



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

January 31, 2008

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

Re: **B.A. 02-2008 407 Stallion Hill Court (John & Megan Porporis)**: A request for a variance from Section 4(c) of City of Chesterfield Ordinance 1233 to allow an existing residence located at the referenced address in The Estates at Baxter Pointe Subdivision to maintain a 10 ft rear yard setback in lieu of the required 15 ft. rear yard setback (18T520216)

Dear Board Members:

John and Megan Porporis, the owners of the above-referenced single family home, have submitted a request to the Board of Adjustment for the above-mentioned variance. In review of the petitioners' request, the Department of Planning submits the following report.

Background of site

1. The Porporis residence is located at 407 Stallion Hill Court in the Estates at Baxter Pointe Subdivision.
2. The Estates at Baxter Pointe Subdivision is zoned "R1/R2/R3" Residence District with a Planned Environment Unit Procedure. Ordinance 1233, provides the governing regulations for the established Planned Environment Unit Procedure.
3. A Planned Environmental Unit (PEU) is an alternate zoning procedure for residential districts. According to the City of Chesterfield Zoning Ordinance the intent of a PEU is, "to permit flexibility in building types, encourage economic and energy efficient subdivision design, and to encourage the provision of supporting community facilities in the development of diverse, sound, urban developments under conditions of approved site and development plans."
4. In the development of The Estates at Baxter Pointe, a fifteen (15) foot rear yard setback was established.

5. On January 14, 2008, the City of Chesterfield rejected a municipal zoning approval for an in-ground swimming pool because it extended beyond the established rear yard setback.

Statement of practical difficulties and unnecessary hardships warranting action by the Board:

From Petitioner's Application Attachment, item 3: *"We have applied for a permit to install an inground swimming pool in our Chesterfield back yard. It was rejected due to the design encroaching on the 15' rear setback. The current plan calls for the pool to be installed 4^{1/2} into the 15' rear setback of our property. Due to the narrow depth of our backyard and the safety issue of our deck, we are requesting a reduction of the 15' rear setback ordinance to 10^{1/2} to accommodate our current pool design."*

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

From Petitioner's Application Attachment, item 1: *"Our backyard is exceptionally narrow from our house to the rear property line. From the stairs of our existing deck we have the total distance of 27'. We hope to gain a few more feet by relocating our staircase. Furthermore, the lot has a 7' slope running from (sp) the south side of the property to the north, dictating that the only feasible location for an in ground pool is in the highest area of our yard (on the enclosed proposed plan).. "*

Description of the necessity of the proposed improvement

From Petitioner's Application Attachment, item 2: *"The width of the pool dictates that we would be slightly into rear setback. Also, for safety issues, the pool needs to be a minimum of 6' from the deck."*

Basis for appeal:

From Petitioner's Application, pg. 2: *"The pool as designed can not be implemented per the ordinance."*

Approval Criteria

Mr. and Mrs. Porporis are seeking a variance to allow for a 10 ft. rear yard setback in lieu of the 15 ft setback established by City of Chesterfield Ordinance 1233:

1. In order to grant a variance, there must be proof that the applicant did not bring the burden upon himself through some action, but instead had the burden imposed on him.
2. An individual cannot create a situation and then claim he needs a variance. *Wolfner v. Board of Adjustment of City of Warson Woods*, 114 S.W.3d 298 (Mo.App.E.D.,2003).

3. The burden of proving the elements is on the applicant.
4. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the applicant has established the necessary "practical difficulties or unnecessary hardship" and when "the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done."
5. Section 2-216 of the City of Chesterfield Municipal Code states that the Board of Adjustment shall have the following powers:

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

Action is requested on B.A. 02-2008 407 Stallion Hill Court.

Respectfully Submitted,



Annissa G. McCaskill-Clay, AICP
Assistant Director of Planning

Exhibits:

1. City of Chesterfield Zoning Ordinance (not in packet)
2. Notice of Publication.
3. Affidavit of Publication (not in packet)
4. Staff Report
5. Petitioner's Applications
 - A. Application to Board of Adjustment
 1. Trustee approval form
 2. Signed letter (Eric Klein, Stacy Singer signatories)
 - B. Rejected Municipal Zoning Approval
6. Letter of Objection (Mark and Wendy Gellman)
 - A. Attachment (Mark & Wendy Gellman, Jeff Moulton, Sam & Pauline Ow signatories)
7. City of Chesterfield Ordinance 1233



City of Chesterfield

JAN 23 2008

DEPARTMENT OF PLANNING

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. Its responsibility is to hear appeals from decisions of the City of Chesterfield Department of Planning and to consider requests for variances and exceptions. A variance is an approved departure from the provisions of the zoning requirements for a specific parcel, without changing the zoning ordinance underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district. For questions about this application, please contact the "Planner of the Day" at 636-537-4733. For information about this and other projects under review by the Department of Planning, please visit "Planning Projects" at www.Chesterfield.mo.us.

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

- Area (bulk) variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Appeal of an Administrative determination

Note: A \$70 fee applies

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

| | | | |
|----------------------|---|--------------|----------------|
| STATE OF MISSOURI |) | BOA NUMBER | <u>02-2008</u> |
| |) | HEARING DATE | <u>2-7-08</u> |
| CITY OF CHESTERFIELD |) | | |

Petition for Appeal from Zoning Regulations

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

Record: John & Megan Porporis
 Address: 407 Stallion Hill Ct
 City: Chesterfield State: MO Zip: 63005
 Tel.: 636 532 4742 Fax: na

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

Project Address: 407 Stallion Hill Ct

Locator Number(s): 18T520216

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

Acreage: 0.31 (To the nearest tenth of an acre)

Subdivision Name (If applicable): The Estates at Baxter Pointe

Current Zoning District: R2

Legal Description of Property:

Lot 97 in The Estates at Baxter Pointe

(Attach additional sheets as necessary)

① **Unique physical characteristics of the lot (e.g., size, slope, etc.):**

see attachment

(Attach additional sheets as necessary)

② **Description of the necessity of the proposed improvement:**

see attachment

(Attach additional sheets as necessary)

Ordinance Number and section to which a variance is sought:

Ordinance # 1233 Section 4 Item C

(Attach additional sheets as necessary)

Basis for appeal of the above action: The pool as designed cannot be implemented per the ordinance

(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 [X] No

Specify the action to which the appeal is sought:

Appeal is sought due to the rejection of the permit application. Rejection was due to the in ground pool extending beyond the rear yard setback.

