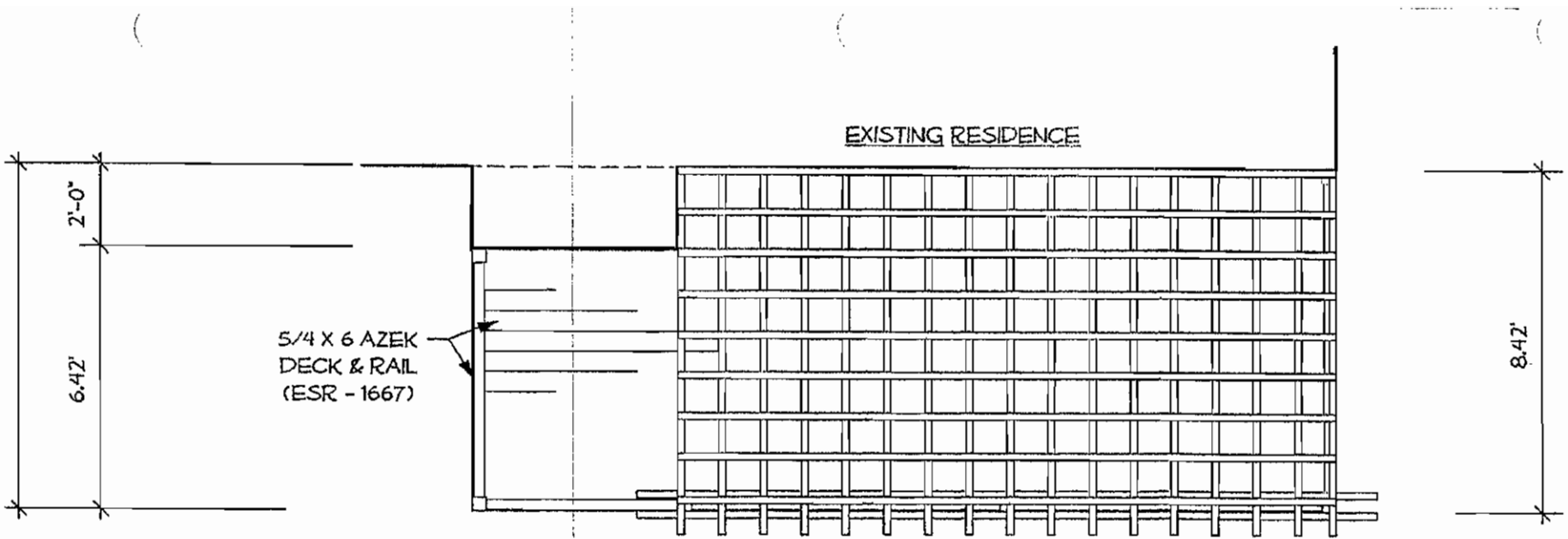
EXISTING RESIDENCE



EAST ELEVATION (LOOKING WEST)

SIDE VIEW

<b>CALIFORNIA CUSTOM DECKS, INC.</b>		
CUSTOMER:	GATHEMAN	JOB NO.: 597
SCALE:	1/4" = 1'-0"	DATE: 08/16/10



DECK - PLAN VIEW  
SCALE: 1/4" = 1' - 0"

TOP VIEW

<b>CALIFORNIA CUSTOM DECKS, INC.</b>		
CUSTOMER:	GATHEWAN	JOB NO.: 597
DESCRIPTION:	DECK	DATE: 08/16/10





# 2010 Product Guide



Fiberon Horizon decking with patent-pending PermaTech Innovation is the game changer in composite decking. Fiberon's ground-breaking technology provides the most resilient surface material available for the ultimate in stain, fade and mold resistance. We back up our claims with the industry's first Stain and Fade Warranty - now extended to 20 years. Also backed by a 20-Year Performance Warranty, Horizon resists splinters, termites and decay.

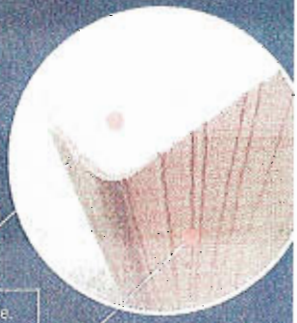
- Superior Stain, Fade and Mold Resistance
- Now available with rich tropical hardwood grain and colors (Ipe and Rosewood)
- Patent pending PermaTech surface technology outperforms traditional composite decking
- Ultra low maintenance combined with enduring beauty
- Reversible boards save on cut and waste

### Horizon PermaTech™ Surface Technology Ultra Low Maintenance Performance

No stains, no pains. Fiberon Horizon with patent pending PermaTech is backed by a 20-year limited warranty — not that you'll need it. Requiring only an occasional cleaning with soap and water, it is engineered to provide a scratch resistant, stain resistant, superior finish that will look beautiful and last for years to come.

Horizon's decking core for strength and rigidity

Patent Pending non-organic surface encases composite decking core. PermaTech™ surface innovation offers exceptional stain, fade and mold resistance



Rosewood

Ipe

Bronze

Slate

Sand

Brick

Board Size: 5.4 in. x .935 in.

Board Lengths: Grooved decking - available in 12, 16 & 20 ft. Square edge decking - available in 20 ft.

Fascia Size: 11.75 in. x .5 in.

\*Actual production products may vary slightly from sample materials due to minor color variances.



# Traditional Vinyl Pergolas



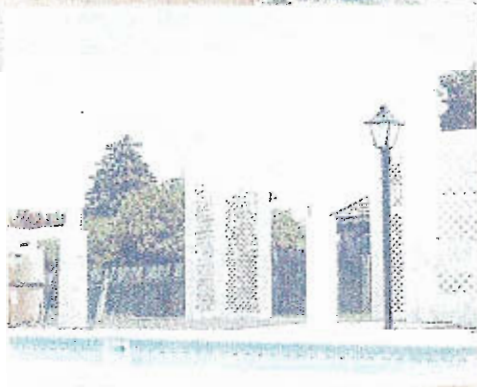
"Our lovely, new pergola completes our garden. Your installation technicians were very efficient and friendly. Our pergola was set up and ready to enjoy in only a few hours. We are very pleased with the quality of the pergola and the elegance it brings to our garden." ~ Jennifer



**12' x 16' Rectangle**  
With (4) superior posts,  
& lattice roof



**12' x 16' Rectangle**  
With (4) superior posts  
& lattice roof

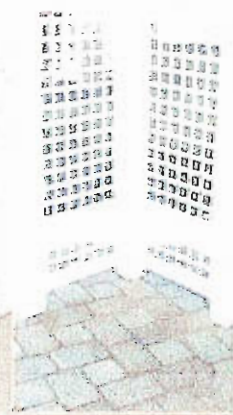


**10' Square**  
With (2) superior posts &  
(2) lattice corners

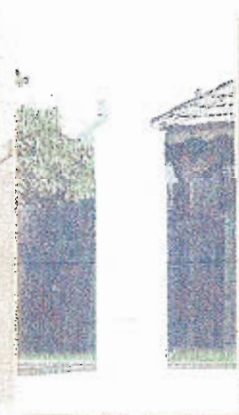
## Traditional Vinyl Accessories



**Lattice Corners**  
provides added  
privacy



**Bench for  
Lattice Corner**  
offers a cozy  
nook to relax



**Superior Post**  
creates an added  
element of  
refinement



**Lattice Roof**  
provides increased  
shade

Available  
Vinyl Colors

White

Ivory

Available Sizes

8'x8', 8'x12', 8'x16',  
10'x10', 10'x12', 10'x14'  
10'x16', 12'x12', 12'x16'  
12'x20', 12'x24', 14'x14'  
14'x16', 14'x20', 14'x24'  
14'x28', 16'x16', 16'x20'  
16'x24', 16'x28', 16'x32'  
20'x20', 20'x24', 20'x28'  
20'x32', 20'x36', 20'x40'  
& Triangle 15'

Many other  
custom sizes  
also available.

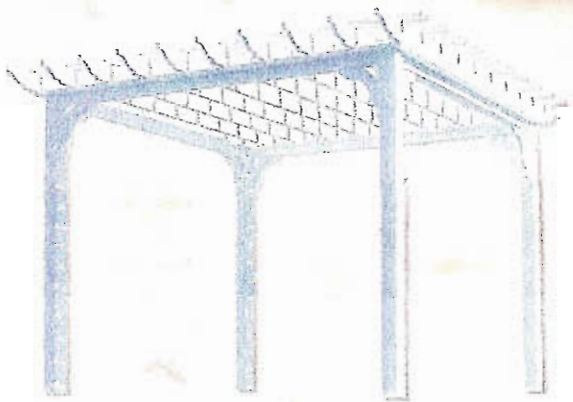


Renaissance Elegance...



Elegance...

