

Notice of Public Hearing  
City of Chesterfield  
Board of Adjustment



**NOTICE IS HEREBY GIVEN** that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, December 6, 2018 at 6:00 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. 01-2018 323 Willow Weald Path (David and Amber Rogan):** A request for a variance from City of Chesterfield Ordinance 2021 for Lot 105 of The Reserve at Chesterfield Village to maintain a rear yard setback of 10 feet in lieu of the 15 foot setback requirement for a tract of land zoned as a Planned Environment Unit "PEU" and "R-5" Residence District. (18T610669)



All interested parties are invited to appear and be heard at the hearing.

Copies of the request are available for review at City Hall Monday through Friday, from 8:30 a.m. to 4:30 p.m. If you should need additional information about this project, please contact Jessica Henry, Assistant City Planner by telephone at 636-537-4741 or by email at [jhenry@chesterfield.mo.us](mailto:jhenry@chesterfield.mo.us).

City of Chesterfield

Jessica Henry, AICP  
Assistant City Planner



**IV.A.**



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:** December 6, 2018

**From:** Jessica Henry, AICP  
Assistant City Planner

**Location:** 323 Willow Weald Path

**Applicant:** David and Amber Rogan

**Description:** **B.A. 01-2018 323 Willow Weald Path (David and Amber Rogan):** A request for a variance from City of Chesterfield Ordinance 2021 for Lot 105 of The Reserve at Chesterfield Village to maintain a rear yard setback of 10 feet in lieu of the 15 foot setback requirement for a tract of land zoned as a Planned Environment Unit "PEU" and "R-5" Residence District. (18T610669)

### PROPOSAL SUMMARY

Mr. and Mrs. Rogan are requesting a variance from the minimum rear yard setback requirement required for their property, Lot 105 of The Reserve at Chesterfield Village subdivision. The property owners are requesting a 10 foot rear setback in lieu of the required 15 foot rear setback in order to accommodate construction of a new swimming pool.

An application is attached to this report which includes an explanation of the above referenced request and statement of unnecessary hardship. Also attached for your reference is a copy of the Application for Municipal Zoning Approval which was rejected by the Department of Planning and Development Services.

### SITE HISTORY AND EXISTING CONDITIONS

Prior to the incorporation of the City of Chesterfield, this property was zoned "R5" and "FPR5" Residence District with a "PEU" Planned Environment Unit by St. Louis County via Ordinance 6816. The Ordinance was amended by St. Louis County three (3) times after that with Ordinances 10,240; 12,717; and 12,755. In 1996, the City of Chesterfield approved Ordinance 2021 which incorporated a series of amendments

to the original ordinance into one (1) new ordinance. In July of 2006, two (2) Site Development Section Plans were approved by the Planning Commission for Phase One and Phase Two of The Reserve at Chesterfield Village. The project was required to be done in phases due to a limit on the acreage per section plan in the ordinance. The original request was for thirty (30) single-family detached homes, sixty-four (64) single-family attached homes, and ninety-six (96) garden homes in five (5) two-story structures.

A record plat for Phase One of the development was approved by the City Council in October of 2007. A Boundary Adjustment Plat for Lots 37-42, 56 and 57 was approved by the City Council in December of 2009.

An Amended Site Development Section Plan was approved by the Planning Commission in April of 2011. That amendment was to remove the ninety-six (96) condominium garden homes and thirty-two (32) attached single-family homes from the development plans of Phase Two. In their place, the proposal was for fifty (50) detached single-family homes.

Plat Two established thirty-two (32) residential lots, extinguishing some previously established lot lines and dedicated right-of-way associated with Phase Two of The Reserve at Chesterfield Village. Plat Two was approved by City of Chesterfield Ordinance 2656 in June of 2011.

In March of 2013, Plat Three was approved by the City Council. Plat Three established the final eighteen (18) residential lots within The Reserve at Chesterfield Village subdivision, including the subject site, and allowed for the completion of Phase Two of the development. The house on Lot 105 was constructed in 2014.

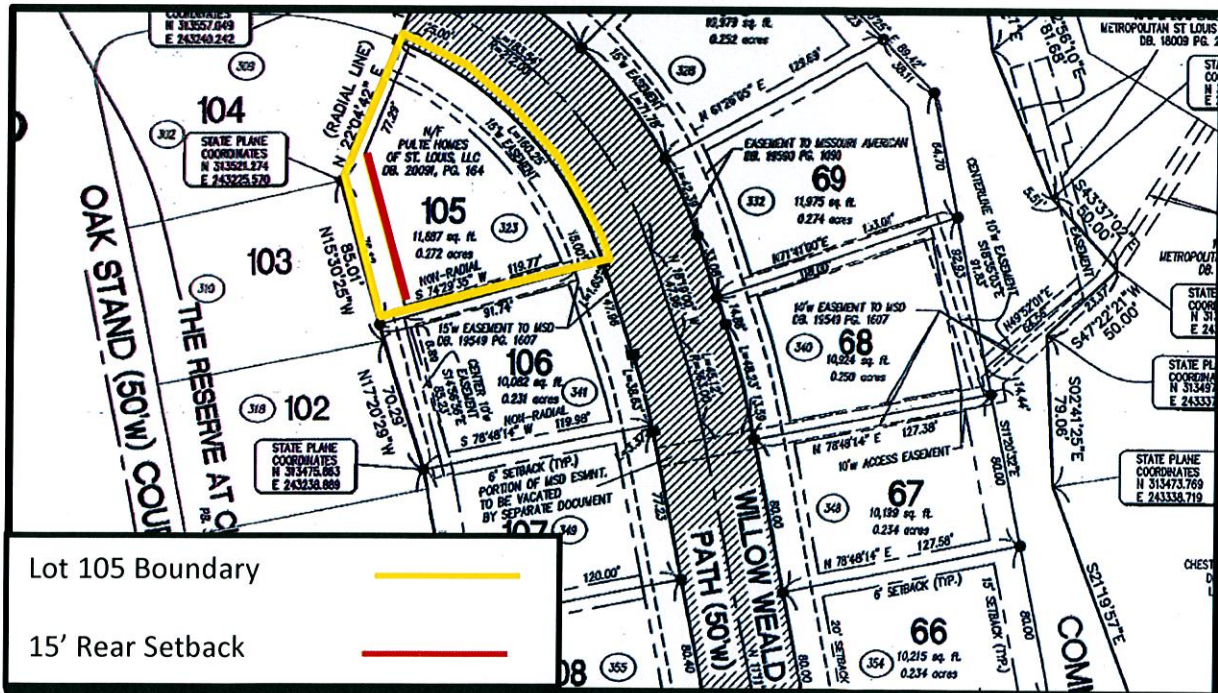


Figure 1: Excerpt from 2013 Record Plat

As shown in the Record Plat excerpt above, Lot 105 has a 15 foot rear setback as do the other lots within Phase Two of The Reserve at Chesterfield Village subdivision. The setbacks are provided on the Record Plat, and are as follows:

**2.) This site is Zoned "R-5" and "FPR5" Flood Plain District and part of P.E.U. Ord. # 2021**

**"R-5" Setbacks**

- a) Front - 20 feet
- b) Side - 6 feet
- c) Rear - 15 feet

In July of 2018, an Application was submitted to the Department of Planning and Development Services requesting to construct a new pool on the subject site. The proposed construction showed an encroachment into the required rear yard setback and the request was therefore denied.

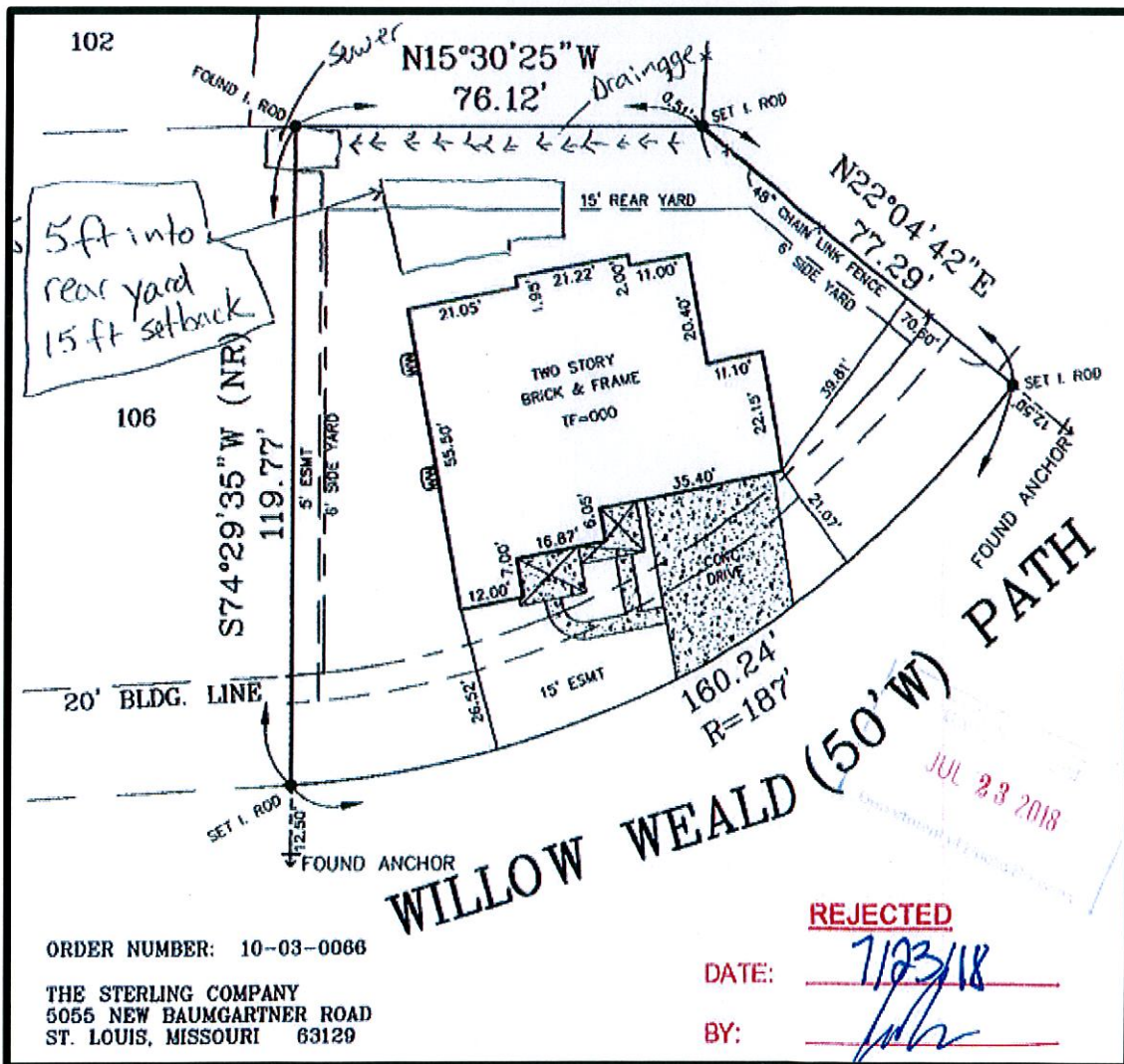


Figure 2: Property Survey indicating area of encroachment

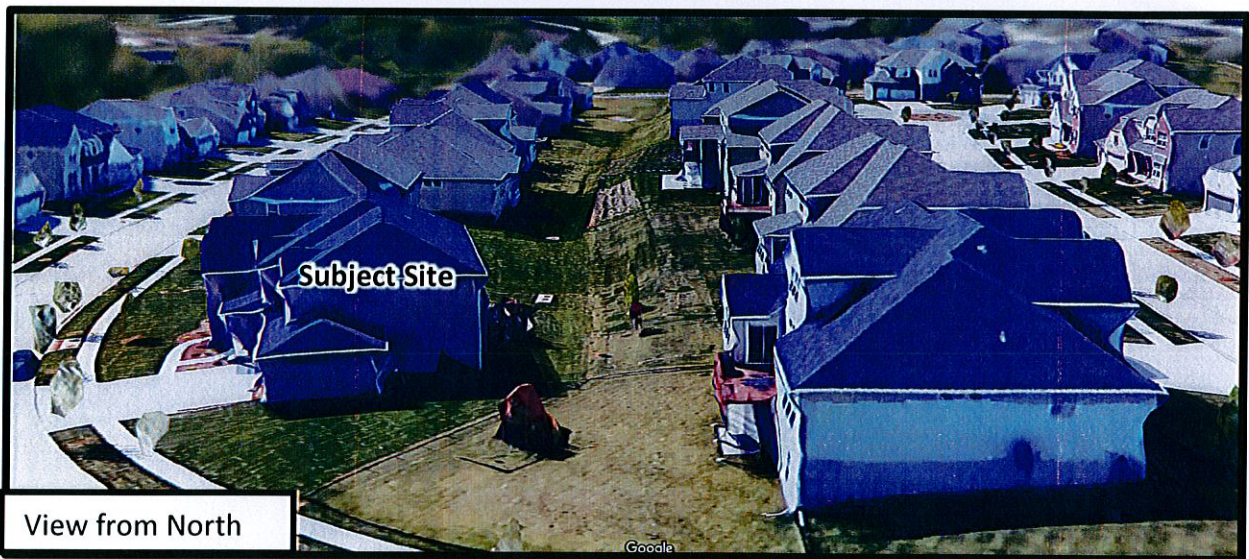


Figure 3: Google Earth images showing subject property

As shown in the images on the preceding page, the topography of the rear yard slopes downward towards a drainage channel located along the property line. This allows drainage from the subject property and adjacent lots to drain to the storm water inlet that is also visible in the images. The applicant is aware that the existing drainage patterns must be maintained and that if the variance request is approved, any application for a permit to install a structure will be evaluated by City engineering staff for compliance with approved drainage patterns.

#### **BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES**

In consideration of a request for a variance, the Board of Adjustment is required to follow Missouri State Statute and Chesterfield City Code requirements. 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".

In determining if a practical difficulty or unnecessary hardship has been established by the Applicant, the Board must determine if relief is necessary due to an unusual or unique character of the property or lot. The burden of proving this is on the Applicant and 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).

#### **APPLICANT REQUEST**

The Applicant has stated that unique physical characteristics exist for the following reason: "Our home is on a corner lot and was started by the builder as a market home. The builder pushed the foundation far back on the lot, minimizing the rear yard." Please refer to the attached application for full statement from the Applicant. The variance would permit the Applicant to construct a pool in the rear yard of the property. The Applicant has submitted position letters indicating support from adjoining property owners.