(Attach additional sheets as necessary)

Description of the effect or impact on neighboring properties: No impact.

(Attach additional sheets as necessary)

Statement of any other hardship or information for this appeal:

The trustees of The Estates at Baxter Pointe have approved this project and it is in full compliance with the subdivision indentures.

Please complete the sections below as applicable:

A. Setbacks/Height:

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

Front yard: _____
Side yard: _____
Rear yard: 10 1/2
Height: _____

The City of Chesterfield Zoning Ordinance Regulations require the following setback(s) for this site:

Front yard: _____
Side yard: _____
Rear yard: 15
Height: _____

3

The following information correctly presents the true conditions and also describes the practical difficulties and unnecessary hardships warranting action by the Board.

see attachment

Include two (2) completed copies of this application with original signatures and two (2) copies of the following:

- 1. A site development plan showing:
 - The dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
 - Letters from abutting property owners stating their position.
- 2. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
- 3. A copy of the City of Chesterfield rejection or denial.

B. Signage:

Number and size of allowable attached business signs by ordinance: NA

Number and size of allowable freestanding business signs by ordinance: NA

The petitioner further represents that the increased sign size or height would not be injurious to the neighborhood, or otherwise be detrimental to the public welfare for the following reasons: NA

Include two (2) completed copies of this application with original signatures and two (2) copies of the following:

1. 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)

2. 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.

3. Letters from abutting property owners stating their position.

4. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)

5. A copy of the City of Chesterfield rejection or denial.



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]



Project Name: 407 Stallion Hill Ct Ward: 4

STATE OF MISSOURI, CITY OF CHESTERFIELD

[I] [we], _____ (a duly licensed attorney or title insurance company
(print, type or stamp name of attorney or title company)

in the State of Missouri), do hereby certify to the Council of the City of Chesterfield that [I] [we] have examined the title to the herein described property; that [I] [we] find the title to the property is vested to _____ ; that there are no fines and/or liens of record on the property
(name of owner(s))

by or owed to the City of Chesterfield [or] that the following fines and/or liens are owed to the City of Chesterfield:

1. _____
2. _____
3. _____
4. _____

(Attorney-at-law licensed in Missouri) Date _____
Missouri Bar # _____

-OR-

(Officer of title insurance company) Date _____

Print, type or stamp name and title

[THIS SPACE INTENTIONALLY LEFT BLANK]

Consent is required from the property owner(s) and contract purchaser, if applicable, to their agent if the property owner(s) or contract purchaser do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner/contract purchaser. Consent to a firm shall be deemed consent for the entire firm, unless otherwise specified. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded warranty deed for subject property.

STATEMENT OF CONSENT

I hereby give CONSENT to _____ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted 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 I have an ownership interest in is 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 this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. 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 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: _____

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

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

Project Name: 407 Stallion Hill Ct **Submittal Date:** _____

STATEMENT OF COMPLETENESS AND ACCURACY

I hereby certify all property owners have full knowledge the property they own is the subject of this application. I hereby 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 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 this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. 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. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. I further represent and warrant that I have not made any arrangement 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. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted documents submitted as a part of this application for any third party. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

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

Megan Forporis
(Name- type, stamp or print clearly)

Megan M Forporis
(Signature)

(Name of Firm)

407 Stallion Hill Ct
(Address, City, State, Zip) Chesterfield MO 63005

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 29 day of 01, 20 08.

Signed Jessica M Caruso Notary Public Print Name: Jessica M Caruso

My Commission Expires: 09/10/11

Seal/Stamp:



STAFF / BOA USE ONLY

Intake Date: _____

This petition is granted / denied (circle one) on the _____ day of _____ 20 _____

Signed: _____
Chairman

[THIS SPACE INTENTIONALLY LEFT BLANK]

Attachments for Variance Application for John and Megan Porporis

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

Our backyard is exceptionally narrow from our house to the rear property line. From the stairs of our existing deck we have the total distance of 27'. We hope to gain a few more feet by relocating our staircase. Furthermore, the lot has a 7' slope running from the south side of the property to the north, dictating that the only feasible location for an in ground pool is in the highest area of our yard (on the enclosed proposed plan).

2. Description of the necessity of the proposed improvement:

The width of the pool dictates that we would be slightly into rear setback. Also, for safety issues, the pool needs to a minimum of 6' from the deck.

3. The following information correctly presents the true conditions and also describes the practical difficulties and unnecessary hardships warranting action by the Board.

We have applied for a permit to install an in ground swimming pool in our Chesterfield back yard. It was rejected due to the design encroaching on the 15' rear setback. The current plan calls for the pool to be installed 4 ½' into the 15' rear setback of our property. Due to the narrow depth of our backyard and the safety issue of our deck, we are requesting a reduction of the 15' rear setback ordinance to 10 ½' to accommodate our current pool design.