Since the Renaissance, pergolas have held a place of honor in the gardens of the most stately homes. Take a cue from fine English gardeners: dress your vinyl pergola with vintage climbing roses, wisteria or clematis. Create the look of a regal estate by adding an airy pergola to your poolside.



Your pergola is shipped as a compact, easy-to-assemble kit with all the necessary hardware and a detailed assembly manual.

### Vinyl Pergola Standard Features

White Vinyl (PVC) covered pressure-treated pine for superior strength and long life, white vinyl over solid 5"x5" posts, 2"x6" joists with decorative scalloped end caps, 1½" square runners with decorative diamond end caps, heavy duty double 2x6 header with braces for rigidity, mounting brackets for concrete and decks.

With a vinyl pergola you don't have to deal with the hassles of maintenance. Your pergola is designed for easy, worry-free care with your family's safety and enjoyment in mind.



Decorative End Caps



Heavy Duty Headers with Braces



Vinyl (PVC) Covered Pressure-treated Pine





← DECK



BACK  
VIEW





EXHIBIT  
50  
tabbies



OFFICE USE ONLY  
MZA #: 100721  
Locator #: 10R340472  
Subd Isdn: Lot 6, W1, R3  
Paddington Hill

II. MUNICIPAL ZONING APPROVAL APPLICATION

Please type or print legibly in ink, complete all parts, and sign and date application.  
Completed application and all other requirements must be submitted to the City of Chesterfield  
Department of Planning and Public Works

Project Address: 14349 GATWICK CT. zip: 63017

Property Owner Name(s): ROBERT GATHEMAN  
Property Owner Address (if different than above):

City: State: Zip:

Tenant Name (if different than above): N/A  
 Existing Tenant  Proposed Tenant

Applicant Name: CALF. CUSTOM DECKS Att: VICKI LEESMANN  
Applicant Address: 9227 MANCHESTER RD.  
City: ROCK HILL State: MO Zip: 63144  
Phone Number: 314-968-3325 Fax: 314-968-3326  
E-mail: vicki@caldecks.com  
Description of Work: 8'4" x 21' DECK

FOR EXTERIOR RESIDENTIAL WORK ONLY, PLEASE SIGN THE FOLLOWING:  
As the Property Owner of the above-referenced address, I have notified all subdivision trustees and adjacent property owners of said application.  
Signature: [Signature]

FOR RESIDENTIAL AND COMMERCIAL USE

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND ACCOMPANYING PLANS IS TRUE AND CORRECT, AND THAT I WILL CONFORM TO ALL APPLICABLE LAWS OF THE CITY OF CHESTERFIELD AND ST. LOUIS COUNTY  
PROPERTY OWNER SIGNATURE: [Signature] DATE:  
APPLICANT SIGNATURE: Vicki Leesman (if not the Property Owner) DATE: 08/17/10

2009 MZA 100721

## Kristine Kelley

---

**From:** Kristine Kelley  
**Sent:** Monday, October 11, 2010 9:29 AM  
**To:** 'vicki@caldecks.com'  
**Subject:** RE: Municipal Zoning Application MZA\_100721

Project Location: 14349 GATWICK CT  
Work: Porch/Patio/Deck  
Application Status: Rejected

Hi Vicki,  
Your application cannot be approved based on:

The Deck encroaches the 15' setback. The application will need to go before the Board of Adjustment.

If you have any questions, please contact me at City Hall:  
690 Chesterfield Parkway W  
Chesterfield, MO 63017  
(636)537-4748





08-17-10A10:41 RCVD

OFFICE USE ONLY

MZA #: 100721

Locator #: 10R340472

Subdivision: Lot 6, W1, R3  
Paddington Hill

II. MUNICIPAL ZONING APPROVAL APPLICATION

Please type or print legibly in ink, complete all parts, and sign and date application.  
Completed application and all other requirements must be submitted to the City of Chesterfield  
Department of Planning and Public Works.

Project Address: 14349 GATWICK CT. Zip: 63017

Property Owner Name(s): ROBERT GATHEMAN

Property Owner Address (if different than above):

City: State: Zip:

Tenant Name (if different than above): N/A

Existing Tenant  Proposed Tenant

Applicant Name: CALIF. CUSTOM DECKS Attn: VICKI LIESMANN

Applicant Address: 9227 MANCHESTER RD.

City: ROCK HILL State: MO Zip: 63144

Phone Number: 314-968-3325 Fax: 314-968-3326

E-mail: vicki@caldecks.com

Description of Work: 8'42"x21' DECK

FOR EXTERIOR RESIDENTIAL WORK ONLY, PLEASE SIGN THE FOLLOWING:

As the Property Owner of the above-referenced address, I have notified all subdivision trustees and adjacent property owners of said application.

[Signature] Signature

FOR RESIDENTIAL AND COMMERCIAL USE

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND ACCOMPANYING PLANS IS TRUE AND CORRECT, AND THAT I WILL CONFORM TO ALL APPLICABLE LAWS OF THE CITY OF CHESTERFIELD AND ST. LOUIS COUNTY.

PROPERTY OWNER SIGNATURE: [Signature] DATE:

APPLICANT SIGNATURE: DATE:

(If other than Property Owner)



# Rejected

MZA\_100721

Date: 10/11/2010

Property Address	Subdivision	Lot
14349 GATWICK CT	284 PADDINGTON HILL	6

Locator #	Ward	Date Received	Flood Plain
16R340472	1	8 /17/2010	NO

Zoning Class	Type
R3	Porch/Patio/Deck

Property Owner	Tenant
Robert Gatheman	Deck

Applicant
California Custom Decks

Comments
<p>8/17/2010 - Complete - Kkelley - Faxed the application to Vicki for signature.              8/19/2010 - Rejected - KMcMahan - deck in esmt              8/19/2010 - Rejected - DRedhead - deck also encroaches the 15 foot rear yard setback.</p>

Status	Rejected	8 /19/2010	by Derrick Redhead, Code Enforcement Inspector
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*Rejected by Derrick Redhead 8/19/10*  
signature  
*MARA DEERY 10/11/10*  
 MARA DEERY  
 SENIOR PLANNER

**ADVISORY:**

Applications for Municipal Zoning Approval that are not approved may be resubmitted once changes have been made. Please note that relief from some requirements, in the form of a variance, may be requested via application to the Board of Adjustment; please call the Department of Planning and Public Works at (636) 537-4746.

# AMENDED PLAT OF PADDINGTON HILL

TRACT OF LAND IN U.S. SURVEY 206,  
TOWNSHIP 46 NORTH, RANGE 4 EAST,  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI  
(P.B. 355, PG. 439)

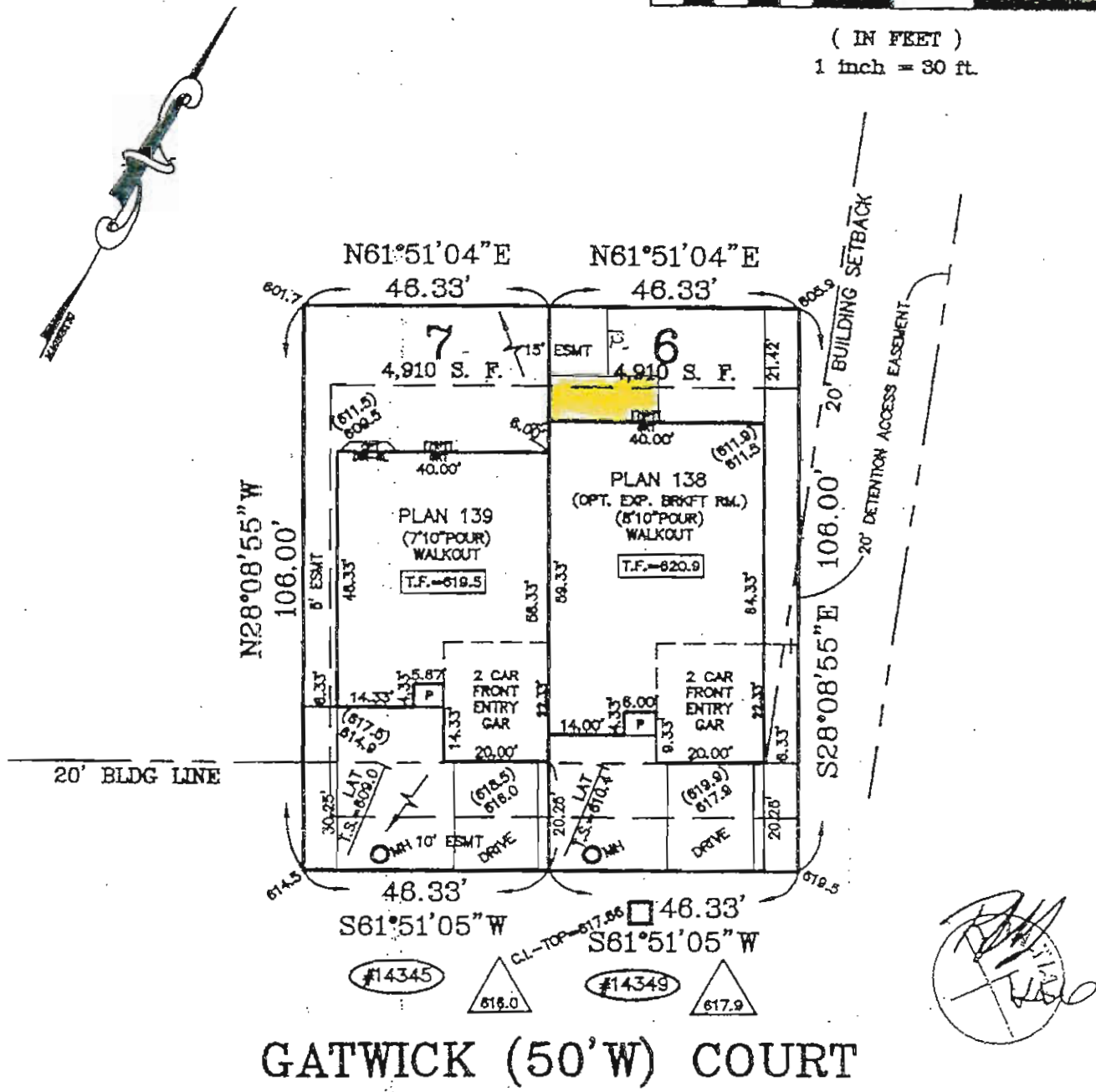
NOTE: All easements shown per Record Plat.  
No title binder was provided at time of drawing.

GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

AUG 17 2010



**GATWICK (50'W) COURT**

Plot Plan Prepared by  
THE STEINLING COMPANY (314) 487-0440

Notes:

1. Finished grades at the building to be a minimum of 6 inches below top of foundation for wood frame and 4 inches below for wood frame with brick veneer.
2. All wood framing members that rest on top of the foundation located less than 8 inches above the exposed ground and all other wood less than 6 inches from the ground shall be pressure treated in accordance with Section K319.1.
3. Grade shall be noted to slope away from foundation a minimum of a 8 inch drop within the first 10 feet or to a swale. (except in the City of O'Fallon a minimum 2% drainage slope)
4. Foundation footings shall be constructed so as to maintain a 2' 6" depth of earth cover or as required by local building codes.
5. This plot plan conforms to "2006 ST. LOUIS COUNTY CODE".
6. Elevation Examples: 714.0-Existing Elevation, (714.0)-Proposed Elevation.

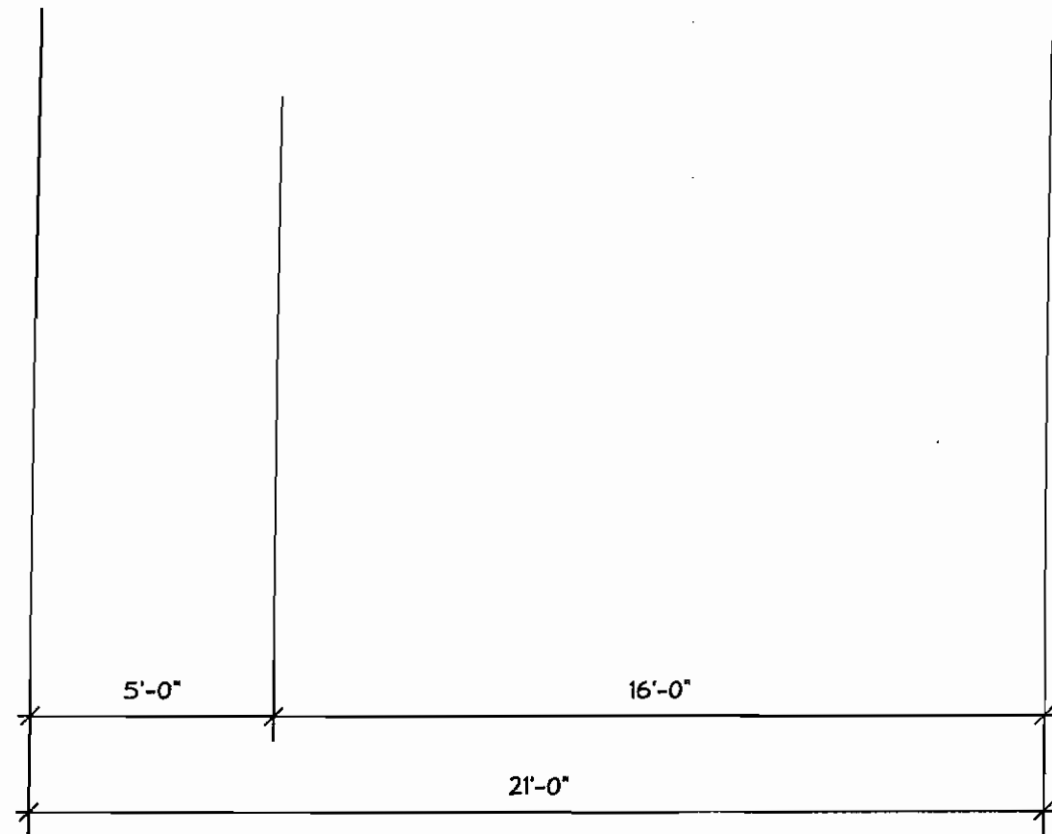
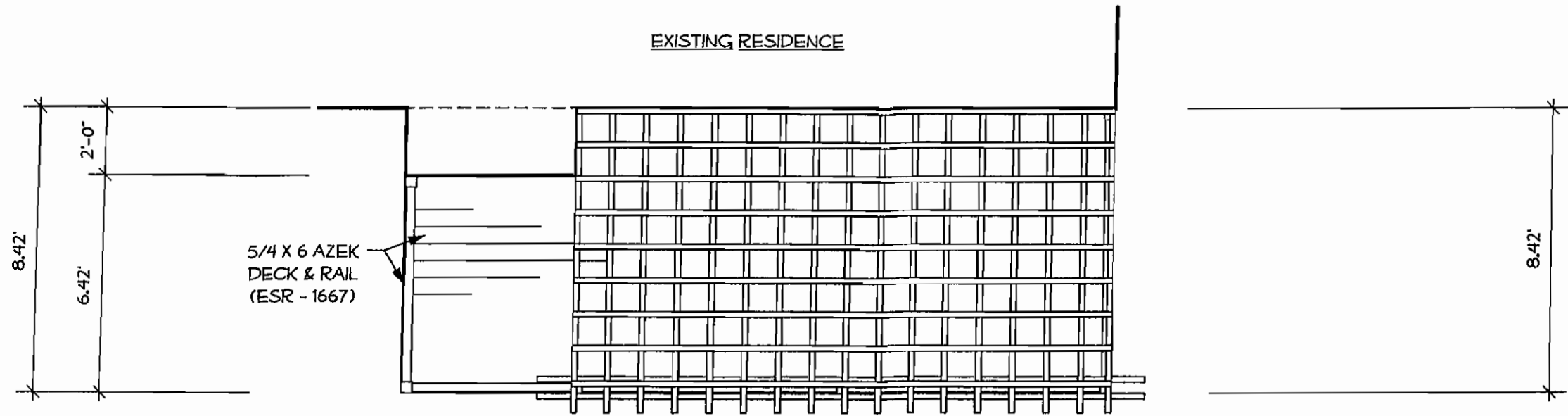
THIS IS NOT A SURVEY AND DOES NOT MEET THE "MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEY" (10 CSR 30-2 AND 20 CSR 2000-16 EFFECTIVE DATE AUGUST 26, 2006).