**The Applicant is requesting a variance to maintain a 10 foot rear yard setback in lieu of the 15 foot rear yard setback requirement in order to accommodate the construction of a swimming pool.**

#### **REVIEW OF VARIANCE REQUEST**

The Department of Planning and Development Services has reviewed the request and submits the following information for the Board's consideration during review.

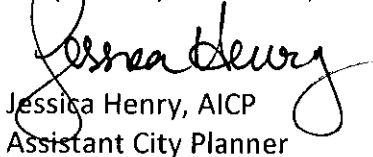
As established in City of Chesterfield Ordinance 2021 which governs The Reserve at Chesterfield Village subdivision, a minimum 15 foot rear yard setback is required. The front and side yard setbacks are 20 feet and 6 feet, respectively.

**Chapter 89 of the Missouri Revised Statutes states, "In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land *so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done...*" (emphasis added).**

In reviewing the statement of practical difficulty, several factors are to be considered by the Board:

1. How substantial the variation is in relationship to the requirement. The requested variance would permit a swimming pool to encroach 5 feet into a 15 foot required yard setback.
2. The effect, if the variance is allowed, on available governmental facilities. The existing topography of the rear yard of the subject site allows water conveyance from the subject property and adjoining properties into the storm water inlet located on the southwestern corner of the subject property. Installation of a swimming pool will require substantial grading and will likely require installation of a retaining wall. The City of Chesterfield regulates drainage patterns, and review of any changes to the topography of the subject site in conjunction with installation of a swimming pool or any other structure would be required to ensure that appropriate draining patterns will be maintained.
3. Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors. Position letters indicating support from the adjoining property owners have been provided.
4. Whether the difficulty can be obviated by some feasible method other than the variance. Review of the plot plan by Staff indicates that there is room to accommodate a pool with modifications to its shape or size.
5. Whether the interest of justice will be served by allowing the variance. Staff has reviewed the documents related to this petition. The lot size and configuration have not been altered since the establishment of the Record Plat and the 15 foot rear yard setback is clearly depicted on the plot plan. Other lots within the subdivision are also subject to the 15 foot rear yard setback and feature similar dimensions.

Respectfully submitted,

  
Jessica Henry, AICP  
Assistant City Planner

**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. Copy of Recorded Record Plat
6. Copy of Ordinance 2021
7. Petitioner's Application
  - a. Application to Board of Adjustment
  - b. Rejected Application for Municipal Zoning Approval
8. Findings of Fact and Conclusions of Law—Denial
9. Findings of Fact and Conclusions of Law—Approval
10. Letters of Support from Adjacent Property Owners

# THE RESERVE AT CHESTERFIELD VILLAGE - PLAT THREE

A TRACT OF LAND BEING PART OF "FUTURE DEVELOPMENT" AREA  
OF THE RESERVE AT CHESTERFIELD VILLAGE PLAT ONE, AS RECORDED IN PLAT BOOK 355, PAGES 726-728  
TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI  
THIS PLAT CONTAINS 6.536 ACRES±

### OWNER'S CERTIFICATION

We, the undersigned, owners of the tract of land herein platted and further described in the foregoing surveyor's certificate, have caused the same to be surveyed and resubdivided in the manner shown on this plat, which boundary adjustment plat shall hereafter be known as:

"THE RESERVE AT CHESTERFIELD VILLAGE - PLAT THREE"

All easements shown on this plat, unless designated for other specific purposes, are hereby dedicated to The City of Chesterfield, Missouri, Missouri American Water Company, Leclade Gas Company, AmerenUE, Southwestern Bell d.b.a. AT&T of Missouri, Metropolitan St. Louis Sewer District, the relevant Cable Company, their successors and/or assigns as their interests may appear for the purpose of improving, constructing, maintaining, and repairing public utilities, sewers, and drainage facilities with a right of temporary use of adjacent ground not occupied for improvements for excavation and storage of materials during installation, repair, or replacement of said utilities, sewers, and drainage facilities.

Willow Weald Path, 50 feet wide, which for better identification is shown hatched on this plat, is hereby dedicated to the City of Chesterfield, Missouri for public use forever.

The Access Easement shown hereon is for the benefit of and may be used by the Association to access the Common Ground shown on the Final Plat for the purpose of maintaining, repairing or improving the Common Ground and any improvements thereon. In doing so, the Association shall have the right to remove any fencing, landscaping and other improvements located within the Access Easement; provided, however, following any use of the Access Easement, the Association, at the Association's expense, shall repair and restore the area used for access to the condition in which it existed prior to the Association's entry, including without limitation repairing or replacing any disturbed fencing, sod and landscaping, but excluding any prohibited improvements. Other than standard fencing, no permanent improvements may be constructed within the Access Easement.

Building lines as shown on this plat are hereby established.

This subdivision is subject to the conditions and restrictions as recorded in Book 17694, Page 1239, as first amended in Book 17626, Page 4995 and second amendment in Book 19473, Page 419 of the St. Louis County Recorder's Office.

Common Ground Area as shown hereon, has been conveyed to the Trustees of this Subdivision by General Warranty deed recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ of the St. Louis County Recorder's Office.

It is hereby certified that all existing easements are shown on this plat as of the time and date of recording of this plat.

Permanent and/or semi permanent monuments, as required, will be set as shown, with the exception that the front lot corners may be monumented by notches or crosses cut in the concrete paving on the prolongation of the side lot line within twelve (12) months after the recording of this plat, in accordance with 20 CSR 2030-16 of the Department of Insurance, Financial Institutions and Professional Registration. In addition other survey monuments indicated on this subdivision plat, required by the Subdivision Ordinance of the City of Chesterfield, Missouri, will be set.

IN WITNESS WHEREOF, I have hereunto set my hand this 5<sup>th</sup> day of MARCH, 2013

Pulte Homes of St. Louis, LLC,  
a Nevada limited liability company

By: *Chris Matted*

CHRIS MATTED  
PRINT NAME

DEV. VP. LAND PLANNING & DEV.  
PRINT TITLE

2013031600498  
PLAT: BK: 361, PG: 69  
FILED FOR RECORD  
Mar 15, 2013 12:44 PM

RECORDER OF DEEDS  
ST. LOUIS COUNTY, MO.

Witness my hand and official seal  
on the day and year aforesaid.

*Janice M. Hammonds*  
Deputy Recorder: CLB2

STATE OF MISSOURI )  
COUNTY OF ST. LOUIS ) SS.

On this 5<sup>th</sup> day of March, 2013 before me appeared *Chris Matted* to me personally known, who, being by me duly sworn, did say that he/she is the *V.P.* of Pulte Homes of St. Louis, LLC, a Nevada limited liability company, and that said instrument was signed and sealed in behalf of said limited liability company, and said *acknowledged* said instrument to be the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

*Chris Matted*  
Notary Public

My Commission expires: 3/17/2013

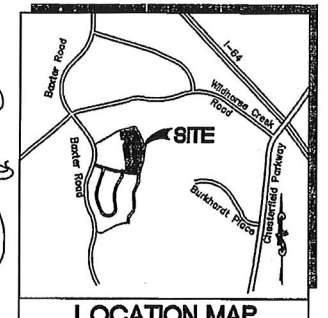
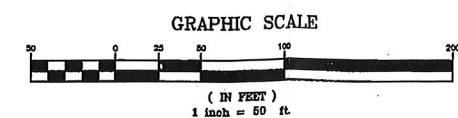
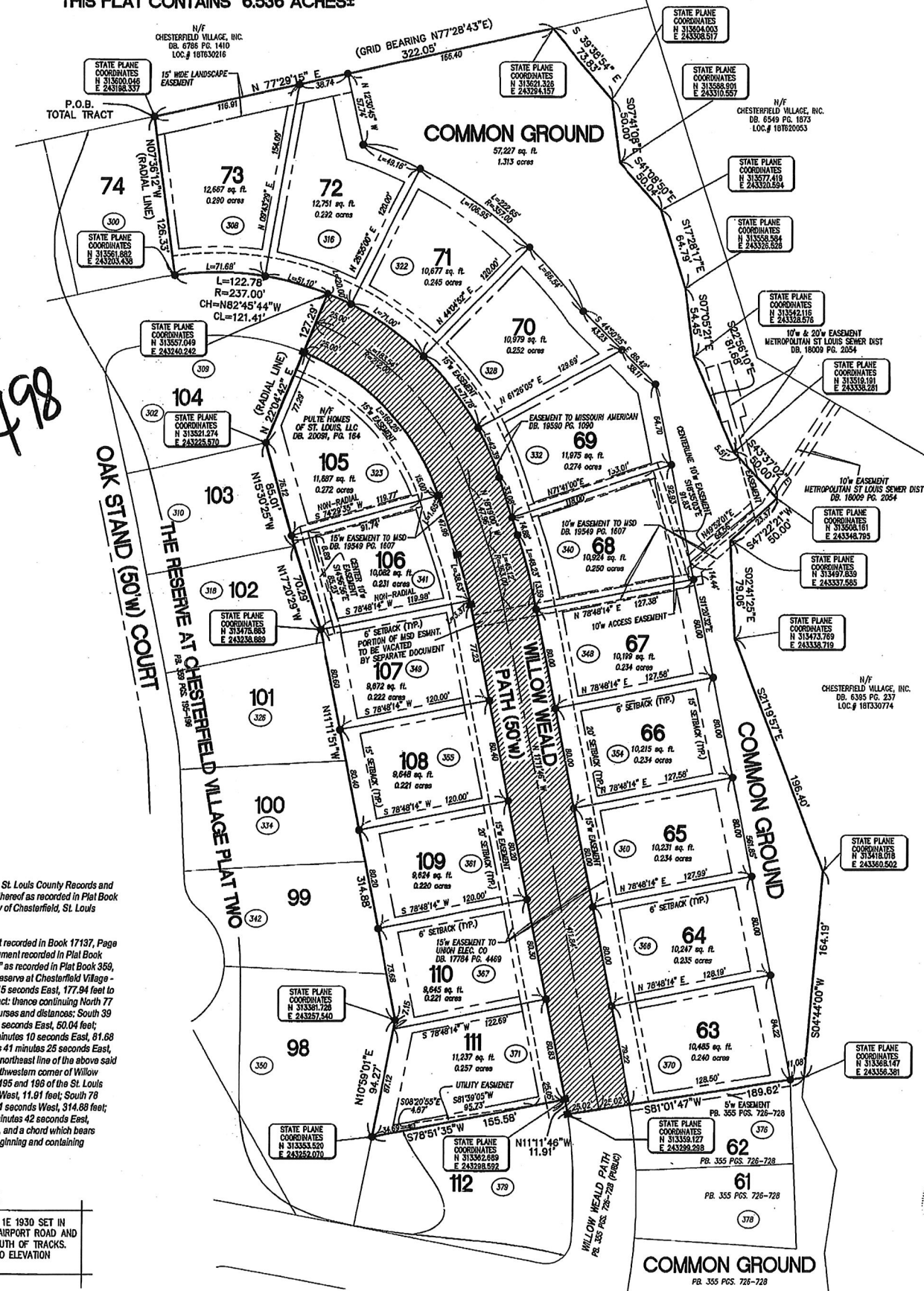
### PROPERTY DESCRIPTION

A tract of land being part of a larger tract of land as conveyed to Gunhay, LLC, by instrument recorded in Book 17137, page 2691 of the St. Louis County Records and being part of that area labeled as "Future Development" of The Reserve at Chesterfield Village - Plat One, a subdivision according to the plat thereof as recorded in Plat Book 355, Pages 726 through 728 of said records, located in U.S. Survey 415, Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri being more particularly described as follows:

Commencing at the northwest corner of a tract of land as conveyed to GUNHAY, LLC, a Missouri limited liability company, by instrument recorded in Book 17137, Page 2691 of above said records, said point also being located on the eastern right-of-way line of Baxter Road, 82 feet wide as established by instrument recorded in Plat Book 323, Pages 51 through 53 of above said records, said point also being the northwest corner of "The Reserve at Chesterfield Village - Plat Two" as recorded in Plat Book 359, pages 195 and 196 of the St. Louis County records; thence along the northern line of said GUNHAY, LLC tract and the northern line of "The Reserve at Chesterfield Village - Plat Two" the following courses and distances: North 67 degrees 34 minutes 58 seconds East, 415.00 feet and North 77 degrees 29 minutes 15 seconds East, 177.94 feet to the northeast corner of Lot 74 of "The Reserve at Chesterfield Village - Plat Two" being the POINT OF BEGINNING of the herein described tract; thence continuing North 77 degrees 29 minutes 15 seconds East, 322.05 feet to the eastern line of said Gunhay LLC tract; thence along said eastern line the following courses and distances: South 39 degrees 28 minutes 54 seconds East, 73.63 feet; South 07 degrees 41 minutes 08 seconds East, 50.00 feet; South 41 degrees 08 minutes 50 seconds East, 50.04 feet; South 17 degrees 28 minutes 17 seconds East, 64.79 feet; South 07 degrees 05 minutes 21 seconds East, 54.45 feet; South 22 degrees 58 minutes 10 seconds East, 81.68 feet; South 43 degrees 37 minutes 07 seconds East, 50.00 feet; South 47 degrees 22 minutes 21 seconds West, 50.00 feet; South 02 degrees 41 minutes 25 seconds East, 79.06 feet; South 21 degrees 18 minutes 67 seconds East, 196.40 feet and South 04 degrees 44 minutes 00 seconds West, 164.19 feet to the northeast line of the above said The Reserve at Chesterfield Village - Plat One; thence along said north South 81 degrees 01 minutes 47 seconds West, 168.62 feet to the northwest corner of Willow Weald Path, 50 feet wide, being also the eastern line of "The Reserve at Chesterfield Village - Plat Two" as recorded in Plat Book 359, pages 195 and 196 of the St. Louis County records; thence along the eastern line of said Plat Two the following courses and distances: North 11 degrees 11 minutes 46 seconds West, 11.91 feet; South 78 degrees 51 minutes 35 seconds West, 155.58 feet; North 10 degrees 59 minutes 01 seconds East, 64.27 feet; North 11 degrees 11 minutes 46 seconds West, 314.68 feet; North 17 degrees 20 minutes 29 seconds West, 70.29 feet; North 15 degrees 30 minutes 25 seconds West, 85.01 feet; North 22 degrees 04 minutes 42 seconds East, 127.29 feet to the beginning of a non-tangent curve to the left having a radius of 237.00 feet; along said curve with an arc length of 122.78 feet, and a chord which bears North 82 degrees 45 minutes 44 seconds West, 121.41 feet and North 07 degrees 38 minutes 12 seconds West, 126.33 feet to the Point of Beginning and containing 284,693 square feet or 6.536 acres more or less as per calculation by Stock & Associates Consulting Engineers, Inc. during December, 2011.