THE ESTATES AT BAXTER POINTE - PROJECT APPROVAL FORM

(Request for Trustee's/Director's approval as required by Declaration)

THIS FOR MUST ACCOMPANY ALL REQUESTS

Owner: John & Megan Porporis Phone: 636 532 4742

Address: 407 Stallion Hill Ct Zip Code: 63005

This request is for: an inground liner pool

For consideration, all submissions must include the following information:

- Type of material to be used 54" black aluminum fence, inground liner pool, & versaloc wall
- Actual scale drawing with specifications/dimensions
- Stake survey or mortgage inspection report showing the project in relation to the home
- An accurate description of the proposed project (pictures and drawings are helpful)

1. Please read your Declaration of Trusts, Covenants, Conditions and Restrictions. (See enclosed page 33 of Declaration: ARTICLE XI – ARCHITECTURAL CONTROL)

2. Trustees' or Directors' approvals are based on style, type, size and location of requested additions and/or improvements. Where any question(s) exist, the Declaration will be used as a guide, however, the Trustees' or Directors' determination is final regarding architectural control.

3. Under no circumstances does Trustee's or Directors' approval(s) indicate full authorization. All homeowners must also get the necessary governmental (city and/or county planning and building commissions, city inspectors, etc.) authorization for all planned work.

4. If you proceed with work without getting all necessary approvals, you may be subject to legal proceedings as well as having to remove and/or re-do any unauthorized improvements.

5. Fence restrictions are black or white, metal or vinyl, not to exceed 54" high, on the property line, good side facing out, spindles no closer together than 2.5", no privacy fences.

6. Formal written approval may take up to 30 days. Please allow enough time prior to the onset of work.

[Signature]
Homeowner Signature

Date

[Signature] 1/28/08
Homeowner Signature Date

Mail this form and all pertinent information to, or give to a trustee:

TRUSTEES/BOARD OF DIRECTORS

The Estates at Baxter Pointe

Homeowners Association

c/o City & Village

ATTN: Yvette Sanders

#3 Hollenberg Court

Bridgeton, MO 63044

This request is : Approved
 Denied for the following reason(s):

[Signature] 1/23/07
Board of Trustees'/Directors Signature Date

Board of Trustees'/Directors Signature Date

City of Chesterfield
Department of Planning – Board of Adjustment
690 Chesterfield Parkway West
Chesterfield, Mo 63017 – 0760

Re: Swimming pool addition to ~~home of John and Megan Porporis~~ (407 Stallion Hill Ct.
Chesterfield, MO 63005)

To Whom It May Concern:

We live adjacent to the property owned by John and Megan Porporis. We are aware of their plans to install a swimming pool in their back yard. We are also aware of their request for a variance to permit a 10 1/2' back yard setback in lieu of the required 15' back yard setback. The trustees of The Estates at Baxter Pointe have approved this project and it is in full compliance with the subdivision indentures. We have no objections to this project.

Eric E. Klein, Eric Klein, 400 Stallion Hill Ct.

Stacy Singer, Stacy S, 415 Stallion Hill Ct.



City of Chesterfield

18T 52 0216

DEPARTMENT OF PLANNING AND PUBLIC WORKS

APPLICATION FOR MUNICIPAL ZONING APPROVAL

TO: Department of Public Works
Division of Code Enforcement
St. Louis County Government
41 South Central
Clayton, Missouri 63105

FROM: City of Chesterfield

The City of Chesterfield contracts with the St. Louis County Department of Public Works to provide permitting and inspection services. Review of plans, collection of fees, and issuance of permits are handled by the County. However, before obtaining any permit, or beginning any construction project, a zoning approval must be obtained from the City of Chesterfield.

Zoning approval signifies that the property can be used as requested and that the location of a proposed structure is within the legal limits of the property lines as delineated by regulations contained within the City of Chesterfield Zoning Ordinance. Please be advised that some sites have regulations that are more restrictive as part of conditions of the ordinance governing a particular Planned Commercial District, Planned Industrial District, Estate District, Mixed Use Development District, Conditional Use Permit, Commercial-Industrial Designed Development Procedure, Planned Environmental Development Procedure, or Landmark Preservation Area.

Petitioners are strongly urged to visit the County web site at <http://www.stlouisco.com/pubworks/> or contact the St. Louis County Department of Public Works at (314) 615-7155 for submittal requirements, permitting information and a detailed list of work that does not require a building permit and/or zoning approval

For questions about this application, please contact the "Planner of the Day" at 636-537-4733.

I. APPLIC AND INSTRUCTIONS

1. Obtain City of Chesterfield approval;
2. Obtain *Fire District approval; An additional separate permit is required from the fire district.
3. Obtain St. Louis County approval.

***NOTE:** It is the responsibility of the applicant to determine which Fire District covers the project property.

- Monarch Fire Protection District: Tel. 314-514-0900, ext. 309
- Metro West Fire Protection District: Tel. 636-458-2100

II. PROJECT INFORMATION

Property Owner: Megan + John Parporis
 Project Address: 407 Stallion Hill Ct.
 City: Chesterfield State: MO Zip: 63005
 Tenant Name (if different than above): _____
 Owner/Tenant Authorization to Applicant: [Signature]
 (Signature of owner/tenant or duly authorized agent required)

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

Applicant Name: Nathan Crabtree
Applicant Address: 509 Livic Park Dr., O'Fallon, MO 63366
Phone Number: 636-379-3000 Attn: Nathan

Name of Subdivision: The Estates at Baxter Pointe, Lot 97, Ward: 4

I hereby certify that I have advised the subdivision trustees of the proposed work:

[Signature]
(Signature of owner/applicant required)

*For Residential Tear Downs or Additions that fall under the requirements of Section 1003.126A and 1003.126B the following must be completed in addition to the above:

I hereby certify that I have advised adjacent neighbors of the proposed work:

(Signature of owner/applicant required)

Description of Work: In-ground pool

Advisory: Applications for Municipal Zoning Approval which are rejected 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. For information about the Board of Adjustment, please contact the Department of Planning and Public Works at 636-537-4746.