P.P. FDN. FNL

DRAWN	S.S.
CHECKED	

Drawing name: G:\SDSKPROJ\0911306 Paddington Hill\dwg\Plot Plans\Lots-7.dwg Plotted on: Apr 16, 2010 - 2:36pm Plotted by: sachutz

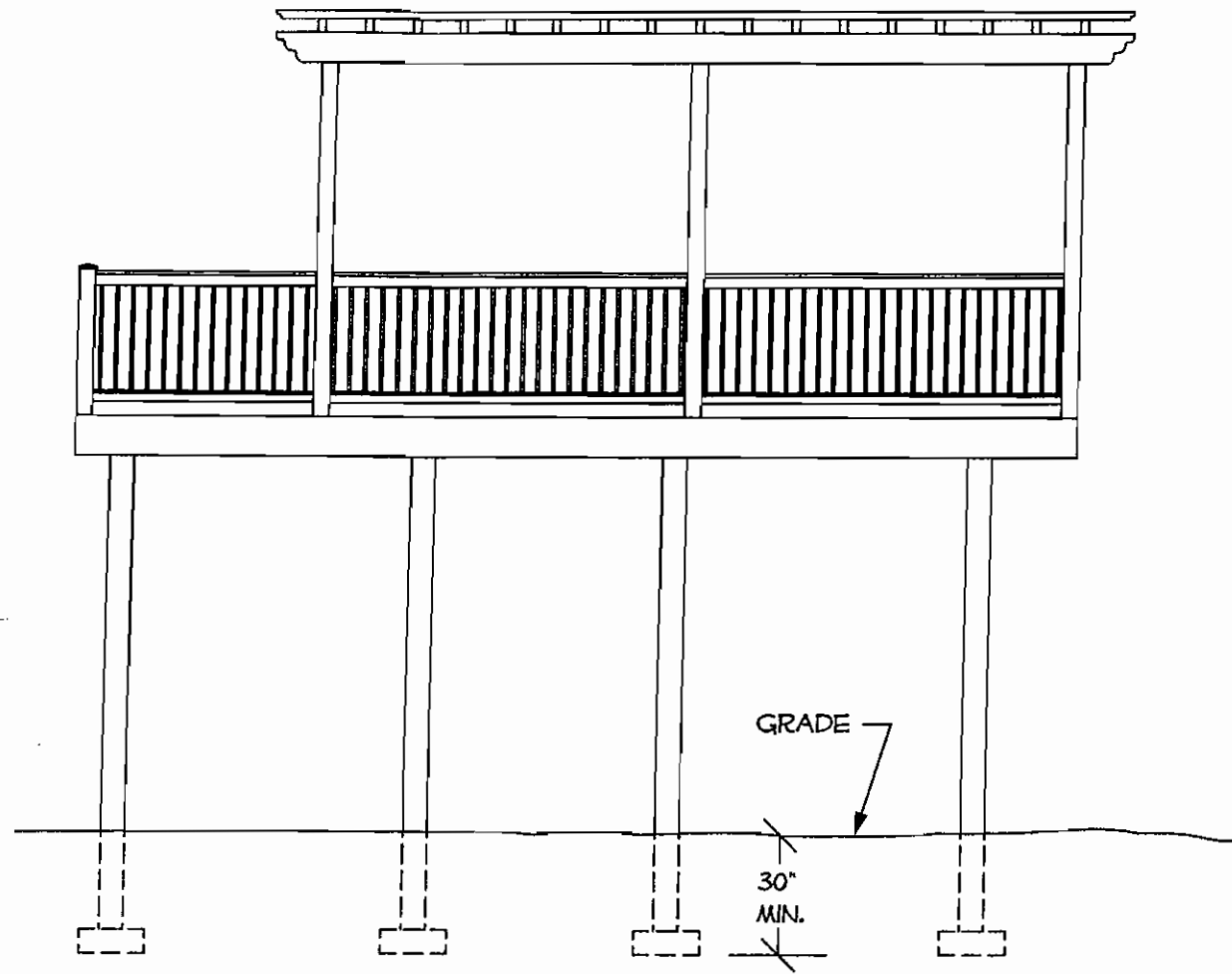
Deck In Easement  
Rejected Rem  
8/19/2010



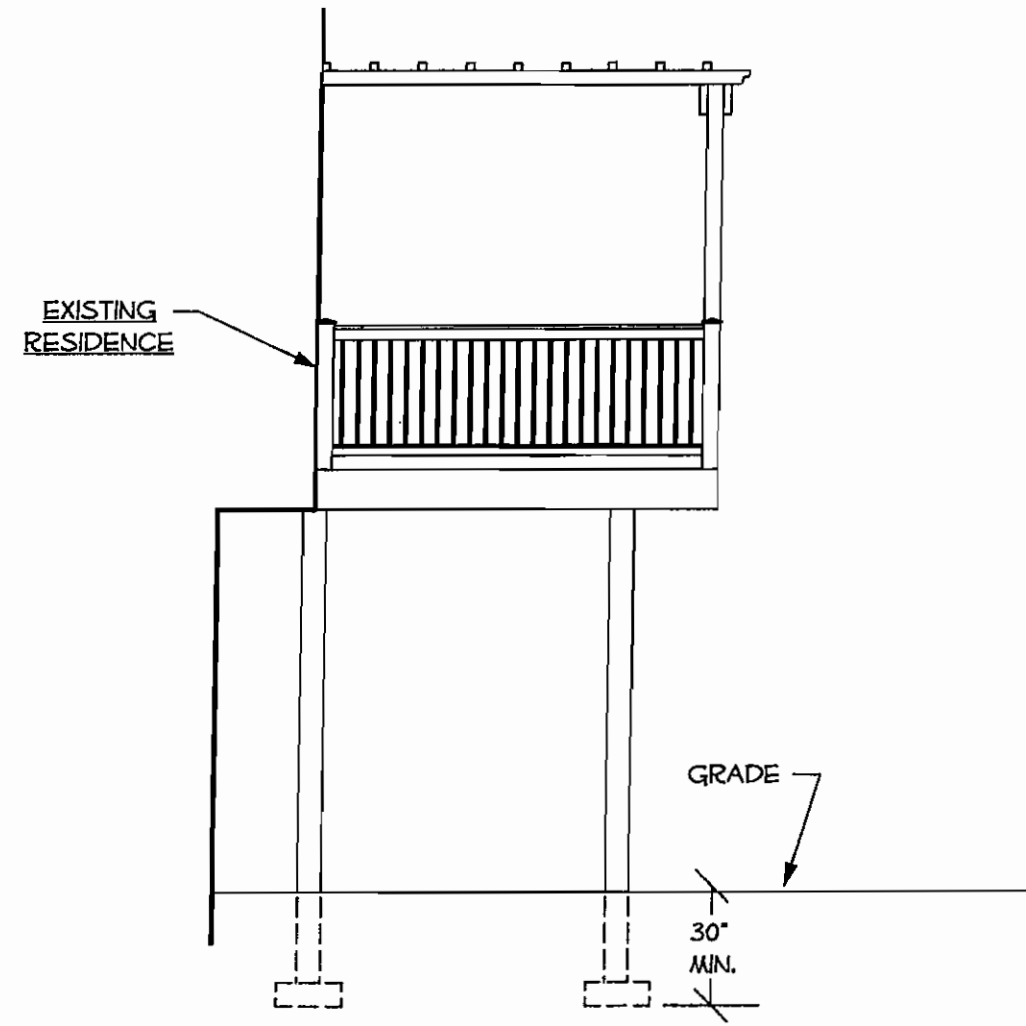
**DECK - PLAN VIEW**  
**SCALE: 1/4" = 1' - 0"**