PREPARED FOR  
PULTE HOMES OF ST. LOUIS, LLC  
16640 Chesterfield Grove Road, Suite 200  
Chesterfield, MO 63005  
Phone: (636) 537-7128  
Fax: (636) 537-9952  
Contact: Bill Allen

MSD BENCHMARK  
MSD-12-24 - "STANDARD TABLET" STAMPED TT 1E 1930 SET IN A CONCRETE POST, 32' WEST OF CHESTERFIELD AIRPORT ROAD AND 150' SOUTH OF OLD OLIVE STREET ROAD, 20' SOUTH OF TRACKS. ELEVATION 461.94 (ADJUSTED BY MSD IN 1993 TO ELEVATION 462.12 FEET (NGVD 1929)).



### STATEMENT OF STATE PLANE COORDINATE TIE:

STATION: SL-31  
GRID FACTOR = 0.9999076  
NORTH (Y) = 312625.826  
EAST (X) = 244719.783

NOTE: 1 METER = 3.28083333 FEET  
ALL STATE PLANE COORDINATES ARE IN METERS.

STATION: SL-31, ADJUSTED IN 1995

Station SL-31 to Azimuth Mark SL-31A - Grid Azimuth = 38 Degrees 30 Minutes 32 Seconds.

The Missouri Coordinate System of 1983 East Zone coordinate values reported hereon were determined based upon a field traverse during May, 2011 using a Trimble 5600 Total Station and Trimble 4800 GPS receivers, and that in my professional opinion, as a land surveyor registered in the State of Missouri, the reported State Plane Coordinates meet the current Missouri Minimum Standards for Property Boundary Surveys (20 CSR 2030-16). The basis of bearings shown on this plat was adopted from Plat Book 355, Pages 726-728. The grid bearing along the Northern line on this plat is found to be North 77 degrees 28 minutes 43 seconds East. The measured bearing labeled along the same line is North 77 degrees 29 minutes 15 seconds East 177.94 feet. The grid bearing from SL-31 to the most North corner is North 57 degrees 22 minutes 02 seconds West 1806.610 meters with the scale factor applied.

### GENERAL NOTES:

- 1.) Basis of Bearings Pb. 355 Pgs. 726-728.
- 2.) This site is Zoned "R-5" and "FPRS" Flood Plain District and part of P.E.U. Ord. # 2021
  - "R-5" Setbacks
    - a) Front - 20 feet
    - b) Side - 6 feet
    - c) Rear - 15 feet
  - "FPRS" General Setbacks
    - a) Front - 25 feet
  - "FPRS" Specific Setbacks
    - (a) Notwithstanding any other provision of this appendix, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.
    - (b) Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback.
    - (c) Permitted directional signs, three (3) feet or less in height, are allowed within the minimum front yard setback.
    - (d) Any structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
    - (e) No residential building or structure attached thereto shall be allowed within thirty (30) feet of the limits of the one hundred-year floodplain.
- 3.) Subject property lies within Zone "X" (Areas determined to be outside the 500-year floodplain), and Shaded Zone "X" (areas of 500 year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood.) according to the National Flood Insurance Rate Map for St. Louis County Missouri and Incorporated Areas Map No. 29189C0140 H with an effective date of August 2, 1995 and Revised to reflect LOMR dated April 17, 2000.

This is to certify that *The Reserve at Chesterfield Village - Plat Three* was approved by the City Council for the City of Chesterfield by Ordinance No. *2739* on the *4<sup>th</sup>* day of *March*, 2013 and thereby authorizes the recording of this RECORD PLAT with the office of the St. Louis County Recorder of Deeds.

*Conrad Suter (Pres. Pro Tem) Judy Maggias*  
Bruce Galger, Mayor Jack Maggias, City Clerk

### SURVEYOR'S CERTIFICATION

This is to certify that Stock and Associates Consulting Engineers, Inc. have, during September, 2012, by order of and for the use of Pulte Homes, L.L.C., executed a Property Boundary Survey and Record Plat of a tract of land being that part labeled as "Future Development" of The Reserve at Chesterfield Village - Plat Two, a subdivision according to the plat thereof as recorded in Plat Book xxx, Pages xx through xx of the St. Louis County records, located in U.S. Survey 415, Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, and that the results of said survey and Resubdivision Plat are shown hereon. We further certify that the above plat was prepared from an actual survey, according to the records available and recorded, and said survey meets or exceeds the current minimum standards for Property Boundary Surveys for "Class Urban Property" as defined in Chapter 16, Division 2030 Missouri Minimum Standards for Property Boundary Surveys as adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.  
LC No. 222-D

By: *Daniel E. Hamann* 3/6/13  
Daniel E. Hamann, Missouri P.L.S. No. 2215

RECEIVED  
City of Chesterfield  
MAR 21 2013  
Department of Public Services

①11/20/12 REVISED PER CITY COMMENT LETTER.

THE RESERVE AT CHESTERFIELD VILLAGE PLAT THREE  
RECORD PLAT

**Stock & Associates**  
Consulting Engineers, Inc.  
257 Chesterfield Business Parkway  
St. Louis, MO 63005  
PH: (636) 530-8100  
FAX: (636) 530-8100  
e-mail: general@stockassoc.com  
Web: www.stockassoc.com

DRAM BY:	DATE CHECKED BY:	DATE JOB NUMBER:	STOCK
J.K.	9/26/12	D.M.E. 9/26/12	210-4653

1 of 1

EXHIBIT  
5



BILL NO. 1274



ORDINANCE NO. 2021

**AN ORDINANCE AMENDING ST. LOUIS COUNTY ORDINANCE NUMBER 12,755 AND REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 977 FOR A NEW AMENDED ORDINANCE RELATING TO A PLANNED ENVIRONMENT UNIT (PEU) IN THE "R-1", "R-2", "R-3", "R-4", "R-5", "FPR-5", "R-6", "R-6A" AND "R-8" RESIDENCE DISTRICTS; SOUTHWEST QUADRANT OF CLARKSON ROAD AND U.S. HIGHWAY 40/61 (P.C. 165, 167, 170 AND 172-71 SACHS PROPERTIES - CHESTERFIELD VILLAGE).**

**WHEREAS**, Chesterfield Village Incorporated has requested amendments to the legal descriptions for P.C. 167-71 and P.C. 172-71, which were part of the original Chesterfield Village development; and,

**WHEREAS**, P.C. 165-71, 167-71, 170-71 and 172-71 were originally rezoned by St. Louis County Ordinance Number 6816, and subsequently amended by St. Louis County Ordinance Numbers 10,240, 12,717, and 12,755; and,

**WHEREAS**, the City of Chesterfield Ordinance Number 977, in response to correspondence from the Rockwood School District, amended the requirements by deleting a requirement to dedicate five (5) acres to Rockwood School District for a potential school site; and,

**WHEREAS**, the final location of Baxter Road Extension resulted in a 1.4 acre portion of P.C. 167-71 being located on the east side of Baxter Road Extension, with the remainder containing Baxter Crossings Apartments, being located on the west side; and,

**WHEREAS**, Fogelman Properties has transferred ownership of the 1.4 acre tract of land to Chesterfield Village Incorporated;

**WHEREAS**, the Chesterfield Village Incorporated now seeks to amend Ordinance Number 12,755 relative to the legal descriptions for P.C. 167-71 and P.C. 172-71; and,

**WHEREAS**, the Department of Planning recommends the adoption of the changes as set in their report to the City Council which includes incorporation of the changes made by City of Chesterfield Ordinance Number 977 into one (1) new Ordinance showing the prior amendments approved to the St. Louis County Ordinance as well as the new changes as approved herein.

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

Section 1. Ordinance Number 6,816, as subsequently amended by Ordinance Numbers 10,240, 12,717, and 12,755, all of which were approved by St. Louis County, authorizing a portion of the Chesterfield Village development located in the southwest quadrant of Clarkson Road and U.S. Highway 40/61, is hereby adopted by the City of Chesterfield in its entirety as amended by City of Chesterfield Ordinance Number 977. City of Chesterfield Ordinance Number 977 is hereby repealed to the extent that any inconsistent portions of said Ordinances which are not incorporated in and made a part of this new amended Ordinance shall be of no force or effect and the approved

terms and conditions of St. Louis County Ordinance Numbers 6,816, 10,240, 12,717, and 12,755 shall be as approved on the new attachment "A" which is attached hereto and made a part of hereof as if fully set out herein. The legal descriptions of Ordinance Number 6,816 are amended as follows:

New legal description for P.C. 167-71  
SEE EXHIBIT 1

New legal description for P.C. 172-71  
SEE EXHIBIT 2

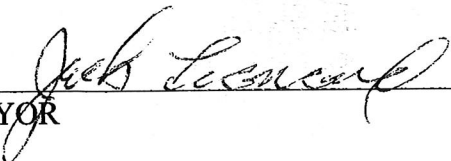
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance, is granted, subject to all ordinances, rules and regulations and the specific conditions as set out in the original approval as granted by St. Louis County in its attachments which were set out on the original attachment and as modified by the changes embodied in attachment "A" which is attached hereto and incorporated herein as if fully set out.

Section 3. The City Council, pursuant to the request filed by Chesterfield Village Incorporated requesting the amendments as approved and with the changes as embodied in this ordinance and pursuant to the recommendations of the City of Chesterfield Department of Planning that said request be granted and after due consideration thereof, 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.

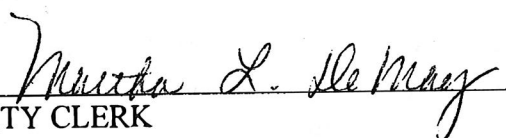
Section 4. In all other respects, the original ordinance that had been passed by St. Louis County as it relates to this development is to remain in full force and effect as well as all those changes which were made and approved by Ordinance Number 977 of the City of Chesterfield as restated in this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 19<sup>TH</sup> day of AUGUST, 1996

  
MAYOR

ATTEST:

  
CITY CLERK

**VOLZ**

167-71

Exhibit 1  
page 1  
Engineers  
Land Planners  
Land Surveyors

10849 Indian Head Industrial Boulevard  
St. Louis, Missouri 63132-1166  
314-426-6212  
~~314-426-3864~~ FAX 314-890-1250

July 31, 1996

CF

AUG - 1 1996

B-4666

Shands, Shillington & Jones Property

From "NU" to R-1", "R-2", "R-4", "R-3", "R-5" and "R-8"  
(Parcels 205, 208, 214, 214A, 216, 218, 219, 221 excluding 204)

A tract of land in U.S. Surveys 2760 and 2002, and Sections 9 and 16, Township 45 North - Range 4 East, St. Louis County, Missouri and described as follows:

Beginning at a point on the East and West centerline of Section 16, as aforementioned, at its intersection with the Eastern line of Wilson Avenue, 40 feet wide; thence along said Eastern and Northeastern road line, the following bearings and distances: North 00 degrees 37 minutes 31 seconds West, 962.08 feet to a point of curve; thence along a curve to the left having a radius of 80.00 feet, an arc distance of 110.97 feet to a point; thence North 80 degrees 06 minutes 00 seconds West 96.47 feet to a point of curve; thence along a curve to the right having a radius of 170.00 feet, an arc distance of 152.66 feet to a point; thence North 28 degrees 29 minutes 00 seconds West, 219.92 feet; North 25 degrees 20 minutes 30 seconds West, 179.09 feet; North 13 degrees 20 minutes 30 seconds West, 109.56 feet; North 06 degrees 50 minutes 30 seconds West, 184.75 feet; North 21 degrees 50 minutes 30 seconds West, 65.62 feet; North 38 degrees 50 minutes 00 seconds West, 67.24 feet; North 62 degrees 50 minutes 00 seconds West, 65.83 feet; North 71 degrees 50 minutes 00 seconds West, 204.47 feet; North 59 degrees 50 minutes 00 seconds West, 74.19 feet; North 38 degrees 50 minutes 00 seconds West, 72.68 feet and North 18 degrees 20 minutes 00 seconds West, 237.31 feet to a point; North 23 degrees 37 minutes 00 seconds West, 69.39 feet; North 43 degrees 07 minutes 15 seconds West, 434.25 feet; North 35 degrees 45 minutes West, 68.00 feet; North 31 degrees 13 minutes West, 166.83 feet to a point of curve; thence along a curve to the left having a radius of 180.00 feet, an arc distance of 92.68 feet to a point; thence North 60 degrees 43 minutes West, 122.98 feet to a point of curve; thence along a curve to the right having a radius of 330.00 feet, an arc distance of 92.25 feet to a point; North 44 degrees 42 minutes West, 143.18 feet to a point of curve; thence along a curve to the left having a radius of 370.00 feet, an arc distance of 108.49 feet to a point; North 61 degrees 28 minutes West, 156.39 feet to a point of curve; thence along a curve to the right having a radius of 130.00 feet, an arc distance of 101.95 feet to a point; North 16 degrees 32 minutes West, 112.75 feet to a point of curve; thence along a curve to the right having a radius of 680.00 feet, an arc distance of 92.57 feet to a point of curve; North 08 degrees 44 minutes West, 359.27 feet to a point of curve; thence along a curve to the left having a radius of 240.00 feet, an arc distance of 108.84 feet to a point; thence North 34 degrees 43 minutes West, 94.46 feet to its intersection with the Southern line of U.S. Survey 125; thence along said U.S. Survey line and its prolongation Eastwardly North 88 degrees 41 minutes 42 seconds East, 1525.21 feet to a point on the