NOTE: PAGES 1, 2, & 3 MUST BE RETURNED FOR APPROVAL

FOR CITY OF CHESTERFIELD AND ST. LOUIS COUNTY STAFF USE ONLY

Municipal Zoning Classification _____

Is this project located within a Flood Plain? (Check one) Yes No

STATUS: APPROVED REJECTED (circle one)

Approved/Rejected by _____ Date _____

Print Name and Title _____

Comments _____

STATUS: APPROVED REJECTED (circle one)

Approved/Rejected by _____ Date _____

Print Name and Title _____

Comments _____

EXTERIOR FIRE PROTECTION

Approved by _____ Date _____

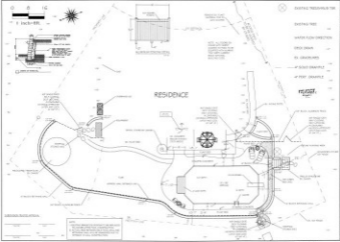
Print Name and Title _____

Fire Protection Provided By _____

ST. LOUIS COUNTY PERM APPLICATION NUMBER _____

Notes: _____

h
cale-



LANDSCAPE ARCHITECTURE CONSTRUCTION
PHOTOGRAPHY BY:
 [Name]

PORPORIS RESIDENCE
 4010 W. PALM BEACH BLVD.
 SUITE 1010 W. PALM BEACH, FL 33410

City of Chesterfield, Dept. of Planning – Board Adjustment
6709 Chesterfield Parkway West
Chesterfield, MO 63017

January 30, 2008

RE: Swimming pool addition, 407 Stallion Hill Ct., Chesterfield, MO 63005

To whom it may concern:

I am writing this letter to clearly communicate my opposition to the proposed variance to the set back rules for the property of John and Megan Porporis – 407 Stallion Hill Ct. Chesterfield, Missouri 63005. The importance of this letter must not be underestimated, as I am out of town and unable to reschedule my trip. I want to ensure that my voice is heard in this matter; and request that this letter serve as my opposition to the Porporis' request for variance.

To begin with, a variance request puts all those affected in a very undesirable position. It's asking me to forgo my given property rights in order to appease a neighbor. I'm in a no win situation, if I agree and it passes, I lessen the value of my property, and if I object to it, I upset a neighbor. I'm sure you understand this is not a comfortable situation.

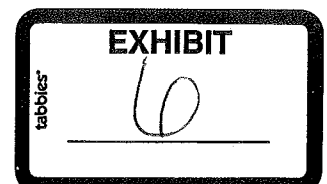
The Porporis' presented their 5 contiguous neighbors; us included, with the following letter, and asked for each to sign it:

"We live adjacent to the property owned by John and Megan Porporis. We are aware of their plans to install a swimming pool in their back yard. We are also aware of their request for a variance to permit a 10 ½' back yard setback in lieu of the required 15' back yard setback. The trustees of The Estates at Baxter Pointe have approved this project and it is in full compliance with the subdivision indentures. We have no objections to this project."

First of all, the letter implies that the subdivision has approved the pool and variance. However, after discussing this with all three of our trustees, I was informed that they did not approve anything other than their request for a fence. That is all that is required of the subdivision to approve. The subdivision does not have authority to approve a pool or variance, or any architectural design. A higher authority must approve these. I feel the Porporis' letter that they presented to the neighbors was incorrect and most importantly, misleading.

Of the 5 neighbors asked to sign the letter, only 2 did – the two side neighbors who will not likely be affected by a backyard pool and/or the variance. These two neighbors both expressed not wanting to cause "ill will" as their reason for signing. And both homeowners have pools, built with no variance. The three neighbors most impacted by this variance request, those backing up to the Porporis property, did not sign the letter. We are one of those three

01/30/2008 2:28PM



neighbors choosing not to sign. I am speaking on behalf of those neighbors and they have in turn signed my attached letter of opposition, Exhibit A.

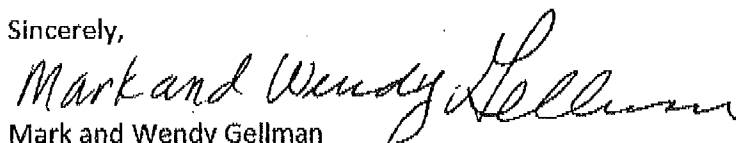
The Estates at Baxter Pointe is a beautiful subdivision, we were the second family to move into the 120 home development. Our only disappointment is how close the homes are to each other. They are fairly sizable homes on smaller lots. I believe that is the number one reason we have the setback rules. There are plenty of homes in our subdivision with pools, and lots that allow for those pools to be built without variance. I'm sorry that the Porporis' lot does not allow for this, but I don't feel that I should suffer a hardship because of that. As one of the early homeowners in our subdivision as well, they had their choice of lots, and could have chosen one more suitable for a pool.

I have no objection to their desire for a pool, only their desire for a variance. A variance of over 4 feet is needed to fit the pool in their yard. According to John Porporis the pool is going to be 16 feet wide with additional decking around the pool. Thus, the variance will account for 15-20% of the project. I have privacy and noise concerns with the variance. As a realtor, I also know firsthand the negative impact this variance would cause to my property value. I hear feedback from home buyers constantly who do not want to live next to a pool. A pool so close to my property line would be a major negative for resale. Lastly, I am also concerned about the potential drainage problems a variance would encourage. It is all these issues that a setback rule is designed to protect a homeowner from.

When presenting his letter to me, Mr. Porporis made it very clear that he did not need my signature to get this approved. But, in my opinion, it would be extremely unfair to allow a setback variance when those neighbors most impacted by it are opposed.

I am very sorry that I am unable to present this matter in person, but even more sorry that I'm in this predicament to begin with. It is difficult to articulate all of my concerns and comments in a letter. In addition, I do understand that the Porporis' and their pool builder will be presenting reasons why a variance should be allowed, and I will be unable to address those reasons. I am asking that the Board stand behind me, as a Chesterfield citizen that wants to protect my land value and the little privacy I have. If anyone would like to contact me during the meeting I will make sure I am available. I can be reached at (314)578-1123. Thank you in advance for reading this letter and presenting to the council on my behalf.

