



AGENDA

for the

CITY OF WILDWOOD'S

PLANNING AND ZONING COMMISSION

City Hall Council Chambers - [16860 Main Street](#)

September 6, 2016 - Tuesday

<<<< 6:30 P.M. >>>>

If you would like to submit a comment regarding an item on this meeting agenda, please visit the [Form Center](#).

- I. Welcome To Attendees And Roll Call Of Commission Members
- II. Public Comments On Recommendation
- III. Review Tonight's Agenda/Questions Or Comments
- IV. Approval Of Minutes Of The Meeting Of Monday, August 15, 2016

Documents:

[III. AUGUST 15, 2016 DRAFT MINUTES.PDF](#)

- V. Department Of Planning's Opening Remarks/Updates
- VI. Public Hearings – No Items For Consideration
- VII. Old Business – Four (4) Items For Consideration
 1. Letters Of Recommendation – One (1) Item For Consideration
 - a. P.Z. 11-16 City Of Wildwood Planning And Zoning Commission, C/O Department Of Planning, 16860 Main Street, Wildwood, Missouri 63040
A request to review and consider amendments to the City of Wildwood's Zoning Ordinance – Chapter 415 of the City of Wildwood Municipal Code – for all of its “R” Residence Districts designations (Chapter 415 – Sections 110

through 160), including Chapter 415.090 NU Non-Urban Residence District, along with Chapter 415.030 Definitions, which would thereby consider the addition of new language for group homes for the developmentally disabled that is consistent with current Missouri Revised Statutes. **(Wards – All)**

Documents:

[VI.A. P.Z. 11-16 GROUP HOMES.PDF](#)

2. Information Reports – One (1) Item For Consideration

- a. P.Z. 6-16 Auburn Ridge, Fischer And Frichtel Custom Homes, 695 Trade Center Boulevard, Chesterfield, Missouri, 63005

A request for the application of a Planned Residential Development Overlay District (PRD) within the NU Non-Urban Residence District for a 81.4 acre tract of land that is located on the southwest side of Ridge Road, south of Lack Ridge Road (Locator Number: 25U330010 and 25U310023/Street Addresses: 1115 Ridge Road and 1513 Windwood Hills Drive). Proposed Use: A total of twenty-seven (27) individual lots, with common ground, and required public space areas. **(Ward Six)**

Documents:

[VI.B. P.Z. 6-16 AUBURN RIDGE.PDF](#)

- a.1. Public Comments On Recommendation

3. Correspondence Items – Two (2) Items For Consideration

- a. P.Z. 14-06 City Of Wildwood And Neichter/Throckmorton Development

A request of the City Council to the Planning and Zoning Commission seeking its reconsideration of the report, with recommendation, it made upon **P.Z. 14-06 City of Wildwood and Neichter/Throckmorton Development**; NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District, with a Planned Residential Development Overlay District (PRD); east side of Ossenfort Road, north of Brook Hollow Drive; which denied a request for a modification to the site-specific ordinance that governs this fifty-five (55) lot residential subdivision, thereby would have allowed for an extension of time for the commencement of construction to begin upon this tract of land, under a specified and required timeframe. **(Ward One)**

Documents:

[VI.C. P.Z. 14-06 NEICHTER-THROCKMORTON.PDF](#)

- a.1. Public Comments On Recommendation

- b. P.Z. 12 And 13-15 The Villages At Bright Leaf

A response to a communication from Mike Falkner, Sterling Engineers and Surveyors, dated March 25, 2016, regarding **P.Z. 12 and 13-15 The Villages at Bright Leaf**; R-3 10,000 square foot Residence District (Town Center “Neighborhood General District” and “Neighborhood Edge District”), with a Planned Residential Development Overlay District (PRD); north side of State Route 100, east of State Route 109 (Locator Numbers 23V230041, 23V230050, 23V240327, 23V330022, 23V310064, 23V330233, 23V330031, 23V330206, 23V330215, and 23V610917/Street Addresses: 2350 and 2344 Eatherton Road, 2531, 2555, and 2567 Taylor Road, 16721 Manchester Road, and 16602, 16615, 16618, and 16618A