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B-4666

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Page 2

Western line of Section 9, as aforementioned; thence along said Section line South 00 degrees 48 minutes 18 seconds East, 16.15 feet to its intersection with the Westward prolongation of the Southern line of U.S. Survey 415; thence leaving said Section line and running Eastwardly along said prolongation and along said Southern line of U.S. Survey 415 North 89 degrees 16 minutes 42 seconds East, 712.99 feet to the East right-of-way line of Baxter Road, 70 feet wide; thence Southwardly along said East right-of-way line of Baxter Road, 70 feet wide, along a curve to the left with a radius of 940.00 feet, an arc distance of 709.80 feet to the West line of Lot 7 of Thomas K. Humphrey's Estate, said point being distant South 00 degrees 27 minutes 00 seconds East 690.86 feet from the Northwest corner of said Lot 7; thence South 00 degrees 27 minutes 00 seconds East 780.54 feet along said West line of Lot 7 to the Southwestern corner thereof, said point being on the Northern line of Section 16, as aforementioned; thence along said Northern line of Section 16 North 89 degrees 37 minutes 07 seconds East, 2234.61 feet to its intersection with the Western line of U.S. Survey 2002, as aforementioned; thence along said Western line South 00 degrees 33 minutes 37 seconds East 1010.51 feet to a point; thence North 47 degrees 50 minutes 18 seconds West 282.05 feet to a point; thence South 72 degrees 57 minutes 47 seconds West 159.96 feet to a point; thence South 50 degrees 54 minutes 42 seconds West 200.00 feet to a point; thence South 39 degrees 05 minutes 18 seconds East 216.62 feet to a point; thence along a tangent curve to the left with a radius of 600.00 feet, an arc distance of 621.26 feet to a point; thence South 31 degrees 42 minutes 51 seconds East 27.88 feet to a point being the Northeastern corner of property described in Deed Book 958, Page 201 of the St. Louis County Records; thence along the Northeastern line of said property described in Deed Book 958, Page 201 and its prolongation Southeastwardly South 30 degrees 02 minutes 49 seconds East, 199.22 feet to a point on the Southern line of a 16 foot wide private road, said point being also the Northwestern corner of property described in Deed Book 2028, Page 341 of the St. Louis County Records; thence along said Southern private road line North 71 degrees 26 minutes 11 seconds East, 512.65 feet to a point being the Northwestern corner of property described in Deed Book 2879, Page 56 of the St. Louis County Records; thence along the Western and Southern line of said property per Deed Book 2879, Page 56 South 19 degrees 37 minutes 49 seconds East, 196.32 feet and North 70 degrees 35 minutes 11 seconds East, 158.35 feet to a point on the Eastern line of property per Deed Book 2028, Page 341 as aforementioned; thence along said Eastern line South 22 degrees 18 minutes 49 seconds East, 468.37 feet to the Southeastern corner thereof, being also a corner of property conveyed to Babler by Deed recorded in Book 1534, Page 578 and Book 1555, Page 579 of the St. Louis County Records; thence along said Babler's Northwestern and Western line, the following bearings and distances: South 86 degrees 34 minutes 11 seconds West, 204.21 feet; South 62 degrees 23 minutes 11 seconds West, 170.83 feet; South 48 degrees 24 minutes 11 seconds West, 248.71 feet; South 24 degrees 27 minutes 11 seconds West, 134.94 feet and South 61 degrees 10 minutes 11 seconds West, 311.28 feet to the centerline of a creek; thence South 11 degrees 18 minutes 49 seconds East, 190.00 feet, more or less, and South 26 degrees 48 minutes 49 seconds East, 184.00 feet, more or less, to its intersection with the Southern line of property conveyed to Woerther by Deed recorded in Book 60, Page 97 of the St. Louis County Records; thence along said Southern line South 68 degrees 12 minutes 42 seconds West,

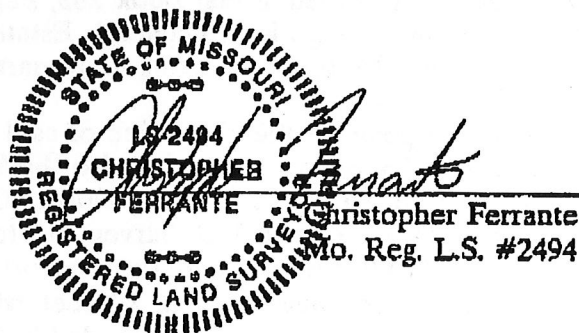


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B-4666

July 31, 1996

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426.00 feet, more or less, to the Southwestern corner thereof, being also on the Western line of U.S. Survey 2002, as aforementioned; thence along said U.S. Survey line North 00 degrees 33 minutes 37 seconds West, 333.64 feet to its intersection with the East and West centerline of Section 16, as aforementioned; thence along said East and West centerline South 89 degrees 28 minutes 23 seconds West, 2259.17 feet to the point of beginning and containing 247.6 acres, more or less.



July 31, 1996



Exhibit 2

P.C. 172-71

page 1

**VOLZ**

Engineers  
Land Planners  
Land Surveyors

10849 Indian Head Industrial Boulevard  
St. Louis, Missouri 63132-1166  
314-426-6212  
~~314-426-3884~~ FAX 314-890-1250

July 2, 1996

TWO

Re: Amended Final Development Plan  
B-4666

A tract of land being Lots 1 and 3 and part of Lots 2, 4, 5 and 6 of the subdivision of the West part of U.S. Survey 415, part of U.S. Survey 123, Lot 4 of "Baxter Crossings", a subdivision according to the plat thereof recorded in Plat Book 283, Pages 87 through 94 of the St. Louis County Records and Lot 7 of the Thomas K. Humphrey's Estate, in Section 9, Township 45 North - Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at a point on the North line of said "Baxter Crossings", said point being the Southwest corner of said U.S. Survey 415, being also the Southwest corner of Lot 3 of the subdivision of the West part of U.S. Survey 415; thence North 00 degrees 41 minutes 25 seconds West 2003.08 feet along the West line of said U.S. Survey 415 to a point; thence North 89 degrees 18 minutes 35 seconds East 280.00 feet to a point; thence North 72 degrees 24 minutes 12 seconds East 122.60 feet to the West line of Baxter Road, 82 feet wide, according to the Plat of "Baxter Road-Road Dedication and Easement Plat", as recorded in Plat Book 323, Pages 51 through 53 of the St. Louis County Records; thence North 72 degrees 35 minutes 40 seconds East 84.00 feet to the East line of Baxter Road; thence North 72 degrees 24 minutes 03 seconds East 62.73 feet to a point; thence North 67 degrees 32 minutes 44 seconds East 626.13 feet to a point; thence North 66 degrees 57 minutes 24 seconds East 259.56 feet to the South line of U.S. Survey 2031; thence North 89 degrees 01 minute 57 seconds East 1324.68 feet along said South line of U.S. Survey 2031 to the Southeast corner thereof, being a point on the West line of U.S. Survey 123; thence South 62 degrees 30 minutes 05 seconds East 231.83 feet to a point; thence North 31 degrees 00 minutes 16 seconds East 420.24 feet to the Southwest line of Chesterfield Airport Road, 60 feet wide; thence South 45 degrees 13 minutes 48 seconds East 76.66 feet along said Southwest line of Chesterfield Airport Road to a point; thence South 16 degrees 22 minutes 43 seconds West 790.10 feet to a point; thence South 49 degrees 58 minutes 28 seconds East 54.81 feet to the South line of said U.S. Survey 123; thence North 76 degrees 24 minutes 32 seconds East 248.00 feet along said South line of U.S. Survey 123 to a point; thence North 00 degrees 30 minutes 14 seconds West 347.00 feet to a point; thence North 43 degrees 48 minutes 18 seconds East 235.23 feet to the said Southwest line of Chesterfield Airport Road; thence South 45 degrees 13 minutes 48 seconds East 32.75 feet and South 50 degrees 49 minutes 42 seconds East 222.07 feet along said Southwest line of Chesterfield Airport Road to a point; thence South 30 degrees 22 minutes 21 seconds West 196.42 feet to a point; thence South 59 degrees 37 minutes 39 seconds East 100.09 feet to a point; thence South 30 degrees 22 minutes 21 seconds West 221.11 feet to a point; thence South 59 degrees 37 minutes 39 seconds East 100.17 feet to a point; thence South 64 degrees 51 minutes 13 seconds East 478.85 feet to a point; thence along a curve to the left whose radius point bears South 80 degrees 00 minutes 31 seconds East 1150.00 feet from the last mentioned point, a distance of 20.05 feet; thence South 08 degrees 59 minutes 34 seconds West 1424.12 feet to a point; thence North 69 degrees 07 minutes 42 seconds West 209.38 feet to a point; thence South 42 degrees 13 minutes 37 seconds West 267.50 feet to a point; thence South 89 degrees 35 minutes 46 seconds West 390.00 feet to a point; thence North 00 degrees 24 minutes 14 seconds West 256.46 feet to the South line of "West County YMCA", a subdivision according to the plat thereof recorded in Plat Book 283, Page 37 of the St. Louis County Records;



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Re: Amended Final Development Plan  
B-4666

thence Westerly along said South line of "West County YMCA", the following courses and distances: North 75 degrees 10 minutes 12 seconds West 114.67 feet, North 67 degrees 40 minutes 02 seconds West 152.19 feet, North 82 degrees 11 minutes 05 seconds West 101.75 feet, South 82 degrees 37 minutes 26 seconds West 70.78 feet, South 70 degrees 14 minutes 56 seconds West 61.51 feet, South 60 degrees 37 minutes 42 seconds West 46.49 feet and South 25 degrees 33 minutes 43 seconds West 107.25 feet to the Southwest corner of said "West County YMCA"; thence South 06 degrees 24 minutes 55 seconds West 90.19 feet to a point; thence South 04 degrees 44 minutes 59 seconds West 103.26 feet to a point; thence South 18 degrees 58 minutes 26 seconds East 135.89 feet to the North line of property conveyed to Ellen Richman, Susan Pitman and Mercantile Trust Company by deed recorded in Book 7744, Page 1001 (Parcel 2) of the St. Louis County Records; thence South 89 degrees 25 minutes 23 seconds West 690.14 feet to the Northwest corner of said Richman property; thence South 00 degrees 39 minutes 47 seconds East 1690.83 feet along the West line of said Richman property to the South line of said Section 9 being also the North line of "Westbury Park", a subdivision according to the plat thereof recorded in Plat Book 261, Pages 54 through 56 of the St. Louis County Records; thence South 89 degrees 44 minutes 05 seconds West 1193.49 feet along said South line of Section 9, said North line of "Westbury Park" and the North line of said "Baxter Crossings" to the Southeast corner of Lot 6 of said "Baxter Crossings"; thence North 00 degrees 26 minutes 25 seconds West 780.97 feet along the East line of said Lot 6 of "Baxter Crossings" to the most Southern corner of said Lot 4 of "Baxter Crossings", being a point on the West line of Baxter Road, 70 feet wide; thence along a curve to the right whose radius point bears North 63 degrees 09 minutes 17 seconds East 940.00 feet from the last mentioned point, a distance of 709.39 feet along said East line of Baxter Road to the South line of said U.S. Survey 415; thence South 89 degrees 22 minutes 35 seconds West 471.67 feet along said South line of U.S. Survey 415 and said North line of "Baxter Crossings" to the point of beginning and containing 224.778 acres according to calculations by Volz, Inc. during July, 1996.

TERRY WILLIAM ORTMAN  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 STATE OF MISSOURI  
 No. 2103  
 Reg. L.S. #2103

## ATTACHMENT A

### A. Construction and Intent

This ordinance is one of two authorizing the development of an integral planned commercial and residential community sometimes herein referred to as "Chesterfield Village". Of the larger development originally petitioned for, this is the portion lying generally west of Clarkson Road (State Highway 340) and south of U.S. Rt. 40. The conditions herein and the companion ordinances shall be construed as applying to the entire development except where the contrary appears by necessary implication.

### B. Development Procedure

1. The Final Development Plan shall be prepared and submitted to the Planning Commission for approval within one year after the enactment of these ordinances. Upon approval of a Final Development Plan by the Planning Commission, the plan shall be recorded with the St. Louis County Recorder of Deeds as a Planned Environment Unit and C-8 Planned Commercial District. Work or construction under the Final Development Plan must commence within 36 months of its approval or the permit shall terminate. Where due cause is shown by the developer, these time intervals may be extended by the Planning Commission.
2. The Final Development Plan submitted to the Planning Commission shall specifically include the following:
  - a. All proposed temporary and permanent major and minor collector streets, the circumferential road, and all major connections;
  - b. All zoning district boundary lines and zoning classifications;
  - c. All Planned Environment Unit boundary lines.
  - d. Development Section boundary lines. The development shall be divided into sections by these boundaries so that no section is greater in area than 35 acres, except that the section or sections within the Regional Commercial/Town Center may be of any size. PEU boundaries and zoning boundaries between residential and commercial uses shall be section boundaries except as approved by the Planning Commission. Section boundaries which follow minor collector and higher category streets should include the entire street within the section whose development is anticipated prior to the section on the other side of the street.
  - e. The general location of all school sites;
  - f. The general location of all lakes and ponds;



- g. The general location of all common project recreational and open space;
  - h. The general location of major recreational facilities.
3. Prior to the issuance of any building permit, the developer shall submit to the Planning Commission for its approval a Final Development Section Plan for the property in question, showing the location and size of all existing and proposed structures, existing and proposed grades, location and size of all proposed parking areas, all roadways and driveways on or adjacent to the property in question, all proposed screening, landscaping and lighting, the location and size of all proposed signs, school sites, and such other design features which may be required by the Commission to assure compliance with the terms of this ordinance. Together with the Final Development Section Plan, the developer shall submit for review and approval, a document guaranteeing necessary maintenance and replacement of all common open spaces and landscaping, including street medians, for that section, and installation and maintenance of all recreational facilities for that section.
  4. All Final Development Section Plans must be consistent with the approved Final Development Plan, and shall contain one or more complete development sections. The City of Chesterfield Departments of Planning and Public Works may authorize changes or elimination of minor streets. Changes to collector or larger streets, changes in the number of dwelling units within a development section, or the relocation of school sites, lake or ponds, or common project recreational and open space, or major recreation facilities from or to a section will require approval of an amended Final Development Plan by the Planning Commission, or approval of a Partial Final Development Plan including such portion of the development as is affected by the proposed change. Approved Final Development Section Plans and amended or Partial Final Development Plans shall be recorded prior to the issuance of building permits.
  5. Site Plans for areas adjacent to submitted Final Development Section plans shall be submitted when necessary.
  6. The developer of each Section shall monitor the ongoing development and submit a detailed report of development progress as it relates to the conditions of this ordinance at the end of each six month period following the approval of the Final Development Section Plan.