Sincerely,



Mark and Wendy Gellman
16717 Benton Taylor Drive

1-30-08

Exhibit A

City of Chesterfield
Department of Planning - Board of Adjustment
6709 Chesterfield Parkway West
Chesterfield, MO 63017-0760

Re: Swimming pool addition to home of John and Megan Porporis (407 Stallion Hill Ct. Chesterfield, MO 63005)

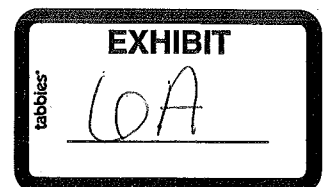
To Whom it May Concern:

We live adjacent to the property owned by John and Megan Porporis. We are aware of their plans to install a swimming pool in their back yard. We are also aware of their request for a variance to permit a 10 1/2' back yard setback in lieu of the required 15' back yard set back. We are opposed to the request for a variance, as it will have a direct negative impact on our properties.

Wendy + Mark Hellman
16717 Benton Taylor Dr.

A. Amy Murtz
16729 Benton Taylor Drive

Sam & Pauline Dow
16713 Benton Taylor Dr.
Chesterfield MO 63005



BILL NO. 1350

ORDINANCE NO. 1233

AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NUMBER 2018 AUTHORIZING A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE "R-1" ONE ACRE RESIDENCE DISTRICT, "R-2" 15,000 SQUARE FOOT RESIDENCE DISTRICT AND "R-3" 10,000 SQUARE FOOT RESIDENCE DISTRICT FOR A 51.2 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF WILD HORSE CREEK ROAD AND BAXTER ROAD EXTENSION BY ADDING AN 18.7 ACRE TRACT OF LAND LOCATED CONTIGUOUS TO THE EAST, ZONED "R-5" RESIDENCE DISTRICT, CREATING A NEW PEU FOR A TOTAL OF 69.9 ACRES (P.Z. 19-96 CHESTERFIELD VILLAGE, INC. - WILDHORSE HILLS).

WHEREAS, St. Louis County, via Ordinance Number 6816, approved P.C. 165, 167, 170 and 172-71; and

WHEREAS, St. Louis County Ordinance Number 6816 was subsequently amended by St. Louis County Ordinance Numbers 10,240, 12,717 and 12,755; and

WHEREAS, St. Louis County Ordinance Number 6816 was further amended by City of Chesterfield Ordinance Number 977, approved on December 19, 1994, deleted the requirement to dedicate five (5) acres to Rockwood School District at the request of the School District; and

WHEREAS, St. Louis County Ordinance Number 6816 was amended by City of Chesterfield Ordinance Number 2021, approved on August 19, 1996, amended the legal descriptions for P.C. 167-71 and P.C. 172-71 to reflect a transfer in ownership of property from one PEU into the other; and

WHEREAS, on August 19, 1996, the City of Chesterfield City Council approved Ordinance Number 2018, which authorized a Planned Environment Unit (PEU) Procedure for the development of a maximum of one hundred and sixteen (116) single-family residences (P.C. 19-96); and

WHEREAS, Chesterfield Village, Inc., is desirous of combining the development authorized by Ordinance Number 2018, with an adjacent 18.7 acres governed by St. Louis County Ordinance Number 6816, as amended most recently by City of Chesterfield Number 2021; and

WHEREAS, the City of Chesterfield Department of Planning considered the request, and after comments from the City of Chesterfield Department of Public Works, the Chesterfield Fire Protection District, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation, recommended approval of the request subject to conditions contained in their Attachment A; and

WHEREAS, the Planning Commission, having considered said request, recommended approval; and

WHEREAS, the Planning and Zoning Committee, having considered said request, recommends approval of the combined Planned Environment Unit, subject to deleting the requirement for a street connection to Woodcliffe Place Subdivision, and requiring an emergency access connection to Woodcliffe Subdivision.

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

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by combining the 51.2 acre Planned Environment Unit (PEU) in the "R-1" One Acre Residence District, "R-2" 15,000 square foot Residence District and "R-3" 10,000 square foot Residence District approved under Ordinance Number 2018 with an additional 18.7 acres in the "R-5" Residence District, which was approved by Ordinance Numbers 6816, 10,240, 12,717 and 12,755 of St. Louis County, creating a new Planned Environment Unit (PEU) for a total of 69.9 acres, located at the southwest quadrant of the intersection of Wild Horse Creek Road and Baxter Road Extension, described as follows:

SEE EXHIBIT 1

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance, is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning and Zoning Committee in its recommendations to the City Council which are set out in Attachment "A" which is attached hereto and made a part hereof.

Section 3. The City Council, pursuant to the request filed by Chesterfield Village, Inc., requesting the amendments embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning and Zoning Committee 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. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 18TH day of FEBRUARY, 1997.


MAYOR

ATTEST:

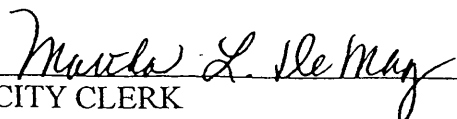

CITY CLERK

Exhibit 1

December 26, 1996

DAV

Re: Outboundary
B-4994B

A tract of land being part of U.S. Surveys 125, 415 and 2760 and part of Fractional Section 9, Township 45 North - Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the Northeast line of property conveyed to Southwestern Bell Telephone Company by deed recorded in Book 6406, Page 561 of the St. Louis County Records, with the Southeast right-of-way line of Wild Horse Creek Road, said right-of-way line being 30 feet perpendicular distance Southeast of the centerline; thence North 53 degrees 08 minutes 53 seconds East 1653.24 feet along said Southeast right-of-way line, being 30 feet perpendicular distance Southeast of the centerline to a point; thence South 36 degrees 51 minutes 07 seconds East 271.51 feet to the West line of U.S. Survey 415; thence South 89 degrees 43 minutes 48 seconds East 280.00 feet to a point; thence North 73 degrees 21 minutes 49 seconds East 122.60 feet to the West right-of-way line of Baxter Road, 82 feet wide, as established on the Road Dedication and Easement Plat recorded in Plat Book 323, Pages 51-53 of the St. Louis County Records; thence Southwardly along said right-of-way line of Baxter Road, 82 feet wide, the following courses and distances: along a curve to the right whose radius point bears South 60 degrees 16 minutes 30 seconds West 676.00 feet from the last mentioned point, a distance of 608.19 feet, South 21 degrees 49 minutes 24 seconds West 223.29 feet, along a curve to the left whose radius point bears South 68 degrees 10 minutes 36 seconds East 758.00 feet from the last mentioned point, a distance of 562.27 feet, South 20 degrees 40 minutes 39 seconds East 153.55 feet, along a curve to the right whose radius point bears South 69 degrees 19 minutes 22 seconds West 684.00 feet from the last mentioned point, a distance of 454.72 feet, South 17 degrees 24 minutes 46 seconds West 87.97 feet and along a curve to the left whose radius point bears South 72 degrees 35 minutes 15 seconds East 1016.00 feet from the last mentioned point, a distance of 23.24 feet to said North line of Lot 3 of "Baxter Crossings", a subdivision according to the plat thereof recorded in Plat Book 283, Pages 87-94 of the St. Louis County Records; thence North 89 degrees 38 minutes 40 seconds West 392.83 feet along said North line of Lot 3 of "Baxter Crossings" to the Southwest corner of said U.S. Survey 415; thence North 00 degrees 16 minutes 12 seconds East 18.46 feet along the West line of said U.S. Survey 415 to the Eastern prolongation of the South line of U.S. Survey 125; thence South 89 degrees 47 minutes 06 seconds West 1112.20 feet along said Eastern prolongation of the South line of U.S. Survey 125 to the East line of said U.S. Survey 125, being also the East line of "Woodcliffe Place", a subdivision according to the plat thereof recorded in Plat Book 306, Page 28 of the St. Louis County Records; thence North 01 degree 11 minutes 12 seconds East 663.74 feet along said East line of U.S. Survey 125, being also the East line of said "Woodcliffe Place" to the Southeast line of said property conveyed to Southwestern Bell Telephone Company by deed recorded in Book 6406, Page 561 of the St. Louis County Records; thence North 53 degrees 04 minutes 33 seconds East 31.50 feet along said Southeast line of property conveyed to Southwestern Bell Telephone Company to the East corner thereof; thence North 37 degrees 10 minutes 27 seconds West 667.16 feet along said Northeast line of property conveyed to Southwestern Bell Telephone Company to the point of beginning and containing 69.958 acres according to calculations by Volz, Inc. during December, 1996.

Christopher Ferrante
Mo. Reg. L.S. #2494

P.Z. 19-96 Chesterfield Village, Inc.
Wildhorse Hills
City Council
February 18, 1997

ATTACHMENT A

1. PERMITTED USES

This Planned Environment Unit (PEU) authorizes the development of a maximum of 116 detached single-family homes, with a minimum lot size of 10,000 square feet, except for: lots adjacent to common ground along Wild Horse Creek Road, which shall be a minimum of 22,000 square feet (lots 1-3, 11, 12, 113-116 as depicted on the Preliminary Plan); and lots 38-43, as depicted on the Preliminary Plan, which shall be a minimum of 18,000 square feet; and a maximum of 84 attached single-family homes, which may include a swimming pool, cabana and bathhouse.

2. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to site preparation, the developer shall submit to the Planning Commission for its review and approval, a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended by the Planning Commission in accordance with requirements of Section 1003.187 of the City of Chesterfield Zoning Ordinance.

3. GENERAL CRITERIA

The Site Development Plan shall include the following:

- a. Outboundary plat and legal description of the property.
- b. A general development plan, indicating the basic location, size and arrangement of single-family lots, roadways on and adjacent to the property, setback lines and, if appropriate, a typical lot with minimum and maximum lot sizes.
- c. A graphic scale.
- d. The location and size of all right-of-way dedications and the pavement widths of all roadway improvements and internal drives.
- e. The location and size of all freestanding signs, lighting, fences, sidewalks and other above-ground structures including retaining walls in common areas.
- f. Existing and proposed contours at vertical intervals of not more than two (2) feet.

- g. A preliminary plan for storm water and sanitary sewer facilities.
- h. Density calculations.
- i. Zoning district lines.
- j. Building and parking setbacks.
- k. A landscape plan including, but not limited to, the location, minimum size and general type of all plant materials to be used.
- l. A noise impact disclosure statement relative to Airport noise.
- m. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

4. **SITE DEVELOPMENT PLAN DESIGN CRITERIA**

The above Site Development Plan shall adhere to the following specific design criteria:

Building and Structure Setbacks

- a. Front yard: Minimum setback shall be twenty (20) feet from the road right-of-way.

Should the developer choose to exercise the option of reducing the right-of-way width by ten (10) feet whereby the placement of required sidewalks would be within a five (5) foot wide sidewalk, maintenance, utility and roadway widening easement, the minimum setback shall be increased by five (5) feet.
- b. Side yard:
 - Detached single-family: Minimum setback shall be six (6) feet with a minimum of sixteen (16) feet between structures.
 - Attached single-family: Minimum of twelve (12) feet shall be maintained between residential structures.
- c. Rear yard: Minimum setback shall be fifteen (15) feet.
- d. Setbacks for swimming pool, cabana and bathhouse shall be approved by the Planning Commission on the Site Development Plan.

Building and Height Requirements for Attached Single-family Units

- e. No building cluster shall contain more than two (2) attached single-family units.
- f. No building shall be more than two (2) floors in height, excluding basements.
- g. Building elevations shall be as approved by the Planning Commission in conjunction with the Site Development Plan.