Overlook Hills Drive); which seeks modifications to the existing site-specific ordinance (Planned Residential Development Overlay District Ordinance #2145) that governs this development to address inconsistencies between this legislation and the proposed Site Development Plan (SDP) relative to certain allowed lot widths, depths, and sizes. **(Ward Five)**

Documents:

[VI.D. P.Z. 12, 13-15 VILLAGES AT BRIGHTLEAF.PDF](#)

b.1. Public Comments On Recommendation

VIII. New Business - No Items For Consideration

IX. Site Development Plans-Public Space Plans-Record Plats - No Items For Consideration

X. Other – No Items For Consideration

XI. Closing Remarks And Adjournment By Chair Of Commission

If you would like to submit a comment regarding an item on this meeting agenda, please visit the [Form Center](#).

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION

CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI

August 15, 2016

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:00 p.m., on Monday, August 15, 2016, at Wildwood City Hall, 16860 Main Street, Wildwood, Missouri.

I. Welcome to Attendees and Roll Call of Commission Members

Chair Bopp requested a roll call be taken. The roll call was taken, with the following results:

PRESENT – (9)

Chair Bopp
Commissioner Lee
Commissioner Archeski
Commissioner Renner
Commissioner Gragnani
Commissioner Bartoni
Commissioner Kohn
Council Member Manton
Mayor Bowlin

ABSENT – (1)

Commissioner Bauer

Other City officials present: Director of Planning Vujnich, Planner Newberry, and City Attorney Young.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the August 1, 2016 Meeting

Commissioner Kohn noted errors in the minutes from the August 1, 2016, meeting, in which his name was omitted from a number of roll call votes. The Department of Planning apologized for the errors.

A motion was made by Commissioner Gragnani, seconded by Council Member Manton, to approve the minutes from the August 1, 2016 meeting, with the correction of the errors noted by Commissioner Kohn. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Chair Bopp declared the motion approved.

IV. Department of Planning Opening Remarks

No opening remarks from the Department of Planning.

V. Public Hearings – No Items for Consideration

VI. Old Business – Three (3) Items for Consideration

Letters of Recommendation – One (1) Item for Consideration

- a) **P.Z. 24-15 Rockwood School District - Lafayette High School, c/o Dr. Karen Calcaterra, 17050 Clayton Road, Wildwood, Missouri 63011** - A request for a Conditional Use Permit (CUP) in the NU Non-Urban Residence District for the installation of sponsorship type banners on existing fencing associated with the athletic fields that are part of the Lafayette High School Campus. This campus is located on the east side of State Route 109, south of Clayton Road (Locator Number: 22V210215/Street Address: 17050 Clayton Road). **Proposed Use: Sponsorship type banners for a public use, with a minimum of two (2) operational athletic fields on the same lot. (Ward Five)**

Planner Newberry read the request into the record.

Director Vujnich referenced the Planning and Zoning Commission's action on this item, which was completed at its August 1, 2016 meeting. He noted the recommendation to allow sponsorship type banners on certain existing fencing associated with the athletic fields, with conditions, is now under the authorship of the Planning and Zoning Commission. He noted the added components of only allowing banners to be displayed during the times of the year when the athletic fields are active and the Planning and Zoning Commission's review of the materials chosen to be used for the windscreens on the Site Development Plan, based on the action of the members upon the Department's Information Report and recommendation.

Chair Bopp invited members of the public to comment on the item. No members of the public wished to speak on this matter.

No discussion was held among Commission Members.

A motion by Council Member Manton, seconded by Commissioner Archeski, to accept the Letter of Recommendation.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Renner, Commissioner Lee, Commissioner Archeski, Commissioner Gragnani, Commissioner Bartoni, Commissioner Kohn, Council Member Manton, and Chair Bopp

Nays: Mayor Bowlin

Absent: Commissioner Bauer

Abstain: None

Whereupon, Chair Bopp declared the motion passed by a vote of 8-1.