7. This ordinance does not excuse the developer from compliance with any ordinance of the City of Chesterfield, including the applicable land development procedure provisions of the Subdivision Ordinance and the Flood Plain District Regulations of the Zoning Ordinance. The use and development of the property shall, regardless of zoning category, comply with the performance standards of Section 1003.163, as amended.

C. Administration

1. Any transfer of ownership or lease of the property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the applicable conditions of this ordinance and the approved final development plan and final development plan.
2. A copy of all the conditions herein imposed shall be furnished by each owner or petitioner to the operator, owner, or manager including successive operators, owners, or managers who shall forward to the Zoning Enforcement Officer an acknowledgment that he or she has read and understood each of the conditions relating to the use and development of the property and agrees to comply therewith.
3. The Zoning Enforcement Officer of the City of Chesterfield shall be charged with the duty of enforcing the conditions of this permit.

II. DESIGN REQUIREMENTS

A. Slopes

Development shall complement the natural topography to the maximum extent practicable. For the purpose of applying this requirement, the following guidelines are adopted:

(a) 5-10% Grades

Development should be limited to low and medium densities and be designed to prevent erosion and complement the land form features.

(b) 10-15% Grades

Streets should follow the most level available contours wherever possible. Buildings on these slopes should be restricted to lower densities and building design should be integrated into the slope.

(c) 15-30% Grades

Streets within these areas should parallel the contours as much as possible so that standard street grades may be accomplished with minimum cutting and filling. Single family dwelling unit densities should predominate, although carefully designed townhouses and apartments could be successfully worked into these grades.

(d) Grades over 30%

These grades should be considered inappropriate for any construction.

B. Project Open Space

1. A minimum of 184 acres shall be devoted to project parks, open space and recreational space, as follows:

PEU	Minimum Acres of Open Space
165-71	10.0
167-71	86.0
170-71	10.0
172-71	78.0

2. Lakes

There shall be a total of 3 major lakes within the development. Small sailboats (sun-fish type), row boats, and canoes shall be permitted on all lakes, and boat dock facilities shall be provided on each lake. A 15-foot wide public pedestrian easement, connected with the pedestrian trails, shall be provided and maintained around the edges of the lakes where practicable.

3. Pedestrian Trails

A network of pedestrian trails and walkways shall meander through the open space system to connect the residential areas not only to the Projects recreational facilities, but also to the schools, shopping centers, community centers, and Village Center. In order to avoid crossing major streets along the walkway and trailway systems, appropriate over or underpasses may be required. Certain hiking trails and jogging trails shall be marked to indicate distance and route direction.

4. **Bicycle Paths**

A bicycle path system shall generally be located adjacent to the main streets with adequate separations and landscape buffers between street, bicycle path, and sidewalk. Bicycle paths within the open space shall be interconnected to a bicycle path paralleling the proposed four lane circumferential (Chesterfield Parkway).

5. **Picnic Areas.**

Small picnic grounds with tables, benches, and barbecue pits shall be provided throughout the open space system. One principal picnic area shall provide facilities for more formal group picnicking as well as family picnicking. A picnic shelter with restroom facilities, water, picnic tables and barbecue facilities shall be provided.

6. **Nature Center.**

One nature center shall be provided. The site of the nature center itself will be strategically located with the open space to illustrate the interesting and unique phenomenon of its immediate surroundings.

7. **Community Center.**

There shall be one community center located within the Town Center. This community center shall have a year-round swimming pool complex. In addition to the swimming pool, this center shall have meeting rooms; an arts and crafts room; recreation room, youth clubhouse, or other such uses as may be approved. One of the school sites shall be offered to a school district adjacent to the community center so that certain common facilities such as the parking, the auditorium, and the swimming pool facilities can be combined and used by both groups.

8. **Special Recreation Nodes**

Special recreation nodes shall be created to supplement the school-park centers and also to offer additional special recreational facilities for the residents throughout the project. The recreation nodes shall provide such recreation facilities as:

boat dock  
playgrounds  
athletic fields  
tennis courts  
nature centers

All of the above described open space and open space facilities shall be for the sole use and benefit of the Chesterfield Village residents regardless of where within the project the residents reside so long as the residents of each planned environment unit share in the cost of operating and maintaining said common land and any improvements constructed thereon, as provided by the appropriate trust indentures.

C. Local Residential Recreation Centers

In addition to open space and facilities heretofore described, small residential recreation centers shall be located within major residential developments or clusters. The facilities will usually include a swimming pool (1,800 sq. ft minimum), a combination clubhouse and neighborhood association recreation center, one or two play lots, (2,000 sq. ft. each minimum), and a small multi-purpose hard surface court for basketball, volley-ball, badminton, etc. These facilities will be generally located in a relatively central spot within the development to which residents can easily walk. Use of these facilities may be restricted to residents of the development served and maintenance shall be provided for by sub-indentures for that development or equivalent instruments.

D. Education Facilities

1. There shall be a minimum of ten (10) acres dedicated to the Rockwood School District for public school use. No single school site shall contain less than five acres.
2. Prior to approval of any Final Development Section Plan in which a school site is proposed, a written agreement between the developer and the school district shall be submitted to the City of Chesterfield Planning Commission for review. This agreement shall indicate the number and size of the school sites required, who is responsible for the installation of required improvements, and indicate when said improvements will be installed.
3. The Final Development Section Plan shall identify the boundaries of the dedicated school tract.
4. The deed of dedication for public school use shall provide that in the event the property shall no longer be used for educational purposes, it will revert as open space to the trustees of the subdivision in which it is located.
5. The proposed elementary school grounds, as shown on the Final Development Plan and Final Development Section Plan, shall provide facilities such as ball fields, tennis courts, basketball courts, play equipment, etc. Each school-park should have the capacity to serve a population of about 3,000 people within a service radius of 1/4 to 1/2 mile. In each of these school-park areas a minimum of the following facilities should be provided:

<u>Facilities</u>	<u>Quantity</u>
Multi-purpose athletic field (for touch football, soccer & field hockey)	1
Softball diamond	1
Tennis Courts	2
Basketball Court	1
Playground (6-12 age group - min 5,000 sq. ft.)	1
Outdoor swimming pools (optional)	1
Tetherball and other small, hard surface games varies	

Off-street parking and landscaping shall also be provided and integrated with the school sites. All school sites will have direct open space access to the open space system.

**E. Traffic and Circulation**

1. Curb cuts, roadway alignment and location, and other circulation design features of the Final Development Plan, each Final Development Section Plan, and any amended or Partial Final Development Plan, and any amended or Partial Final Development Plan will be reviewed by the City of Chesterfield Departments of Planning and Public Works and as appropriate, St. Louis County Department of Highways and Traffic and the Missouri State Highway Commission.
2. Circumferential - A primary circulation route identified hereafter as the circumferential (Chesterfield Parkway), shall be developed to connect the main entrance on Clarkson Road to the proposed Highway 40 interchange. Basic design shall comprise a divided four-lane roadway plus appropriate stacking and turning lanes, with curves and grades arranged for 40 to 50 mph. Special consideration will be given to the scenic qualities of this roadway.
3. Boulevard South - A primary connector shall be provided between the four lane divided internal circumferential and future major external roadway.
4. Collectors - A system of both major and minor collector shall be provided within and linking to the circulation infrastructure provided by the boulevard, circumferential and major external roads. These shall have 2 to 4 through undivided lanes of traffic within 50 to 66 ft. public rights-of-way.

5. Collector and secondary streets and the Boulevard South shall be dedicated and constructed with development along each route, or as necessary to connect an isolated development with major internal and external roadways. All streets necessary to serve each subdivision plat shall be shown on subdivision improvement plans, whether within the subdivision or not, and constructed or guaranteed prior to approval of the plat. Prior to the occupancy of any development, the circumferential and other major streets shall be completed as shown by the "Stage I" drawings on the sketch plan attached to Ordinance 6816 as an exhibit. Completion of the "Stage II" improvements, including the completion of the circumferential (Chesterfield Parkway), and development of the Highway 40 interchange, including ramps to the west, all as shown on the attached sketch plan, shall be accomplished within five (5) years of occupancy of any part of the commercial development; except that Stage IIc improvements, consisting of Chesterfield Airport Road improvements and the off-ramp from eastbound Highway 40 to Chesterfield Airport Road, shall be under construction by 1988 and pursued diligently to completion.
6. There is established a trust account to be held by the County Treasurer for the engineering, right-of-way acquisition, and construction of a roadway bridge with sidewalks and interchange at the circumferential and U.S. Highway 40 as shown on the Final Development Plan.
  - (a) Contributions to the trust fund herein established shall be made prior to issuance of each building permit as follows:
    - (1) for each dwelling unit, \$599.96;
    - (2) for each gross square foot of office floor space, \$366.62;
    - (3) for each gross square foot of other commercial floor space \$1,099.91.
    - (4) The required contributions shall be increased at the rate of 5% per year effective on the first day of January, 1994, and the first day of each calendar year thereafter. Such sums shall be collected by the St. Louis County Department of Public Works and disbursed to the County Treasurer.
  - (b) The Treasurer shall hold such funds in interest-bearing accounts, certificates of deposit, and the like. All interest earned shall accrue to the trust fund.
  - (c) Additional properties may be made subject to the terms of this trust by appropriate ordinance provision without notice to or consent of the present developers or their successors or assigns.

- (d) The trust fund shall be disbursed as follows and in no other order. Each category of disbursement below shall be fully made before any funds are applied to the succeeding category:
  - (1) On order of the St. Louis County Director of Highways and Traffic in accordance with paragraph (e) below.
  - (2) For the purpose of developing the inter-change described herein, in accordance with paragraph (f) below.
  - (3) For the purpose of reimbursing advances, in accordance with paragraph (g) below.
  - (4) For the purpose of other road projects as described in paragraph (h) below.
  - (5) On termination of the trust, in accordance with paragraph (i) below.
- (e) The St. Louis County Department of Highways and Traffic may prepare such surveys, plans and specifications, or approve such plans and specifications as are prepared by others, as are necessary for the project, the expenses of which shall be paid from the trust fund on order of the St. Louis County Director of Highways and Traffic.
- (f)
  - (1) Any person may construct or have constructed the interchange contemplated herein upon approval of contracts between such persons and contractors for this purpose by the County Counselor and the St. Louis County Director of Highways and Traffic as to form and content. Any such contract shall provide for work to be done in accordance with surveys, plans and specifications approved by the St. Louis County Department of Highways and Traffic, and further provide for inspection of such work and enforcement of contract terms by St. Louis County. The contract may provide for payments for work performed from this trust fund in such manner and amounts as may be approved by the County Counselor and the St. Louis County Director of Highways and Traffic.
  - (2) Alternatively, St. Louis County or the State Highway Commission may at any time apply all or parts of the trust funds to development of the interchange herein described. Funds shall be disbursed in such case as directed by the authority developing the interchange.



- (g) Any person may, in accordance with contract with the trustee approved by the County Counselor, advance funds to the trust for the trust purpose, and the trustee may with respect thereto pledge future receipts in excess of funds used for (d) (1) and (2) above. Such pledge shall be limited, however, to actual receipts, and neither the trustee, St. Louis County, nor any agency thereof shall be responsible for repayment beyond amounts actually so received. Repayment shall in no event exceed repayment of prevailing market rate to the nearest whole percent of municipal bonds at the time such repayment commences. Notwithstanding any other provision of this paragraph, the trustee may accept any donation of funds made without rights to repayment and apply the same to any trust purpose.
- (h) After providing fully for the trust purposes described in paragraphs (a), (f) and (g), the trustee may hold trust funds for application to development, including right-of-way acquisition, planning, and construction, of interchanges between the internal circumferential roadway herein contemplated and Missouri Route 340 (Olive Street Road and Clarkson Road).
- (i) The trust shall terminate and the funds will be distributed as hereafter described (1) twenty years after receipt of the first proceeds if no disbursements under paragraph (e) or (f) are made during such period; (2) twenty years after any disbursement under paragraph (e) if no further disbursements under paragraph (e) or (f) are made during such period; (3) twenty years after any disbursement under paragraph (f) if no further disbursements under paragraph (e), (f), or (h) are made during such period; (4) twenty years after any disbursement under paragraph (h) if no further disbursements under paragraph (h) are made during such period. Distribution upon termination shall be made: First, to repay any advance made under paragraph (g); Second, any remaining funds shall be distributed pro rata to the persons depositing funds herein under paragraph (a) or any such person's duly nominated assignee according to written statement to the County Treasurer. It is the responsibility of any such person and assignee to communicate any relevant information of change of name, address or corporate status to the Treasurer in writing; Third, any share mailed by certified mail to the person and address of record according to the trustee's records and returned undelivered for any reason, and any other funds otherwise remaining for any reason shall be transferred to the County Special Road and Bridge Fund or its legal successor.

2. Lakes - Three lakes averaging at least six (6) acres in size and several smaller ponds shall be provided in order to provide on-site storage and gradual downstream discharge for a 100 year design storm. Spillways shall be located and sized to release the runoff at a peak quantity and rate not to exceed that for presently undeveloped area tributary to each lake.

Trust indentures shall provide for anti-silting procedures (such as lake drainage or dredging) if necessary.

3. Dams for the proposed lakes shall be constructed in accordance with accepted standards as reviewed by the City of Chesterfield Departments of Planning and Public Works and approved by the City of Chesterfield Planning Commission. Lake area outfall lines shall be large enough for drainage if the lakes are drained.
4. Storm Sewers - Culverts and storm sewers measures shall be designed to carry stormwater under roadways and along certain critical drainage channels to retention lakes and basins or into channels protected from erosion.
5. Supplementary On-Site Retention - Where necessary, parking lots shall be designed to retain storm runoff and dissipate its rate of flow.
6. Other Erosion Prevention Measures - The use of dams, rip-rapping, gabions, or equally effective devices in drainage channels shall be combined with intensive landscaping and careful plant management in order to mitigate erosion.
7. Erosion - Erosion control methods shall be designed to solve specific site problems. The following methods will be used as appropriate.

- a. Diversion Method.

Heavy accumulation of storm water shall be temporarily diverted away from a construction site by using temporary ditches, dikes, cofferdams, earth berms, and channels. Early installation of storm drains to collect the water and convey it underground to a safe discharge point shall also be used especially for steep, open areas. All inlets shall be protected against mud and construction debris.

- b. Temporary Ground Cover.