<b>CALIFORNIA CUSTOM DECKS, INC.</b>		
CUSTOMER:	GATHEMAN	JOB NO. 597
DESCRIPTION:	DECK	DATE: 02 11 10





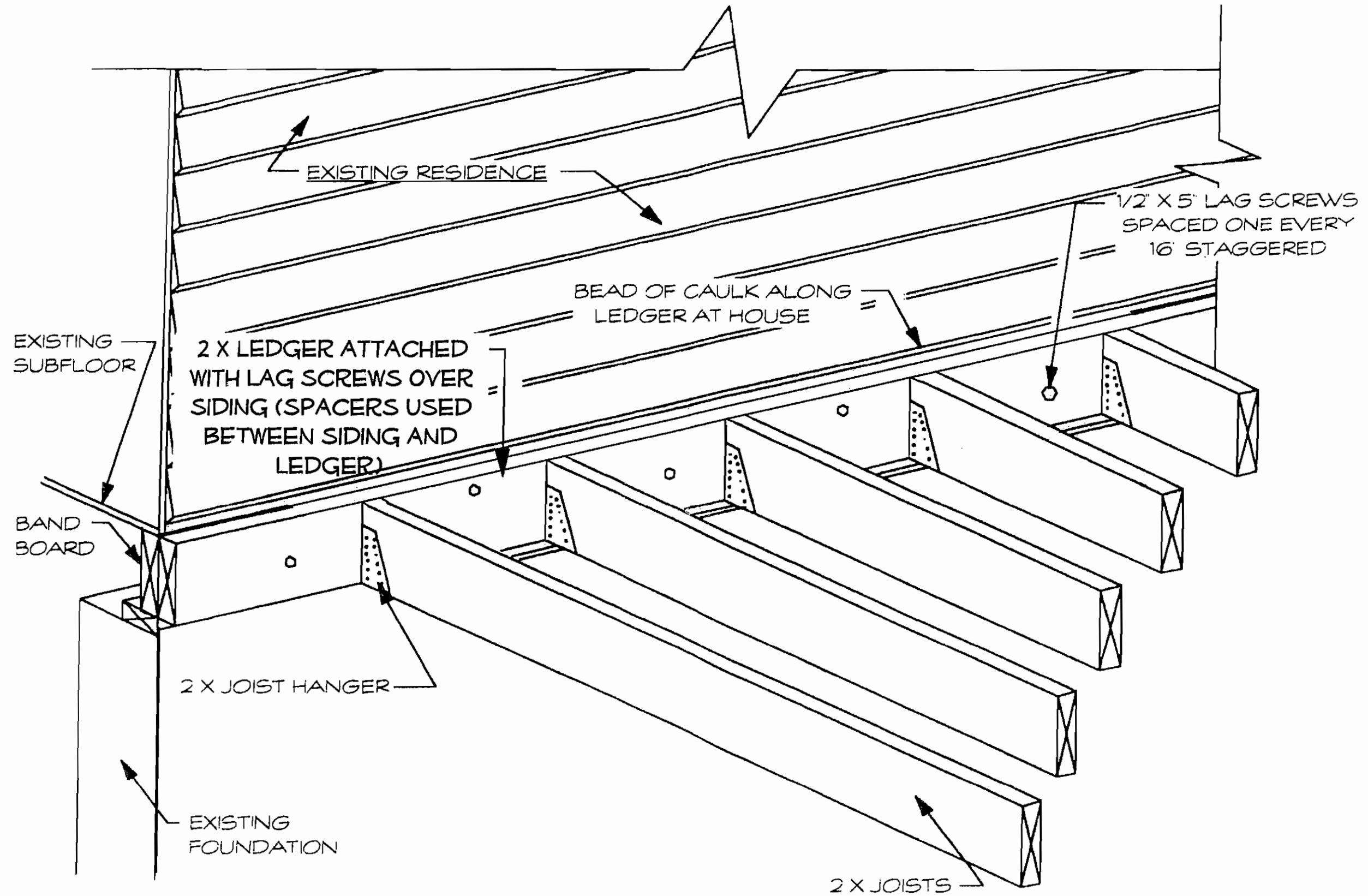
**NORTH ELEVATION (LOOKING SOUTH)**



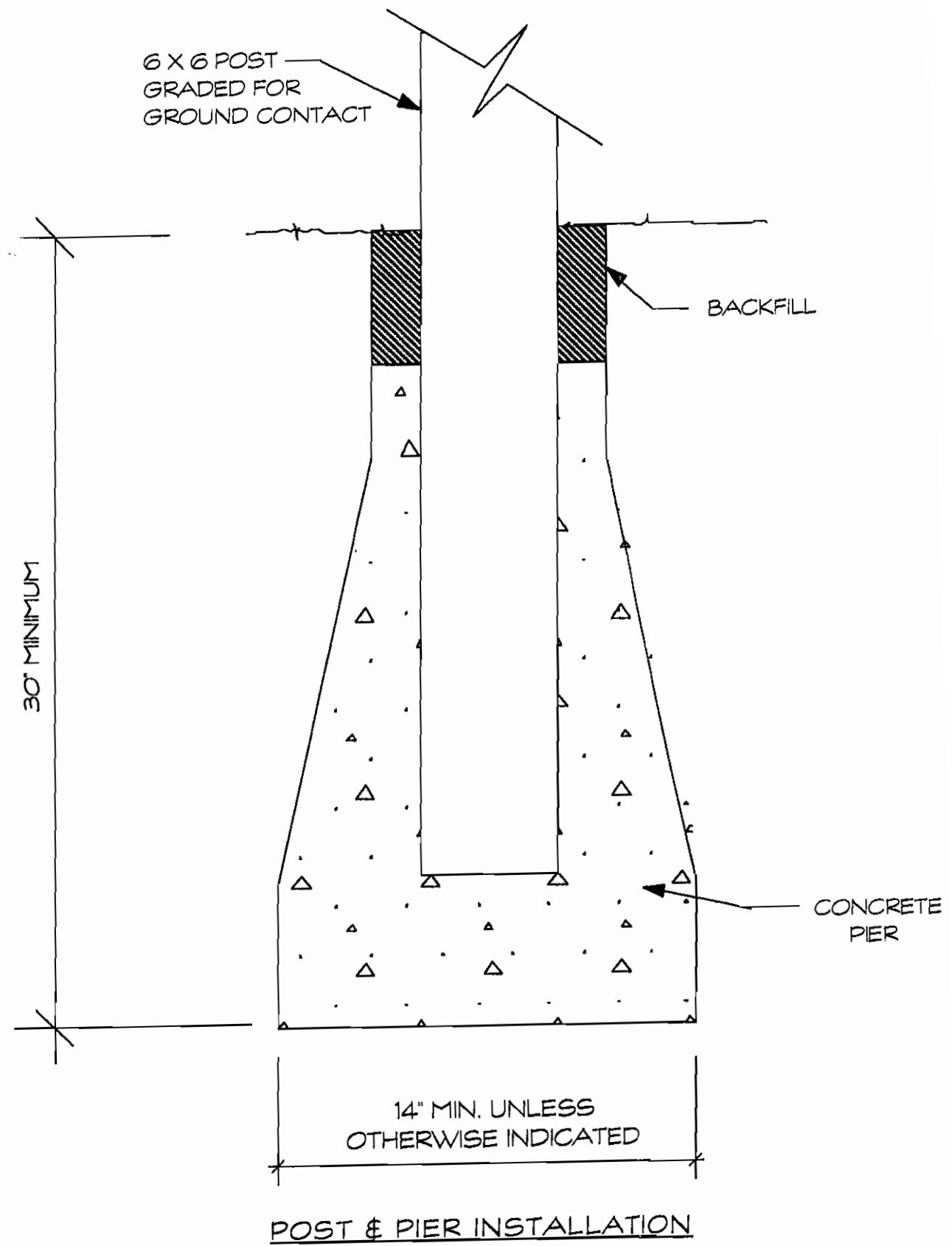
**EAST ELEVATION (LOOKING WEST)**

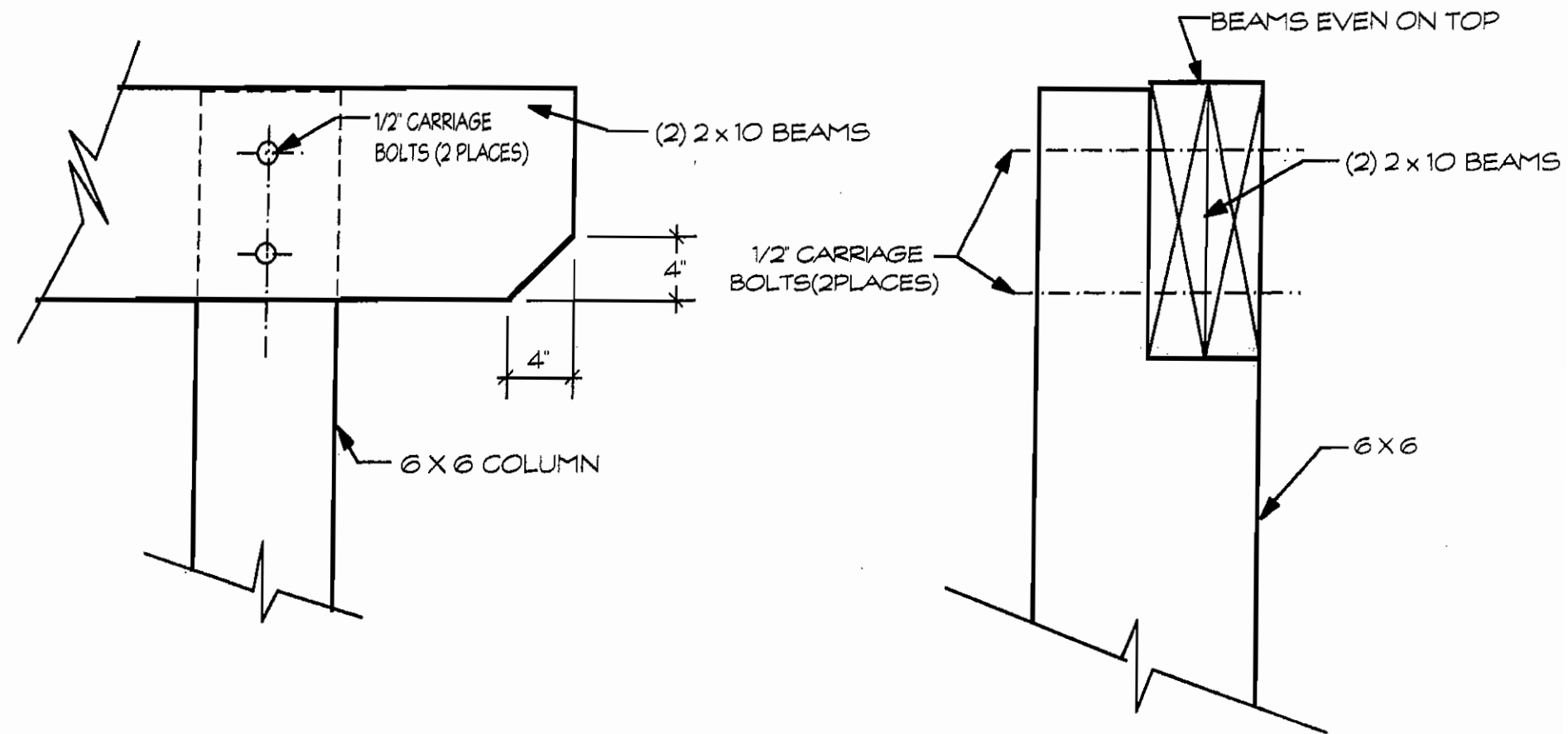
<b>CALIFORNIA CUSTOM DECKS, INC.</b>		
CUSTOMER:	GATHEMAN	JOB NO.: 597
SCALE:	1/4" = 1' - 0"	DATE:



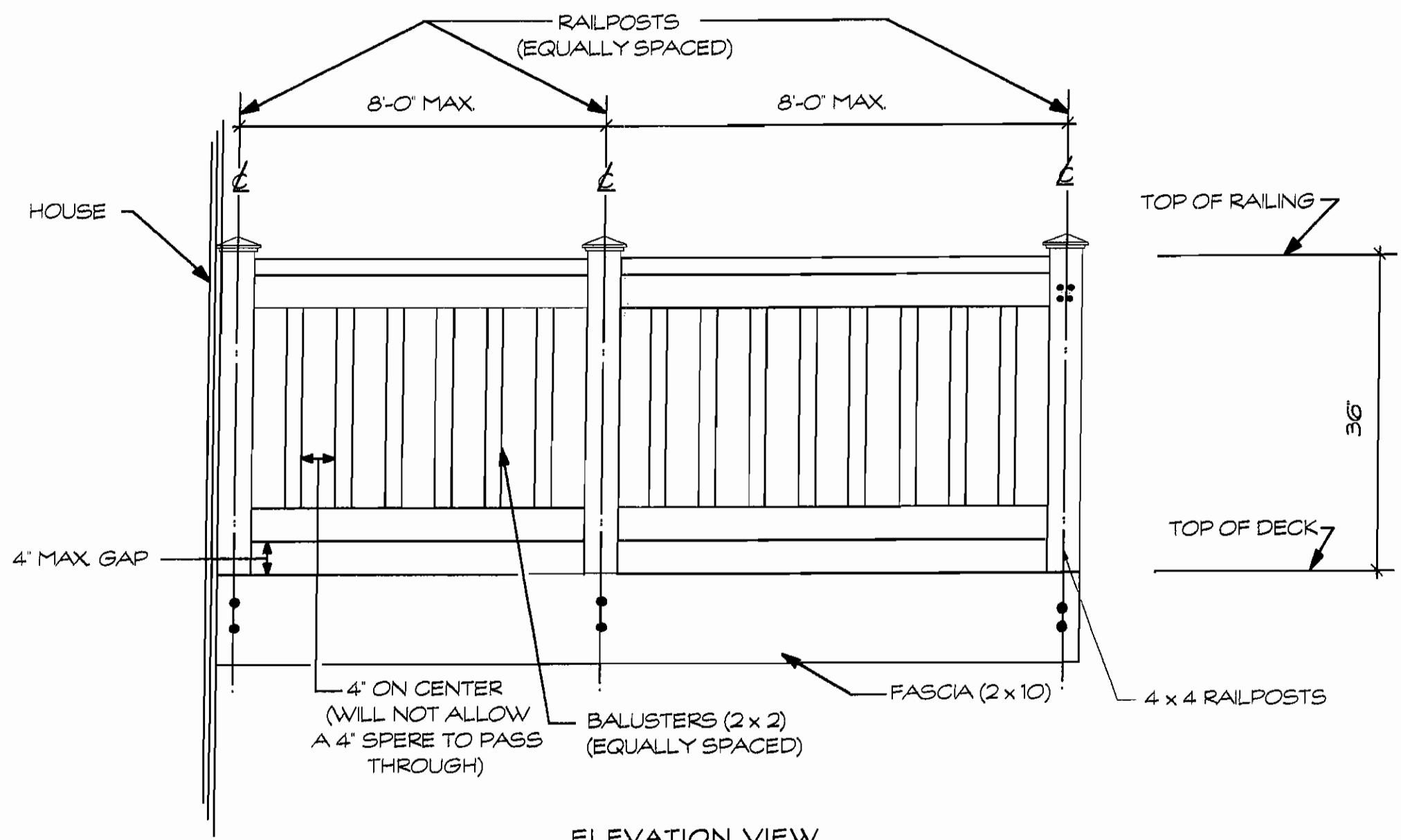


LEDGER ATTACHMENT  
CONSTRUCTION VIEW





6 X 6 COLUMN - BEAM ATTACHMENT DETAIL



**ELEVATION VIEW  
RAILING INSTALLATION**



EXHIBIT

5c



PK 13348  
RECEIVED  
OCT 25 2010  
DEPT. OF PLANNING  
& PUBLIC WORKS











Name of Lot Owner which is Adjacent to the Lot requesting the Variance  
Address of Lot Owner which is Adjacent to the Lot requesting the Variance

October 12, 2010

Board of Adjustment  
City of Chesterfield  
690 Chesterfield Parkway West  
Chesterfield, MO 63017

REC-  
OCT 13 2010  
DEPT. OF PLANNING  
& PUBLIC WORKS

Re: *Paddington Hill Subdivision, request for Variance of Rear Yard Setback for Lot No. \_\_\_*

To Whom it May Concern:

*Bob & Kathy Gatheman*

*Bob & Kathy Gatheman* informed me of its (their) request for a variance on Lot 6 of Paddington Hill Subdivision. is seeking to reduce the existing rear-yard setback from fifteen feet (15') to 13' feet in order to accommodate the construction of a deck on the Lot. I have no objection to this variance request and support *Bob & Kathy Gatheman* their/its request to modify the rear-yard setback to accommodate the construction of a deck.

Sincerely,

*Harold White Lot 7*

Name of Lot Owner which is Adjacent to the Lot  
requesting the Variance



Community Managers Associates, Inc.  
14323 S. Outer Forty Drive, Ste. 301 N.  
Chesterfield, MO 63017  
Phone: 314-878-0025

***CMA***

DATE: September 23, 2010

TO: Robert & Kathryn Gatheman  
14349 Gatwick Court  
Chesterfield MO 63017

FROM: Linda Shelby  
Managing Agent, Paddington Hill Homeowners  
314-878-0024 ext 115  
314-878-2773 Fax  
Shelby@cmamgrs.com

RE: Architectural Control Request  
14349 Gatwick Court

The Board of Directors of Paddington Hill Homeowners has reviewed your request and the following is the result of their collective decision.

**Deck & Pergola - APPROVED**

**Comments:**



BILL NO. 2274

ORDINANCE NO. 2101

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A PLANNED ENVIRONMENT UNIT (PEU) PROCEDURE FOR 7.8 ACRES OF LAND ZONED "R-3" RESIDENCE DISTRICT LOCATED NORTH OF OLIVE STREET ROAD AND EAST OF SPYGLASS SUMMIT DRIVE. (P.Z. 33-2003 GREATER MISSOURI BUILDERS - CHESTERFIELD CROSSING)**

WHEREAS, the petitioners, Greater Missouri Builders, requested a Planned Environment Unit (PEU) for 7.8 acres of land located north of Olive Street Road and east of Spyglass Summit Drive; and,

WHEREAS, the Planning Commission held a Public Hearing on December 8, 2203 to consider the matter, and;

WHEREAS, the Planning Commission, having considered said request, recommended approval of the Planned Environment Unit (PEU); and,

WHEREAS, the City Council, having considered said request, amended the Attachment "A" with regard to the structure setbacks, access, entrance approach design and access to any future development to the east; and voted to approve said request.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a Planned Environment Unit (PEU) for 7.8 acres of land located north of Olive Street Road and east of Spyglass Summit Drive, as follows:

A tract of land being part of U.S. Survey 206, Township 46 North, Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the intersection of West line of a 20 foot wide strip of land known as Knollwood Drive and the North line of Olive Boulevard (Rte. 340) (variable width); thence along said North line the following courses and distances: South 61 degrees 53 minutes 22 seconds West 355.78 feet; thence South 66 degrees 13 minutes 27 seconds West 147.37 feet; then South 74 degrees 32 minutes 42 seconds West 98.58 feet; thence North 70 degrees 19 minutes 22 seconds West 65.42 feet; thence leaving said North line North 00 degrees 24 minutes 09 seconds East 664.91 feet; thence North 39 degrees 57 minutes 29 seconds 352.97 feet; thence South 19 degrees 42 minutes 23 seconds East 453.11 feet; thence North 61 degrees 57 minutes 0 seconds East 80.00 feet to a point in said North line of Knollwood Drive; thence along said North line South 25 degrees 31 minutes 46 seconds East 349.29 feet to the point of beginning.