Parking Requirements

- h. Minimum parking requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Access and Roadway Improvements, Including Sidewalks

- i. One bi-directional access, with divided entrance and dedicated left turn lane, shall be permitted onto Wild Horse Creek Road (State Route CC), as approved by the City of Chesterfield and the Missouri Department of Transportation. The entrance geometrics and drainage design shall be in accordance with the Missouri Department of Transportation and the City of Chesterfield. No access to Wild Horse Creek Road from any lot shall be permitted.
- j. Dedicate the necessary right-of-way for the construction of a left turn lane off of Wild Horse Creek Road (State Route CC), and construct the left turn lane off of Wild Horse Creek Road (State Route CC) as directed by the Missouri Department of Transportation. The design shall be in accordance with Missouri Department of Transportation (MoDOT) standards and shall be reviewed and approved by MoDOT.
- k. Provide a four (4) foot wide sidewalk adjacent to Wild Horse Creek Road within a five (5) foot sidewalk, maintenance and utility easement. As the tract abuts a roadway under the jurisdiction of the Missouri Department of Transportation, sidewalks with accessible facilities for the disabled, conforming to Chesterfield ADA standards, constructed along the tract must be placed in a public easement outside of the State right-of-way unless otherwise agreed to by the Missouri Department of Transportation. Maintenance of sidewalks along State highways must be the responsibility of the property owners or the City of Chesterfield.
- l. One (1) bi-directional access shall be permitted to Baxter Road opposite August Hill Road, with additional access to Baxter Road as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. Subdivision

entrances from Baxter Road shall be divided entrances extending into the development and with a minimum pavement width on each side of the island as approved by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. No driveway access shall be permitted to Baxter Road. Provide permanent sight distance easement(s) at intersection(s) of County arterial streets as directed by the St. Louis County Department of Highways and Traffic.

- m. Provide a five (5) foot wide sidewalk adjacent to Baxter Road within a six (6) foot wide sidewalk maintenance, and utility easement, or within County right-of-way as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic, conforming to St. Louis County ADA standards.
- n. Provide underground facilities for future traffic signal at subdivision entrance at August Hill Road and Baxter Road intersection as directed by the St. Louis County Department of Highways and Traffic.
- o. Provide a paver block emergency access connection from the proposed development to the existing stub street in Woodcliffe Place Subdivision (Silverthorne Lane) as directed by the City of Chesterfield and the Chesterfield Fire Protection District. Said paver block access is conditioned upon the Amendment of the Woodcliffe Place Subdivision Indentures to provide for Silverthorne Lane to be a private street, maintained by the subdivision and conditioned upon the vacation of the public right-of-way known as Silverthorne Lane. If said conditions are not met, then said emergency access shall be as approved by the City of Chesterfield. A sign shall be erected on Silverthorne Lane stating "Private street - Not maintained by the City of Chesterfield".
- p. Internal streets, drives and sidewalks shall be provided in accordance with the City of Chesterfield Subdivision Ordinance.
- q. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as directed by the Missouri Highway and Transportation Department.
- r. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction, if proposed, shall be reviewed by the City of Chesterfield for sight distance considerations and approved prior to installation or construction.
- s. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation

cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

- t. The developer shall contribute to the Chesterfield Village Road Traffic Generation Assessment Trust Fund for the 51.2 acres authorized for development by City of Chesterfield Ordinance Number 2018, and for the 18.7 acres for any increase in density above that approved by City of Chesterfield Ordinance Number 2021 (originally approved by St. Louis County Ordinance Number 6816). This contribution shall not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

| <u>Type of Development</u> | <u>Required Contribution</u> |
|----------------------------|------------------------------|
| Single Family Space | \$656.14/Parking Space |

(Parking space as required by Section 1003.165 of the St. Louis County Zoning Ordinance.)

If types of development proposed differ from those listed, rates shall be provided by the St. Louis County Department of Highways and Traffic.

Credits for roadway improvements required in Item 4(j) will be awarded as directed by the St. Louis County Department of Highways and Traffic.

As the development is located within a trust fund area established by St. Louis County, any portion of the traffic generation assessment contribution which remain, following completion of road improvements required by the development, shall be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 1998, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

- u. Traffic generation assessment contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.
- v. Based on the Preliminary Plan, improvements to Wild Horse Creek Road must be completed prior to issuance of the building permits in excess of sixty percent (60%)

of the total. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion or road improvements.

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

Landscape Requirements

- x. All new deciduous trees shall be a minimum of two and one-half (2 1/2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height, and all shrubs shall have a minimum diameter of eighteen (18) inches.
- y. Retention of existing tree masses and individual trees shall be provided for. Trees to be retained and all proposed landscaping shall be depicted on the site development plan. Prior to the preparation of the site for development and the approval of a site development plan, a landscape plan depicting all existing tree masses and those to be retained shall be submitted to the Planning Commission for review and approval.
- z. A minimum thirty (30) foot wide landscaped common ground area shall be required along Wild Horse Creek Road, which shall contain an undulating berm of undetermined height, as approved by the Planning Commission on the Site Development Plan.
- aa. The natural vegetation in the southern portion of the site shall be maintained to the maximum extent practicable. All existing vegetation and vegetation to be removed in this area shall be depicted on the Site Development Plan.
- bb. All landscape improvements shall be escrowed along with standard subdivision improvements.

Miscellaneous Improvements

- cc. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. Lighting shall be required in compliance with the City of Chesterfield Subdivision Ordinance.
- dd. Required street lighting and sidewalks within the development shall be depicted on the site development plan, and escrows shall be established for these improvements.

- ee. All signs shall be erected in accordance with Section 1003.168 Sign Regulations.
- ff. Exterior trash areas in common ground, if any, shall be surrounded by a six (6) foot high sight-proof fence.
- gg. All stormwater sewers and appurtenances shall be designed per City of Chesterfield and Metropolitan St. Louis Sewer District design standards.
- hh. The developer is responsible for obtaining the necessary easements and temporary construction licenses necessary to construct and dedicate the stormwater and sanitary sewer systems.