If cut and fill operations are occurring during a season not favorable for immediate establishment of permanent ground cover, appropriate temporary ground cover shall be employed, such as the following:

rye, rye grass, sudan grass, jute matting, cotton and paper netting, straw or hay, glass fiber matting, hydro-mulching

c. Permanent Vegetation.

Native grasses, ground covers, and shrubs, etc. shall be used for the purpose of reestablishing permanent vegetation. For steep slopes (3:1 to 1- 1/2:1) such as on lake dams and road side slopes, ground cover such as Crown Vetch shall be applied either by seeding or planting.

d. Special Areas.

Certain areas, such as extremely steep slopes, waterway channels and large graded areas, should receive special protective measures through the use of modified bench terraces, bank erosion structures, diversion ditches, etc.

8. Design Consideration.

The use of stabilizing materials shall be incorporated into the design feature. Possibilities include:

<u>Max. Slopes</u>	<u>Materials</u>
3:1	mowed grass
2:1	unmowed grass and ground cover
1-1/2:1	loose gravel and crown vetch
1:1	crown vetch with matting
1/2:1	loose rock
1/4:1	dry stone wall
0:1	vertical retaining wall

9. Petitioners shall be responsible, until and during development, for the operation and maintenance of all interior drainage systems whose maintenance is not assumed by a public agency. Perpetual maintenance shall be provided by trust indentures, maintenance agreements and other agreements as necessary. Such instruments shall be approved as to content and form by the City of Chesterfield Planning Commission .

B. Landscaping.

1. Landscape Design Concepts.

The exterior environment of Chesterfield Village shall have a maximum of three basic landscape design zones. Each zone shall exhibit a unique character and serve a particular function. Thus, each zone shall require the special treatment which follows:

a. Natural Zone:

The zone, which is often the natural wooded Project Open Space, shall contain a variety of understory vegetation to provide natural soil stabilization. These areas shall serve as passive recreation areas. Development shall be limited to hiking trails, bridle paths, and occasional recreation fields. For the most part, these areas shall be left undisturbed. Any site clearing, tree removal, or grading shall occur under the direct supervision of the project landscape architect in order to make certain that these operations will not cause harm and destruction to the surrounding areas. Improvements other than clearing of underbrush in specific areas, shall be made only around recreation fields.

Native prairie grasses shall be seeded in these areas for their naturalistic character and their low maintenance qualities. Improvements shall be made in the several severely eroded natural drainage channels for both safety and prevention of further erosion. Indigenous grasses, berries, and shrubs shall be planted to encourage reversion of these areas to their original natural state. Associated picnic tables, shelters, and rest areas shall be constructed from natural materials such as logs, wood and rocks.

b. Secondary Zone:

This intermediate zone, which usually lies between the development area and the natural zone (or sometimes occurs between development parcels), shall be generally limited to walkways and common open space. Where necessary, fine grading shall occur to provide positive drainage and to smooth out rough ground. The character of the area will be generally open with indigenous grasses and groups of flowering trees acting as an extension of the adjacent forest.

c. Primary Zone:

This zone shall contain the immediate surroundings of buildings, parking lots, roads, recreation centers, common court space, etc. Within this zone, a series of public, semi-public or private exterior spaces shall be created to accommodate these activities. Existing trees shall be saved and used in meaningful ways whenever possible. A variety of landscaped elements, such as plant materials, earth berms, rock boulders, water features, pavement materials, etc., shall be used and designed to enhance, articulate and complement the environment. The landscape design shall be based on the individual natural site characteristics, the site plan conditions, and the land use functions.

2. Landscape Character in Residential Areas.

Tree grouping and lawn areas will comprise the major landscaped features in the residential development areas. Plant materials shall be selected to achieve aesthetic and functional objectives.

3. Street Trees.

a. Planting of street areas shall be a standard practice along the major arterials and collector streets. Trees shall be planted at regular intervals (minimum of two 2 1/2 inch caliper trees every 75 ft. of frontage) on both sides, and within the medians of the street except where building groups, earth berms, existing topography or views make local residential streets, trees shall be grouped in a less formal manner, making them a part of the individual lot development. Planting treatment shall be carefully handled along street and at street intersections as not obstruct sight lines, under the review of the Department of Highways and Traffic. The selection of street tree species shall reflect existing species according to the following guidelines:

Selected Street Tree Names

Common Names

Botanical Platanoides  
Acer rubrum  
Acer Sacharum  
Celtrix occidentalis  
Fraxinum americana  
Ginkgo Biloba

Norway Maple  
Red Maple  
Sugar Maple  
Hackberry  
White Ash  
Ginkgo Tree

Juniperus communis  
Juniperus Virginiana  
Liquidambar styraciflua  
Liriodendron Tulipifera  
Quercus Borealis  
Quercus Palustris  
Picea Pungens  
Pinus Strobus  
Quercus Phellos  
Tilia Euchlora  
Tsuga Canadensis

Common Juniper  
Eastern Red Cedar  
Sweet Gum  
Tulip Tree  
Red Oak  
Pin Oak  
Blue Spruce  
Eastern White Pine  
Willow Oak  
Crimean Linden  
Eastern Hemlock

4. **Parking Lot Landscaping.**

All parking areas in excess of 10,000 square feet contain internal landscape islands planted with trees and other plant materials. These islands will provide shade and offer a visual relief against extensive and visually monotonous pavement area. Each shall be at least equivalent in area to two standard 10 foot x 20 foot parking spaces. Vertical curbs will be used around planting areas to protect them from automobiles and keep out de-icing salt.

In the retail, office and general commercial parking lots, rows of trees planted in the landscape areas shall be used to subdivide the large parking areas into smaller and more identifiable parking areas. Sidewalks lined with trees on both sides (minimum of two 2-1/2 inch caliper per 75 ft. and chosen from the above selected street tree list) will be extended from the parking lots to building access points. Around the perimeter of the entire parking area a landscape strip shall serve to buffer the automobiles from adjacent properties.

The smaller residential parking lots shall receive special landscape treatment that is in keeping with the character of the developments. In general, large areas around the parking lots shall be devoted to planting and consequently they shall provide a greater separation between the automobiles and the rest of the residential activities. These residential parking areas shall be treated more like exterior courtyards with great variety of plant materials to complement the architectural style of the buildings and to enhance the overall appearance of the development.

Where possible, a minimum 12 - foot landscaped strip shall be provided around the periphery of large parking lots. These strips shall be planted with trees and shrubs in various fashions to sufficiently buffer automobiles. Where necessary, earth berms and grade separation shall be used with planting to achieve a more positive enclosure.

5. Where commercial development is to be located close to a residential area, a dense planting strip of at least 20 feet in width shall be used to insulate adjacent residential uses. In addition, planting, masonry walls, solid fences, or high, dense foliage shall be provided and featured as part of the landscaping treatment of the center.

C. Miscellaneous Environmental Requirements.

1. Utilities.

Except as specifically approved by the City of Chesterfield Planning Commission on approval of a Final Development Section Plan, all utilities shall be underground at above-water-table depths.

2. Water Supply and Distribution.

A full water distribution system shall be provided. The system shall be so designed to provide for not only domestic and commercial requirements, but also for the peak demands for fire protection. Existing available supply sources shall be expanded by an approved water company in phase with the project development.

3. Sanitary Sewage.

The network of trunk and subtrunk sewers shall be indicated on the Final Development Plan. No part of the effluent from the development shall be treated in sewage lagoons, whether located on the site or elsewhere. Temporary or permanent mechanical treatment facilities may be authorized within Chesterfield Village by Conditional Use Permit after appropriate proceedings to that end.

4. Incineration.

No incineration shall be allowed within the development. Commercial and residential refuse shall be stored indoors or accumulated in a sight-proof area pending collection.

IV. RESIDENTIAL.

1. This permit authorizes a maximum of 4,325 units as follows:

<u>P.E.U. File No.</u>	<u>Dwelling Units Authorized</u>
165-71	1,150
167-71	1,250
170-71	275
172-71	1,650

2. Occupancy of dwelling units shall be staged in accordance with the following table, which establishes the maximum number of dwellings within each P.E.U. application for which occupancy permits may be issued prior to each staging date.

<u>Property</u>	<u>Permitted units prior to January 1.</u>		
	<u>1975</u>	<u>1980</u>	<u>1985</u>
PEU 165-72	450	570	825
PEU 167-72	0	400	850
PEU 170-72	0	275	275
PEU 172-72	0	450	1200

3. The development shall include a variety of housing types. Types may include single family units, sale or condominium townhouses, rental townhouses, sale or condominium apartments, rental apartments, and mid/high rise apartments.
4. Building setbacks, yard requirements and height limitations for structures shall be guided by those contained in R-1, R-2, an R-3, R-4, R-5, R-6, R-6A and R-8 Residential Districts. The City of Chesterfield Planning Commission may vary said requirements as necessary.
5. Upon completion of 50% of the dwelling units of any final development section plan, at least 40% of the proposed recreational facilities for that stage shall be installed. (The time of construction of any major lake will be approved by the City of Chesterfield Planning Commission.) On completion of 95% of the dwelling units, 100% of the recreational facilities and improvements for that section shall be installed.





# City of Chesterfield

RECEIVED  
AUG 31 2018  
City of Chesterfield  
Department of Public Services

## DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

### BOARD OF ADJUSTMENT APPLICATION

EXHIBIT  
7a  
tabbles

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. It hears requests for variances and appeals of administrative determinations. A variance is 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 & Development Services at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at [chesterfield.mo.us/active-developments.html](http://chesterfield.mo.us/active-developments.html)

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 & Development Services.

STATE OF MISSOURI

BOA NUMBER

B.A. 01-2018

HEARING DATE

10-4-2018

12-6-2018

CITY OF CHESTERFIELD

Petition for Appeal from Zoning Regulations

### I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor

Record: David and Amber Rogan

Address: 323 Willow Weald Path

City: Chesterfield State: MO Zip: 63005

Tel.: 314-922-5039 Fax: \_\_\_\_\_

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.)

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

**II. PROPERTY INFORMATION**

Project Address: 323 Willow Weald Path

Locator Number(s): 18T610669

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

Acreage: 0.27 (To the nearest tenth of an acre)

Subdivision Name (If applicable): The Reserve @ Chesterfield Village

Current Zoning District: 110 CF (tax code)

Legal Description of Property:

"Three (THE)" → per the St. Louis County revenue website

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

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

Our home is on a corner lot and was started by the builder as a market home. The builder pushed the foundation far back on the lot, minimizing the rear yard.

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement:

Ordinance Number and section to which a variance is sought:

Section 31-03-03.K.d.

(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:**

We purchased this home as a market home from the builder. The builder pushed the foundation as far back on the lot as they could to increase the front yard depth. Therefore, with a 15' rear yard setback a pool will not fit when also considering the distance needed from the home foundation to maintain its integrity. Therefore, we are asking for a variance from a 15' setback to a 10' setback. This will not impact drainage nor interfere with my rear neighbors enjoyment of their yard as my home sits at the bottom of a hill in the rear of my neighbors yards, rendering the far rear of their yard essentially unusable. We will install evergreen bushes to block the views from the street and our neighbors.

(Attach additional sheets as necessary)

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

No impact.

(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>	_____	_____
<b>Side Yard:</b>	_____	_____
<b>Rear Yard:</b>	10 feet	15 feet
<b>Height:</b>	_____	_____

**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. Seventeen (17) 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.
  - N/A  Letters from abutting property owners stating their position.
  - ✓ Copies of the completed application.
  - ✓ The City of Chesterfield rejection or denial.
  - N/A  Any other information as required by the City of Chesterfield

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

**B. Signage:**

**The Petitioner(s) request  
the following :**

**City of Chesterfield  
Regulations allow the  
following for this site:**

**Number of attached business  
signs:**

**Size of attached business  
signs:**

**Number of freestanding  
business signs:**

**Size of freestanding business  
signs:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

**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. Seventeen (17) 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

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

**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 \_\_\_\_\_ (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  owner  contract purchaser. (check (✓) one)

\_\_\_\_\_  
(Name- type, stamp or print clearly)

\_\_\_\_\_  
(Signature)

(Name of Firm)

\_\_\_\_\_  
(Address, City, State, Zip)

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 \_\_\_\_\_ day of \_\_\_\_\_  
20 \_\_\_\_\_ .

Signed \_\_\_\_\_ Print Name: \_\_\_\_\_  
Notary Public

Seal/Stamp:

My Commission Expires: \_\_\_\_\_

VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY

INSTRUCTIONS: To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

Project Name:   Rogan - Pool   Submittal Date: \_\_\_\_\_

STATEMENT OF COMPLETION AND ACCURACY

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge and that all property owners have full knowledge that the property they own is the subject of this application. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit and further certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I acknowledge this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. No arrangement has been made to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application.

Check (✓) one:  I am the property owner.  I am the contract purchaser.  
 I am the duly appointed agent of the petitioner.

  David Rogan    
(Name- type, stamp or print clearly)

  David C Rogan    
(Signature)  
  323 Willow Wield Path    
  Chesterfield, MO 63005    
(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 \_\_\_\_\_ day of \_\_\_\_\_  
20 \_\_\_\_\_ .