Containing 7.8 acres, more or less.

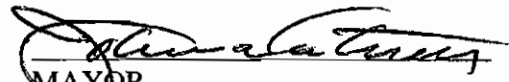
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council.

Section 4. The City Council, pursuant to the petition filed by Greater Missouri Builders in P.Z. 33-2003, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 8<sup>th</sup> day of December, 2003 does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

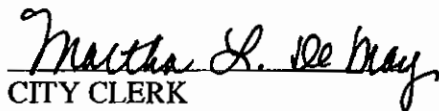
Section 5. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 6. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 7<sup>th</sup> day of JUNE, 2004.

  
MAYOR

ATTEST:

  
CITY CLERK



## **ATTACHMENT A**

In keeping with the following Comprehensive Plan policies, these conditions have been developed:

- 1.0 General Policies
- 2.1 Quality Residential Development
  - 2.1.1 Conservation of Existing Quality of Life
  - 2.1.4 Compatible In-fill Residential Construction
  - 2.1.6 Reinforce Existing Residential Development Pattern
  - 2.1.9 Encourage Planned Residential Development
    - 2.1.11 Restrict Access of Individual Homes on Arterial Streets
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 7.2.5 Right of Way Dedication
- 7.2.9 Access Management
- 8.1 Provision of Utilities
  - 8.2.2 Underground Electrical Service
- 8.3 Stormwater Management
- 9.2 Coordination with School Districts

### **I. PERMITTED USES**

A. The uses allowed this "R-3" Planned Environment Unit shall be:

1. Twenty-seven (27) single-family attached residences.

### **II. FLOOR AREA, HEIGHT, AND BUILDING REQUIREMENTS**

A. The following requirements will apply to the permitted uses:

#### **1. HEIGHT**

- a. The maximum height of the residences will not exceed forty-five feet (45') or three stories.

#### **2. BUILDING REQUIREMENTS**

- a. Greenspace: A minimum of sixty percent (60%) greenspace is required for this development. Greenspace is determined by a fraction: the numerator of which is all green area plus all non-paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.

### **III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building permit, the developer will submit to the City of Chesterfield for their review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning Commission in accordance with the City of Chesterfield Zoning Ordinance.

Failure to comply with aforementioned time limits or receipt of an extension prior to the aforementioned time requirements will result in the expiration of preliminary plan and will require a new public hearing. The Site Development Plan will include but not be limited to the following:

### **IV. GENERAL CRITERIA**

- A. The Site Development Plan will include the following:
  1. Outboundary plat and legal description of the property.
  2. Location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.
  3. Location map, north arrow, and plan scale.
  4. Parking calculations.
  5. Architectural elevations (with design statement) and materials of the proposed residences.
  6. Specific structure and parking setbacks along all roadways and property lines.

7. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
8. Prior to Site Development Plan approval, show existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
9. Prior to Site Development Plan approval, show existing improvements within 150 feet of the site as directed. Road and driveways on the opposite side of roadways adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed will be included.
10. Prior to Site Development Plan approval, show all existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements and rights-of-way required for utilities, storm water drainage, grading, or other improvements.
11. Prior to Site Development Plan approval, show all existing or proposed easements and right-of-way extending 150 feet beyond the site.
12. The Site Development Plan and Tree Preservation Plan must be approved prior to clearing or grading.
13. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
14. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
15. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
16. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.
17. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.
18. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.

## V. SPECIFIC CRITERIA

A. The Site Development Plan will illustrate adherence to the following site specific design criteria:

### 1. Structure Setbacks

No building or structure, other than a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. Two-hundred-fifty (250) feet from the northern-most boundary of the Planned Environment Unit.
- b. Forty (40) feet from the southern boundary of the Planned Environment Unit.
- c. Twenty (20) feet from the eastern boundary of the Planned Environment Unit.
- d. Twenty (20) feet from the western boundary of the Planned Environment Unit.
- e. Individual lots shall meet the following requirements:
  - (i) Minimum front yard setback shall be twenty-feet (20').
  - (ii) Minimum rear yard setback shall be fifteen-feet (15'). Maintain thirty feet (30') between buildings.
  - (iii) Minimum side-yard setback shall be six-feet (6'). Maintain twelve feet (12') between buildings.

### 2. Parking and Loading Space Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:

- a. Two-hundred-fifty (250) feet from the northern boundary of the Planned Environment Unit.
- b. Forty (40) feet from the southern boundary of the Planned Environment Unit.

- c. Twenty (20) feet from the eastern boundary of the Planned Environment Unit.
- d. Twenty (20) feet from the western boundary of the Planned Environment Unit.

**3. Parking and Loading Requirements**

Parking and loading spaces for this development will be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Adequate on-site parking for construction related vehicles and equipment shall be provided. No parking shall be permitted on the Olive Boulevard right of way.

**4. Access**

- a. Access to the site shall be limited to a single curb cut on Olive Boulevard (State Route 340). The location of the access shall be a minimum of 200' west of Stablestone Dr., as measured from centerline to centerline, and the entrance shall maintain a radius of forty-feet (40') at each curb line, and the approach platform shall be designed with a 4% grade for not less than forty-feet (40') or as approved by the City of Chesterfield and the Missouri Department of Transportation.
- b. A future street connection to the parcels to the east shall be accommodated by the construction of a stub street running from the intersection of the north/south roadway, to the eastern property line. This connection should be located no closer than 300' to Olive Boulevard (State Route 340) or as directed by the City of Chesterfield Department of Public Works.
- c. The north-south roadway shall be constructed to a minimum width of thirty-two feet (32') and parking shall be restricted to one side only, as directed by the Department of Public Works.

**5. Public/Private Road Improvements, Including Pedestrian Circulation**



- a. Provide a 5' wide sidewalk, conforming to St. Louis County ADA standards, adjacent to Olive Boulevard (State Route 340) along the frontage of the subject tract. The sidewalk may be located within State right-of-way or within a 6' wide sidewalk, maintenance and utility easement on the subject property.
- b. The developer shall provide any additional right-of-way for State Route 340, and construct any improvements, as directed by the Missouri Department of Transportation and the City of Chesterfield.
- c. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield. The turn arounds may also be required to accommodate school buses, as directed by the City of Chesterfield Department of Public Works.
- d. For street grades in excess of a six percent (6%) slope a steep grade approval must be obtained from the Department of Public Works prior to Site Development Plan approval. In no case shall slopes in excess of twelve percent (12%) be permitted. Any request for steep street grades must include justification prepared, signed and sealed by a professional engineer and include plans, profiles, boring logs, cross-sections, etc in accordance with the City's Street Grade Design Policy. The justification should clearly show site conditions and alternatives considered. If steep grades are approved for this site, a note indicating that priority snow removal will not be given to this site shall be included on the Site Development Plan and Record Plat and provided to all prospective buyers.
- e. Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation including internal and external circulation, for review and approval. The scope of the study may be limited to site specific impacts such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required as long as the density of the propose development falls within the parameters of the regional traffic study. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

- f. No lot shall be allowed direct access to Olive Boulevard (State Route 340).
- g. The distance from the existing edge of pavement of Olive Boulevard (State Route 340) to the edge of the first driveway opening shall not be less than 80 feet.

**6. Traffic Study**

Prior to Site Development Plan approval, provide a traffic study, including internal and external circulation, for review, and approval, by the City of Chesterfield Department of Public Works, and the St. Louis County Department of Highways and Traffic.

**7. Landscape Plan**

The developer shall submit a landscape plan in accordance with the Landscape Guidelines adopted by the Planning Commission, either as part of the appropriate Site Development Concept Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:

- a. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.
- b. Prior to release of the Landscape Installation Bond/Escrow, a two (2)-year Landscape Maintenance Bond/Escrow will be required.

**8. Sign Requirements**

- a. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the Missouri Department of Transportation and the City of Chesterfield Department of Public Works for sight distance considerations prior to installation or construction.
- b. All permanent freestanding signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This

landscaping shall be as approved by the Planning Commission on the Site Development Plan.

- c. All other signs shall be permitted in accordance with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

**9. Light Requirements**

- a. The location of the light standards will be as approved by the Planning Commission on the Site Development Plan and will be in conformance with City of Chesterfield regulations. A Lighting Plan, with specific product information, is required in conjunction with the Site Development Plan.
- b. Except for required street lighting, no source of illumination will be so situated that light is cast on any public right-of-way or adjoining property. Lighting will be required in compliance with City of Chesterfield regulations, including the Subdivision Ordinance.