5. VERIFICATIONS PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the developer shall provide the following:

Stormwater

- a. Submit to the Planning Commission a preliminary engineering plan approved by the Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.
 - 1. The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield standards.
 - 2. Evaluate the up-stream storm sewer system under Wild Horse Creek Road. Plans should indicate size and location of the cross-road culvert(s) under Wild Horse Creek Road.
 - 3. The adequacy of any existing downstream storm sewers shall be verified and upgraded if necessary, as determined by the Department of Public Works. Stormwater conduits shall be verified to have adequate capacity to carry the runoff from the total tributary watershed with no reduction in flow because of existing or proposed detention.
 - 4. All stormwater shall be discharged at an adequate natural discharge point or into an adequate storm sewer system.
 - 5. Detention/retention is to be provided in each watershed as required by the City of Chesterfield Department of Public Works. Detention of differential runoff of stormwater is required by providing permanent detention/retention

facilities, such as dry reservoirs, ponds or another acceptable alternative. The maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet. The detention/retention facilities shall be operational prior to issuance of building permits exceeding sixty percent (60%) of the approved dwelling units. If development is to be phased, detention facilities shall be constructed in each plat, watershed, or phase prior to issuance of 60% of the building permits in each plat, phase, or watershed. The location and types of detention/ retention facilities shall be identified on the Site Development Plan.

6. Additional detention capacity in the west watershed shall be provided in order to reduce the peak stormwater discharge rate a minimum of twenty-five percent (25%).
7. Emergency overflow drainage ways to accommodate the 100 year storm shall be provided for all storm sewers, and for all downstream storm sewers to the point where the drainage flows under Wilson Road as directed by the Department of Public Works.
8. An analysis of the watershed which this development is in shall be provided to the point where it drains under Wilson Road. The analysis shall include the 15-year and the 100-year storm events.
9. Provide adequate detention to eliminate any additional water discharge to encroach MHTD right-of-way.

Roadway Improvements and Curb Cuts

- b. Provide verification of approval by the Missouri Department of Transportation and the St. Louis County Department of Highways and Traffic of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

Geotechnical Report

- c. Provide a geotechnical report, as required by the Chesterfield Department of Public Works, prepared by a professional engineer licensed in the State of Missouri. Said report shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. This report shall address the existence of any potential sinkholes, ponds, septic fields, etc., and recommendations for treatment.

Sanitary Sewers

- d. Provide verification of approval by M.S.D. for adequate handling of sanitary sewage.
- e. Sanitary sewer connection to existing sewers to the southwest shall be required, as approved by M.S.D.. Off-site easements may also be required.
- f. The developer is required to pay the Caulk's Creek surcharge of \$2,750.00 per acre for the entire tract to M.S.D..

Steep Grade Approval

- g. If steep grade approval is required for this site, a note shall be included on the site development plan and provided to all prospective buyers indicating that priority snow removal will not be given to this site. Additionally, prior to Site Development Plan approval, the Department of Public Works must review and approve justification for steep grades. The plans should indicate if proposed streets are to be dedicated as public or private.

Miscellaneous

- h. Provide verification of comments from appropriate Fire District.

6. RECORDING

Within sixty (60) days of approval of the Site Development Plan by the Planning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

7. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the issuance of any building permit, other than in accord with an approved Display Plat, the following requirements shall be met:

Development Phasing

- a. The developer shall furnish a bond or place into escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the developer shall provide the necessary funds, as above, for each plat or phase of development.

- b. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication and access requirements commensurate with each phase of development as required by the Missouri Department of Transportation and the City of Chesterfield.

Notification of Department of Planning

- c. Prior to the issuance of foundation or building permits, all approvals from the Missouri Department of Transportation, Metropolitan St. Louis Sewer District, and the City Department of Public Works, must be received by the Department of Planning.

Certification of Plans

- d. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

8. GENERAL DEVELOPMENT CONDITIONS

- a. Construct temporary settlement basins during construction to allow for settling of sediment, prior to stormwater discharge from this site. The locations of the temporary settlement basins shall be shown on the improvement plans, including all related details, prior to issuance of a grading permit or approval of the improvement plans.
- b. This development will require a NPDES permit from the Missouri Department of Natural Resources. A copy of the permit application shall be submitted to the Department of Public Works prior to the issuance of a grading permit or approval of the improvement plans.
- c. Within two (2) years of the date of approval of the Site Development Plan by the Planning Commission, construction shall commence. Said time may be extended one additional year on approval by the Planning Commission.
- d. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required. Provide off-site grading easements as directed by the Chesterfield Department of Public Works.

- e. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
- f. The petitioner shall be responsible for obtaining all necessary permits from the Department of Natural Resources Clean Water Commission as they relate to the development of this tract.
- g. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
- h. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
- i. A copy of the most recently approved Site Development Plan for this PEU development shall at all times be prominently displayed in all display area sales offices within this development.
- j. If roadways are to be private, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever. The existence of private roadways within the development requires disclosure by the developer of responsibility for street maintenance in accord with the provisions of Section 1003.265 of the City of Chesterfield Subdivision Ordinance.
- k. Maintenance of subdivision streets, including, but not limited to, snow removal, shall be the responsibility of the developer, until such time as the streets are accepted for maintenance by the City of Chesterfield.
- l. The developer shall cause, at his expense and prior to the recording of the Record Plat, the Reestablishment, Restoration or appropriate Witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.

Prior to the release of final escrow, the developer shall provide certification by a Registered Land Surveyor that all monumentation has been installed as depicted on the Record Plat and further certify that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

- m. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.
- n. The Zoning Enforcement Officer of the City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accordance with Site Development Plans approved by the Planning Commission or the Department of Planning.