Signed \_\_\_\_\_ Print Name: \_\_\_\_\_  
Notary Public

Seal/Stamp:

My Commission Expires: \_\_\_\_\_



**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. \_\_\_\_\_

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

\_\_\_\_\_  
Date

**[THIS PAGE FOR INTERNAL USE]**

**STAFF / BOA USE ONLY**

**Intake Date:**

August 31, 2018

**This petition**

**is granted / denied** (circle one)

**on the**

**day of**

**20**

**Signed:**

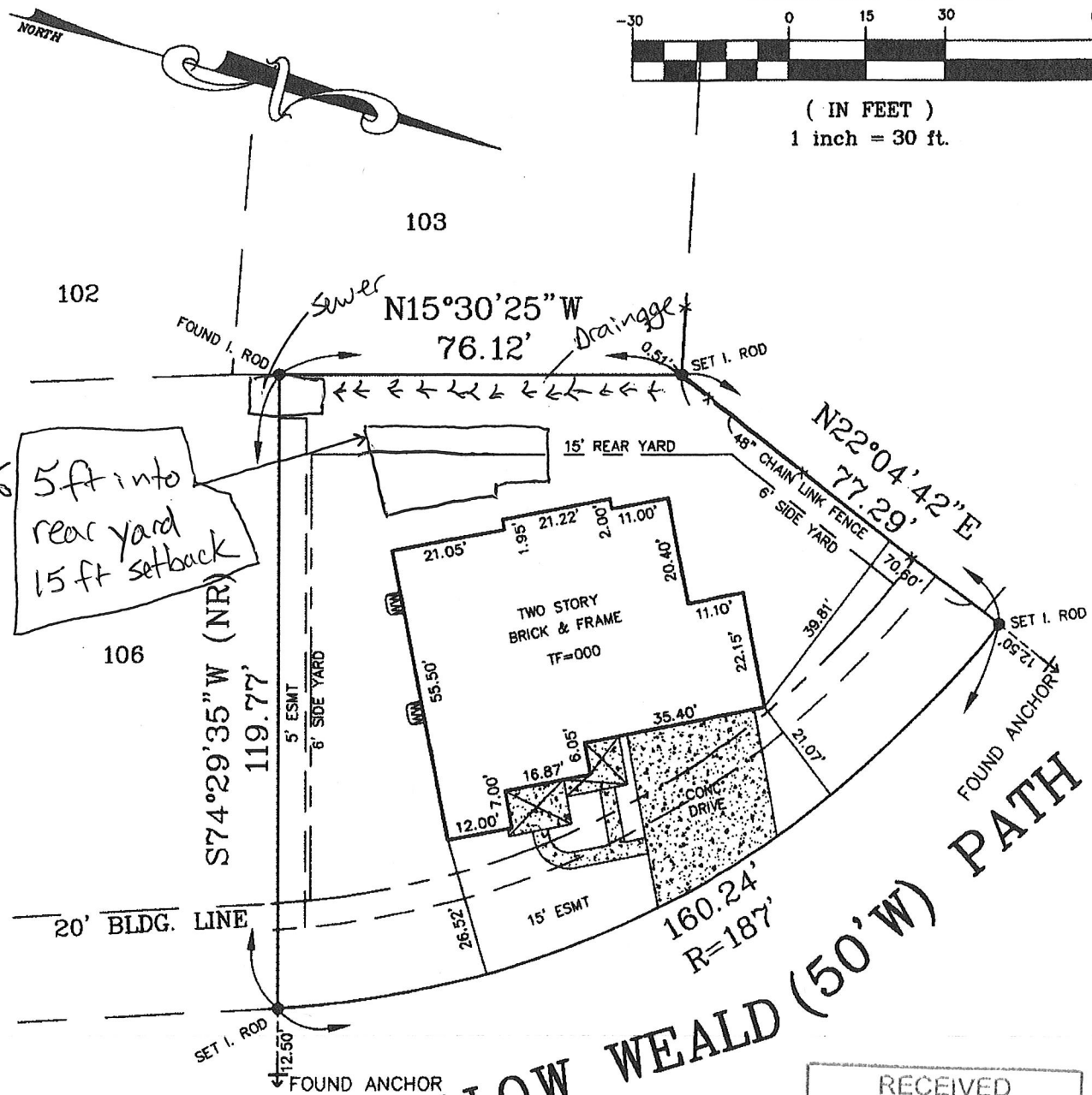
**Chairman**

**[THIS PAGE FOR INTERNAL USE]**

GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.



5ft into rear yard 15ft setback

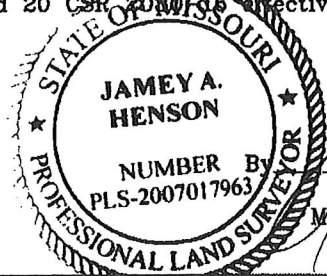
WILLOW WEALD (50' W) PATH

ORDER NUMBER: 10-03-0066

THE STERLING COMPANY  
5055 NEW BAUMGARTNER ROAD  
ST. LOUIS, MISSOURI 63129

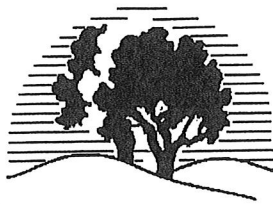
RECEIVED  
AUG 31 2018  
City of Chesterfield  
Department of Public Services

This is to certify that we have on November 21, 2014, by order of PULTE GROUP, made an outboundary survey and located the improvements on "Lot 105 of THE RESERVE AT CHESTERFIELD VILLAGE PLAT THREE", and that the results of said outboundary survey and location of improvements are represented on this plat. This survey meets the "Missouri Minimum Standards for Property Boundary Surveys" (10 CSR 30-2 and 20 CSR 200.046 effective date August 28, 2006.)



*J. Henson* 11/24/14  
Jamey A. Henson  
MO Reg. P.L.S. - #2007017963

	P.P.	FDN.	FNL.
DRAWN	S.S.		J.M.
CHECKED			



# City of Chesterfield

EXHIBIT  
tabbies  
76

OFFICE USE ONLY

MZA #:

0308\_180846

Locator #:

Plat 3 Lot 105 W2

Subdivision:

R5  
Revenue at Chesterfield Village

## II. MUNICIPAL ZONING APPROVAL APPLICATION (MZA)

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 Development Services.

RECEIVED

AUG 31 2018

City of Chesterfield  
Department of Public Services

JUL 23 2018

Project Address: 323 Willow Weald Path

Zip: 63005

Property Owner Name(s): David & Amber Rogan

Property Owner Address (if different than above): \_\_\_\_\_

City: Chesterfield

State: MO

Zip: 63005

E-mail: DAVID.ROGAN@EY.COM

Tenant Name (if different than above): \_\_\_\_\_

Existing Tenant

Proposed Tenant

Applicant Name: David & Amber Rogan

Attn: \_\_\_\_\_

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

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone Number: 314-922-5039

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Description of Work: Enground granite or liner pool (to include aluminum fencing to pool code to match neighbors). Requesting approval to build 5 ft. into rear yard. Set back as a result of builder pushing foundation for back on plot. water flow will not be impacted.

### 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

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. (Note: Applicant or Tenant applying for Municipal Zoning Approval cannot sign on behalf of the Property Owner.)

PROPERTY OWNER SIGNATURE: \_\_\_\_\_

DATE: 7/15/18

APPLICANT SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

(If other than Property Owner)



# Rejected

MZA\_180846

Date: 7/23/2018

Property Address	Subdivision	Lot
323 WILLOW WEALD PATH	308 RESERVE AT CHESTERFIELD VILLAG	105

Locator #	Ward	Date Received	Flood Plain
18T610669	2	7 /23/2018	NO

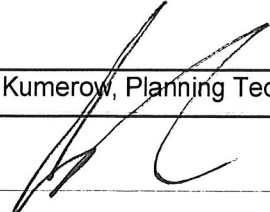
Zoning Class	Type
R5	Swimming Pool

Property Owner	Tenant
David and Amber Rogan	

Applicant
David and Amber Rogan

**Comments**  
 7/23/2018 - Complete - KKelley - a copy of the trustee email sent by staff is included with the application. Returned trustee emails to receive mail notification.  
 7/23/2018 - Resubmission Required - akumerow - Plans show pool going into setback by 5 ft. Emailed applicant to ask whether pool or decking is encroaching upon the setback.  
 7/23/2018 - Rejected - akumerow - Applicant confirmed that pool water will encroach upon the setback. See attached email from 7/23/18

Status	Rejected	7 /23/2018	by Annisa Kumerow, Planning Technician
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*signature* 

**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, Public Works and Parks at (636) 537-4746.

## Annisa Kumerow

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**From:** David C Rogan <david.rogan@ey.com>  
**Sent:** Monday, July 23, 2018 2:26 PM  
**To:** Annisa Kumerow  
**Subject:** RE: Municipal Zoning Application 180846

We are asking for permission for the water to encroach on the setback. Can you send me a formal rejection for the application? Thanks for your time.

Regards -

**David C. Rogan** | Partner/Assurance Services | Central Region Experience Management Leader

Ernst & Young  
Office: 1+1 314 290 1944 | [David.Rogan@ey.com](mailto:David.Rogan@ey.com)

**From:** Annisa Kumerow [mailto:[AKumerow@chesterfield.mo.us](mailto:AKumerow@chesterfield.mo.us)]  
**Sent:** Monday, July 23, 2018 2:23 PM  
**To:** David C Rogan <david.rogan@ey.com>  
**Subject:** RE: Municipal Zoning Application 180846

Project Location: 323 WILLOW WEALD PATH  
Work: Swimming Pool  
Application Status: Resubmission Required

Your application requires resubmission based on:

*Please clarify what portion of the pool will be built into the setback. The concrete decking up to the pool wall may encroach upon the setback, but the pool itself (the water) is not permitted in the setback.*

- *If only the concrete decking will be in the setback, please resubmit your plans to note this.*
- *Otherwise, if the water will go into the setback, the application will be rejected.*

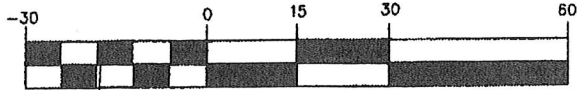
If you have any questions, please contact me at City Hall:  
690 Chesterfield Parkway W  
Chesterfield, MO 63017  
(636)537-4743

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This electronic mail transmission and the information contained in it, or attached as a file to it, are intended for the exclusive use of the intended recipient(s). This email should be considered "unofficial communication" and does not necessarily reflect the official position of the City of Chesterfield. An "official position" of the City shall only be communicated in letter form, using City letterhead. The recipient should check this email and any attachments for the presence of viruses. The City of Chesterfield accepts no liability for any damage caused by any virus transmitted by this email.

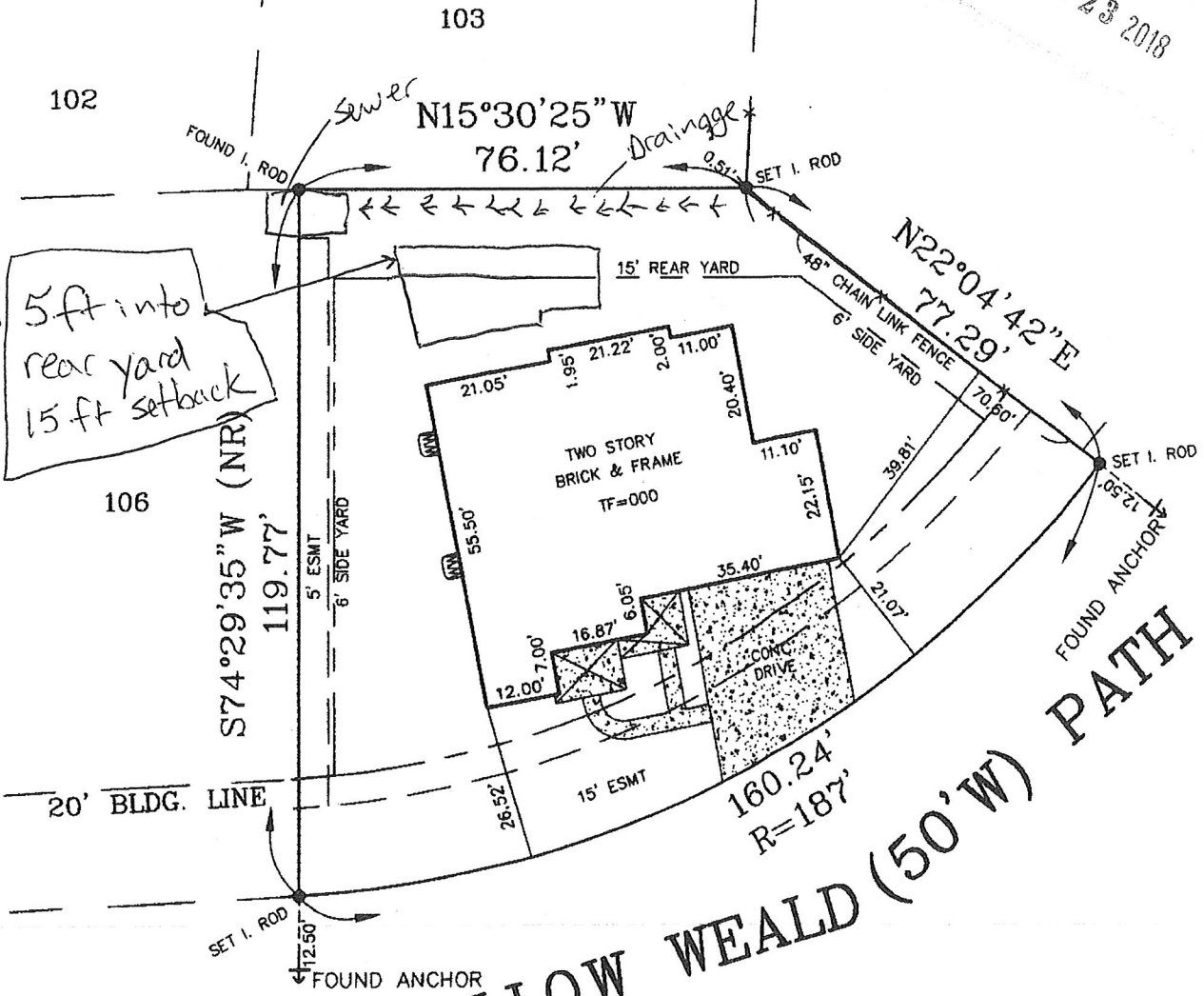
Any tax advice in this e-mail should be considered in the context of the tax services we are providing to you. Preliminary tax advice should not be relied upon and may be insufficient for penalty protection.

GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

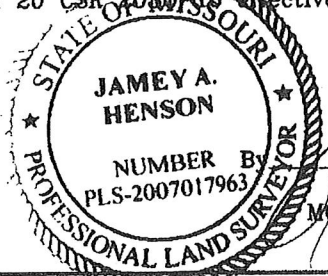
JUL 23 2018



ORDER NUMBER: 10-03-0066  
 THE STERLING COMPANY  
 5055 NEW BAUMGARTNER ROAD  
 ST. LOUIS, MISSOURI 63129

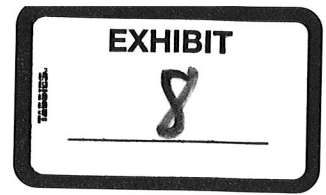
**REJECTED**  
 DATE: 7/23/18  
 BY: [Signature]

This is to certify that we have on November 21, 2014, by order of PULTE GROUP, made an outboundary survey and located the improvements on "Lot 105 of THE RESERVE AT CHESTERFIELD VILLAGE PLAT THREE", and that the results of said outboundary survey and location of improvements are represented on this plat. This survey meets the "Missouri Minimum Standards for Property Boundary Surveys" (10 CSR 30-2 and 20 CSR 200.01) effective date August 28, 2006.)