**10. Architectural elevations**

The developer shall submit architectural elevations and building materials. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission.

**13. Power of Review**

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval. The City Council will then take appropriate action relative to the proposal.

**14. Miscellaneous**

- a. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.

Sleeves for future telecommunication services are required to be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.



- b. Trees 100-105, 107, 117 and 118 as shown on the Tree Stand delineation dated 01/15/2004 will be preserved, subject to review and approval by the City of Chesterfield Tree Consultant.
- c. The developer shall provide to each original purchaser of the parcels in this development a written disclosure that the stub street shall be connected for any future development to the east of this site. A signed copy shall be maintained in the real estate files of any sales agent. Further, the subdivision indentures shall be required to contain the statement that the stub street is planned to be connected if the property to the east is developed.

#### **15. Detention Basin Agreement**

- a. Prior to issuance of permits, the Developer shall provide a copy of the easement agreement to permit Mansions at Spyglass subdivision to utilize and discharge storm water into the Detention Basin.
- b. Prior to issuance of permits, the Developer shall provide a copy of the agreement to allow residents of Mansions at Spyglass Summit access to the Detention Basin and surrounding area for walking and visual enjoyment.
- c. The Detention Basin shall be maintained and repaired by the Developer and brought into compliance with current MSD standards. The adequacy of the existing downstream conditions shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works.
- d. The fountain in the detention basin shall be preserved, enhanced or repaired by the Developer.
- e. The Developer will provide continuous landscaping and berming areas along the border with Mansions at Spyglass to adequately screen the new development per agreed plans which will include evergreen trees and shrubs ("Development Landscaping") and will plant additional trees in the rear yards of Mansions at Spyglass lots that adjoin the proposed development if requested by the Mansions at Spyglass association.

All such landscaping in the proposed development shall be maintained by the Developer or his successors. New landscaping on the proposed development shall meet or exceed City of Chesterfield standards. New landscaping placed within Mansions at Spyglass shall be maintained by the Trustees of Mansions at

Spyglass and shall meet the following standard: Minimum caliper for deciduous trees shall be 3.5 inches. Minimum height for evergreen trees shall be (ten)10 feet. Minimum height for shrubs shall be three (3) feet.

- f. Prior to issuance of permits, the Developer shall provide a copy of the executed quit claim deed to the detention basin.

## VI. VERIFICATION PRIOR TO APPROVAL

- A. Prior to approval of the Site Development Plan, the developer will provide the following:
  1. Roadway Improvements and Curb Cuts.
    - a. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Highways and Traffic for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
  2. Stormwater and Sanitary Sewer.
    - a. Detention/retention will be provided for this site. Detention of differential runoff of storm water is required by providing permanent detention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention basin(s) will be operational prior to construction of any driveways or parking areas. The location and types of detention facilities will be identified on the Sit Development Plan.
    - b. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided for all storm sewers as directed by the City of Chesterfield, Department of Public Works  

The adequacy of the existing downstream conditions shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works.
    - c. The site will provide for the positive drainage of storm water and it will be discharged at an adequate natural discharge point. No change in watersheds will be permitted. The adequacy of any existing downstream storm water facilities will be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Emergency overflow drainage ways to accommodate the 100-year storm will be provided. Off-site easements for areas inundated by headwater from on site improvements will be provided as required by the Department of Public Works.

**3. Geotechnical Report.**

Provide a geotechnical report prepared by a Professional Engineer licensed to practice in the State of Missouri. Said Report will verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, will be included on all Site Development Plans and Improvement Plans. This report will address the existence of any potential sinkholes, ponds, dams, septic fields, etc., and recommendation for treatment.

**4. Grading and Improvement Plans.**

- a. Interim storm water drainage control in the form of siltation control and/or siltation basins is required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to approval of any clearing or grading. The SWPPP will address required erosion control practices specific to site conditions. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP's) to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. The SWPPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.
- b. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the City of Chesterfield Department of Public Works prior to any clearing or grading permit approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and adherence to the SWPPP plan. Its purpose is to ensure the design, implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.
- c. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
- d. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions will be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic



wetting or other means, may be required by the Director of Public Works/City Engineer upon demand.

- e. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized erosion, if adequate storm water detention and erosion control devices have not been established.
- f. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area. Parking on non-surface areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked on the pavement causing hazardous roadway and driving conditions. The contractor will keep the roads in the area clear of mud and debris related to his construction at all times. The streets surrounding this development and any street used for construction access thereto will be cleaned at the end of each day.
- g. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
- h. This development will require an NPDES Permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one or more acres.
- i. A clearing and/or grading permit is required prior to any grading on the site. The Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and/or grading permit. No change in watersheds will be permitted.
- j. Soft soils in the bottom and banks of any existing or former pond sites or tributaries or any sediment basins or traps should be removed, spread out and permitted to dry sufficiently to be used as fill. None of this material should be placed in proposed public right-of-way locations or in any storm sewer location.
- k. All fills placed under proposed storm and sanitary sewer lines and/or paved areas, including trench backfill within and off the road right-of-way, shall be compacted to 90% of maximum density as determined by the "Modified AASHTO T-180 Compaction Test" (ASTM D-1557) for the entire depth of the fill. Compacted granular backfill is required in all trench excavation within the street right-of-way and under all paved areas. All tests shall be performed under the direction of and verified by a soils engineer concurrent with grading and backfilling operations.

- l. When clearing and/or grading operations are completed or will be suspended for more than **14 days**, all necessary precautions shall be taken to retain soil materials on site. Protective measures may include a combination of seeding, periodic wetting, mulching, or other suitable means.
- m. All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued except that a temporary occupancy permit may be issued by the City of Chesterfield Planning Department in cases of undue hardship because of unfavorable ground conditions. If the lot is to be seeded and mulched it shall be done so in a manner that it meets or exceeds the requirements of the City of Chesterfield's Sediment and Erosion Control Guidelines.
- n. Detention/retention is to be provided in each watershed as required by the City of Chesterfield Department of Public Works. Detention of stormwater runoff is required by providing permanent detention/retention facilities, such as dry reservoirs, ponds or another acceptable alternative. The maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet. The detention/retention facilities shall be operational prior to issuance of building permits exceeding sixty (60%) of the approved dwelling units. Detention/retention facilities shall be operational in each plat, watershed, or phase prior to issuance of 60% of the building permits in each plat, phase, or watershed. The location and types of detention/retention facilities shall be identified on the Site Development Plan.
- o. Provide a geotechnical report, as directed by the City of Chesterfield, Department of Public Works, prepared by a Professional Engineer, licensed to practice in the State of Missouri. Said Report shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. This report shall address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment.

## **VII. RECORDING**

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval by the Planning Commission.

**VIII. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE**

Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of credit must be established with this Department to guarantee completion of the required roadway improvements.

**IX. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL**

Prior to improvement plan approval, the developer will provide the following:

1. Comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District and the appropriate Fire District.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

**X. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS**

A. Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements will be met:

1. Notification of Department of Planning

Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

2. Notification of St. Louis County Department of Public Works

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, {the Missouri Department of Transportation (Department of Highways and Traffic)} and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

3. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer will be required to sign and seal all plans with a certification that the proposed construction will be completed in

accordance with the grading and soil requirements and conditions contained in the report.

#### **XI. OCCUPANCY PERMIT/FINAL OCCUPANCY**

- A. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
- B. Prior to final occupancy of any building the developer will provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.
- C. Prior to issuance of an occupancy permit, all disturbed areas will be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions.
- D. The obligations and conditions set forth in this attachment are specific to the developer. These obligations and conditions survive the issuance building permits until they are fulfilled and an occupancy permit shall not be released to the developer until they are met.

#### **XII. FINAL RELEASE OF ESCROW**

Prior to the release of final escrow, the developer will provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

#### **XIII. GENERAL DEVELOPMENT CONDITIONS**



- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
1. Detention/retention will be provided for this site. A fence complimentary to the office building and parking structure is required around the detention basin.
  2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
  3. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
  4. Waiver of Notice of Violation per Section 1003.410(2) of the City of Chesterfield Zoning Ordinance.
  5. The entrance geometrics and drainage design will be in accordance with Missouri Department of Transportation (MoDot) standards and will be reviewed and approved by the City of Chesterfield and the Missouri Department of Transportation (MoDot).
  6. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach MoDot right of way.
  7. Detention may be required for the entire project site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24 hour storm event. Stormwater must be discharged at an adequate discharge point. Wetland mitigation will not be allowed in the detention basin area.
  8. The developer will cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
  9. All drainage detention storage facilities will be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.
  10. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of

Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in Section 1003.410(2) of the Zoning Ordinance.

- B. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.