[Signature] 11/24/14  
 Jamey A. Henson  
 MO Reg. P.L.S. - #2007017963

	P.P.	FDN.	FNL.
DRAWN	S.S.		J.M.
CHECKED			



Board of Adjustment  
City of Chesterfield, Missouri

In Re: )  
David and Amber Rogan )  
323 Willow Weald Path )  
Chesterfield, MO 63005 )  
)  
)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**REGARDING THE VARIANCE REQUEST APPLICATION (B.A. 01-2018)**  
**FOR THE PROPERTY LOCATED AT 323 WILLOW WEALD PATH**

COMES NOW, the Board of Adjustment (the "Board") of the City of Chesterfield, Missouri, (the "City") and hereby issues the following Findings of Fact and Conclusions of Law approving the Variance request (B.A. 01-2018) submitted on behalf of David and Amber Rogan:

**FINDINGS OF FACT**

1. That on August 31, 2018, David and Amber Rogan (the "Applicants"), submitted a request for Variance (B.A. 01-2018) approval that would allow part of a proposed swimming pool structure to be constructed within the required fifteen foot (15') rear set back area, per The Reserve at Chesterfield Village governing Ordinance 2021, on their property within the R-5 Residence Zoning District with a Planned Environment Unit (PEU), located at 323 Willow Weald Path, Chesterfield, MO. Said Variance request was an appeal of the City's Zoning Code and application by the City's Zoning Officer.
2. That on August 31, 2018, the applicant submitted a check for the Variance application fee to the City of Chesterfield.
3. That on September 28, 2018 a Public Hearing notice appeared in The Countian, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Board of Adjustment of the City at 6:00 p.m., October 4, 2018, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering and making findings and recommendations in regards to a request by the applicant to allow part of a proposed swimming pool structure to be within the required 15' rear set back area per The Reserve at Chesterfield Village governing Ordinance 2021, on their property located within the R-5 Residence Zoning District with a



Planned Environment Unit (PEU), located at 323 Willow Weald Path, Chesterfield, MO.

4. That on September 28, 2018 a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 323 Willow Weald Path, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on October 4, 2018 to consider Applicant's request for a variance.
5. That on September 28, 2018 a notification was mailed by certified U.S. Mail to all subdivision trustees of The Reserve at Chesterfield Village subdivision, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on October 4, 2018 to consider Applicant's request for a variance.
6. That on September 28, 2018 the Public Hearing Notice for the October 4, 2018 Board of Adjustment meeting to be held at 6:00 p.m. at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri was posted in the front lobby of City Hall.
7. That on October 4, 2018 a Public Hearing was held by the Board of Adjustment to consider Applicant's request for a variance. At that time the Applicant, David Rogan, was present at the Public Hearing and requested that no action on his request occur and that a new Public Hearing be scheduled for December 6, 2018 due to the absence of a board member.
8. That on November 16, 2018 letters of support from adjacent property owners were provided to the City for inclusion in the Board of Adjustment meeting packet.
9. That on November 30, 2018 a Public Hearing notice appeared in The Countian, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Board of Adjustment of the City at 6:00 p.m., December 6, 2018, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering and making findings and recommendations in regards to a request by the applicant to allow part of a proposed swimming pool structure to be within the required 15' rear setback area per The Reserve at Chesterfield Village governing Ordinance 2021, on their property located within the R-5 Residence Zoning District with a Planned Environment Unit (PEU), located at 323 Willow Weald Path, Chesterfield, MO.
10. That on November 28, 2018 a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 323 Willow

Weald Path, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 6, 2018 to consider Applicant's request for a variance.

11. That on November 28, 2018 a notification was mailed by certified U.S. Mail to all subdivision trustees of The Reserve at Chesterfield Village subdivision, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 6, 2018 to consider Applicant's request for a variance.
12. That on November 30, 2018 the Public Hearing Notice for the December 6, 2018 Board of Adjustment meeting to be held at 6:00 p.m. at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri was posted in the front lobby of City Hall.
13. That on December 6, 2018 a Public Hearing was held by the Board of Adjustment to consider Applicant's request for a variance. At that time the Applicant, David Rogan, was present at the Public Hearing to present his request for Variance approval to the Board of Adjustment.
14. That on December 6, 2018 the Board of Adjustment voted \_\_\_ to \_\_\_ to approve the Applicant's request for a variance. The motion failed to receive the required statutory majority to approve the variance, pursuant 89.090 RSMo.

### **CONCLUSIONS OF LAW**

WHEREFORE, the Board of Adjustment of the City of Chesterfield, Missouri, does hereby find and conclude the following as a matter of law:

1. That Applicant filed a request for a variance pursuant to §2-211—§2-220.3 of the Municipal Code of the City and §89.100 RSMo.
2. That at the Public Hearing held on December 6, 2018 the Board of Adjustment made the following conclusions of law, pursuant to §2-211—§2-220.3 of the Municipal Code:
3. That the Applicant has not shown that special conditions or circumstances exist which are peculiar to the land, structure or building involved and that the conditions or circumstances of the Applicant are applicable to other lands, structures or buildings; and,
4. That literal interpretations of the provisions of the applicable chapter of City Code would not deprive the Applicant of rights commonly enjoyed by other properties; and,

5. That the special conditions of the Applicant are a direct result of the actions of the Applicant; and,
6. That granting the variance requested by the Applicant would confer on the Applicant special privileges that are denied to owners of other lands, structures and buildings in the same district.
7. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts were considered as the grounds for approving this variance.
8. That Applicant has failed to show practical difficulties or unnecessary hardship related to the Applicant's request for a variance.
9. That Applicant's request for a variance is hereby **DENIED** under authority §2-211—§2-220.3, et seq. of the Municipal Code and §89.100 RSMo, et seq.

So Ordered,

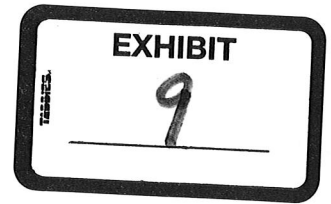
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Chairman, Board of Adjustment

ATTEST:

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Kathy Reiter  
Executive Assistant to the Director of Planning and Development Services



Board of Adjustment  
City of Chesterfield, Missouri

)  
)  
In Re: )  
David and Amber Rogan )  
323 Willow Weald Path )  
Chesterfield, MO 63005 )  
)  
)  
)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**REGARDING THE VARIANCE REQUEST APPLICATION (B.A. 01-2018)**  
**FOR THE PROPERTY LOCATED AT 323 WILLOW WEALD PATH**

COMES NOW, the Board of Adjustment (the "Board") of the City of Chesterfield, Missouri, (the "City") and hereby issues the following Findings of Fact and Conclusions of Law approving the Variance request (B.A. 01-2018) submitted on behalf of David and Amber Rogan:

**FINDINGS OF FACT**

1. That on August 31, 2018, David and Amber Rogan (the "Applicants"), submitted a request for Variance (B.A. 01-2018) approval that would allow part of a proposed swimming pool structure to be constructed within the required fifteen foot (15) rear set back area, per The Reserve at Chesterfield Village governing Ordinance 2021, on their property within the R-5 Residence Zoning District with a Planned Environment Unit (PEU), located at 323 Willow Weald Path, Chesterfield, MO. Said Variance request was an appeal of the City's Zoning Code and application by the City's Zoning Officer.
2. That on August 31, 2018, the applicant submitted a check for the Variance application fee to the City of Chesterfield.
3. That on September 28, 2018 a Public Hearing notice appeared in The Countian, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Board of Adjustment of the City at 6:00 p.m., October 4, 2018, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering and making findings and recommendations in regards to a request by the applicant to allow part of a proposed swimming pool structure to be within the required 15' rear setback area per The Reserve at Chesterfield Village governing Ordinance 2021, on their property located within the R-5 Residence Zoning District with a

Planned Environment Unit (PEU), located at 323 Willow Weald Path, Chesterfield, MO.

4. That on September 28, 2018 a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 323 Willow Weald Path, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on October 4, 2018 to consider Applicant's request for a variance.
5. That on September 28, 2018 a notification was mailed by certified U.S. Mail to all subdivision trustees of The Reserve at Chesterfield Village subdivision, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on October 4, 2018 to consider Applicant's request for a variance.
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7. That on October 4, 2018 a Public Hearing was held by the Board of Adjustment to consider Applicant's request for a variance. At that time the Applicant, David Rogan, was present at the Public Hearing and requested that no action on his request occur and that a new Public Hearing be scheduled for December 6, 2018 due to the absence of a board member.
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Weald Path, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 6, 2018 to consider Applicant's request for a variance.

11. That on November 28, 2018 a notification was mailed by certified U.S. Mail to all subdivision trustees of The Reserve at Chesterfield Village subdivision, informing them that the Board of Adjustment of the City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 6, 2018 to consider Applicant's request for a variance.
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14. That on December 6, 2018 the Board of Adjustment voted \_\_\_ to \_\_\_ to approve the Applicant's request for a variance. The motion received the required statutory majority to approve the variance, pursuant 89.090 RSMo.

### **CONCLUSIONS OF LAW**

WHEREFORE, the Board of Adjustment of the City of Chesterfield, Missouri, does hereby find and conclude the following as a matter of law:

1. That Applicant filed a request for a variance pursuant to §2-211—§2-220.3 of the Municipal Code of the City and §89.100 RSMo.
2. That at the Public Hearing held on December 6, 2018 the Board of Adjustment made the following conclusions of law, pursuant to §2-211—§2-220.3 of the Municipal Code:
3. That the Applicant has shown that special conditions or circumstances exist which are peculiar to the land, structure or building involved and that the conditions or circumstances of the Applicant are not applicable to other lands, structures or buildings; and,
4. That literal interpretations of the provisions of the applicable chapter of City Code would deprive the Applicant of rights commonly enjoyed by other properties; and,

5. That the special conditions of the Applicant are not a direct result of the actions of the Applicant; and,
6. That granting the variance requested by the Applicant would not confer on the Applicant special privileges that are denied to owners of other lands, structures and buildings in the same district.
7. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts were considered as the grounds for approving this variance.
8. That Applicant has shown practical difficulties or unnecessary hardship related to the Applicant's request for a variance.
9. That Applicant's request for a variance is hereby **APPROVED** under authority §2-211—§2-220.3, et seq. of the Municipal Code and §89.100 RSMo, et seq.

So Ordered,

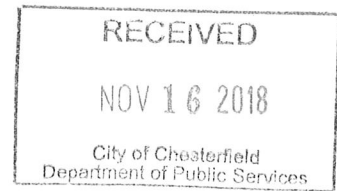
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Chairman, Board of Adjustment

ATTEST:

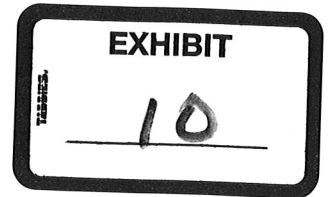
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Kathy Reiter  
Executive Assistant to the Director of Planning and Development Services



November 12, 2018

Re: 323 Willow Weald Path setback variance



City of Chesterfield:

Our family resides at 341 Willow Weald Path and are located immediately adjacent to the Rogans at 323 Willow Weald Path. We understand that they have petitioned for a variance to reduce the setback in their yard from 15 to 10 feet in order to put in a pool.

We have no objection to this proposal. There are no issues or effects to our yard and property by reducing the setback. We have seen the plans for their pool and approve of them, and we know that the neighborhood has approved of them as well.

We understand that a Board of Adjustment meeting will take place on December 6 and we hope you will vote to grant the Rogans this request. Please feel free to contact us to let us if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to be "TR" or similar initials.

Rafael and Tassia Rezende

Email: tatalavicentin@hotmail.com



November 12, 2018

Re: 323 Willow Weald Path setback variance

City of Chesterfield:

Our family resides at 310 Oak Stand Path and are located immediately adjacent to the Rogans at 323 Willow Weald Path. We understand that they have petitioned for a variance to reduce the setback in their yard from 15 to 10 feet in order to put in a pool.

We have no objection to this proposal. There are no issues or effects to our yard and property by reducing the setback. We have seen the plans for their pool and approve of them, and we know that the neighborhood has approved of them as well.

We understand that a Board of Adjustment meeting will take place on December 6 and we hope you will vote to grant the Rogans this request. Please feel free to contact us to let us if you have any further questions.

Sincerely,



Amit and Manik Amin

Email: aminmanik16@gmail.com

November 12, 2018

Re: 323 Willow Weald Path setback variance

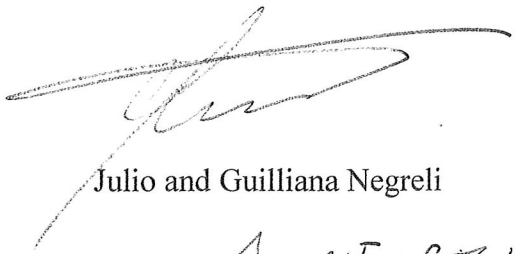
City of Chesterfield:

Our family resides at 318 Oak Stand Path and are located immediately adjacent to the Rogans at 323 Willow Weald Path. We understand that they have petitioned for a variance to reduce the setback in their yard from 15 to 10 feet in order to put in a pool.

We have no objection to this proposal. There are no issues or effects to our yard and property by reducing the setback. We have seen the plans for their pool and approve of them, and we know that the neighborhood has approved of them as well.

We understand that a Board of Adjustment meeting will take place on December 6 and we hope you will vote to grant the Rogans this request. Please feel free to contact us to let us if you have any further questions.

Sincerely,



Julio and Guilliana Negreli

Email: JCNEGRELI@GMAIL.COM

November 12, 2018

Re: 323 Willow Weald Path setback variance

City of Chesterfield:

Our family resides at 302 Oak Stand Path and are located immediately adjacent to the Rogans at 323 Willow Weald Path. We understand that they have petitioned for a variance to reduce the setback in their yard from 15 to 10 feet in order to put in a pool.

We have no objection to this proposal. There are no issues or effects to our yard and property by reducing the setback. We have seen the plans for their pool and approve of them, and we know that the neighborhood has approved of them as well.

We understand that a Board of Adjustment meeting will take place on December 6 and we hope you will vote to grant the Rogans this request. Please feel free to contact us to let us if you have any further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Chase".

Michael and Susan Chase

Email: [Surbanek3@comcast.net](mailto:Surbanek3@comcast.net)