Information Reports – One (1) Item for Consideration

- b) **P.Z. 11-16 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** – A request to review and consider amendments to the City of Wildwood's Zoning Ordinance – Chapter 415 of the City of Wildwood Municipal Code – for all of its "R" Residence Districts designations (Chapter 415 – Sections 110 through 160), including Chapter 415.090 NU Non-Urban Residence District, along with Chapter 415.030 Definitions, which would thereby consider the addition of new language for group homes for the developmentally disabled that is consistent with current Missouri Revised Statutes. **(Wards – All)**

Planner Newberry read the request into the record.

Director Vujnich noted, with the assistance of Assistant Director Arnett and City Attorney Young, the Department has prepared its Information Report and recommendation to amend portions of the City of Wildwood's Zoning Ordinance regarding group homes. He noted these changes are needed to ensure compliance to all current Federal and State laws relating to group homes. He explained these changes address the definition of "Family", minimum acreage requirements, allowed ancillary uses, and parking requirements.

Chair Bopp invited members of the public to comment on the item. No members of the public wished to speak on this matter.

City Attorney Young provided clarification regarding the definitions and recommended including a reasonable accommodation policy.

Discussion was held among Commission Members regarding City Attorney Young's comments.

A motion by Commissioner Archeski, seconded by Commissioner Lee, to accept the Department's report and recommendation.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Renner, Commissioner Lee, Commissioner Archeski, Commissioner Gragnani, Commissioner Bartoni, Commissioner Kohn, Council Member Manton, Mayor Bowlin, and Chair Bopp

Nays: None

Absent: Commissioner Bauer

Abstain: None

Whereupon, Chair Bopp declared the motion passed by a vote of 9-0.

Correspondence Items – One (1) Item for Consideration

- c) A response to a communication from Robert W. Covert III and Mary Kay Corsair, which is dated April 15, 2016, regarding **P.Z 14-07 Covert-Corsair Homes, Inc., c/o Stock and Associates**; C-8 Planned Commercial District (Town Center Workplace and Neighborhood Edge Districts); north side of Manchester Road, west of Taylor Road; seeking a modification to the site-specific ordinance, to allow for an extension of time for the commencement of construction to begin upon this tract of land, which must be met in a specified timeframe (July 25, 2016). (**Ward Eight**)

Planner Newberry read the request into the record.

Director Vujnich described the location and characteristics of the subject site and outlined its zoning history. He noted the Planning and Zoning Commission previously acted on this matter and did not extend the deadline for commencement of construction (at its July 18, 2016 meeting). He explained the item is before the Commission tonight because the City Council reviewed the request at its July 25, 2016 meeting and took action to ask the Planning and Zoning Commission reconsider its denial of the deadline for commencement of construction.

Chair Bopp invited the petitioner to address the Commission.

Mary Kay Corsair, Petitioner, 17617 Melrose Road, explained the history of the subject site. She respectfully asked the Planning and Zoning Commission to reconsider extending the deadline for commencement of construction on the site, noting the action of the City Council to request the same and the support of the Department of Planning in its recommendation report. She stated there has been some recent interest by others in developing the site.

Chair Bopp invited members of the public to comment on the item.

John Gragnani, 1510 Scofield Valley Lane, explained past concerns regarding the extension of utilities throughout the site and proposed other options regarding the development of it.

Discussion was held among Commission Members regarding reasons why the site had not yet developed; the impact, if any, the approved Site Development Plan has on the salability of the property; and what the process would be, if the extension were not to be granted.

A motion by Council Member Manton, seconded by Commissioner Archeski, to not extend the deadline for the commencement of construction.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Renner, Commissioner Lee, Commissioner Archeski, Commissioner Bartoni, Council Member Manton, and Chair Bopp.

Nays: Commissioner Gragnani, Commissioner Kohn, and Mayor Bowlin.

Absent: Commissioner Bauer

Abstain: None

Whereupon, Chair Bopp declared the motion passed by a vote of 6-3.

VII. New Business – No Items for Consideration

VIII. Site Development Plans-Public Space Plans-Record Plats – One (1) Item for Consideration

- a) A recommendation report regarding the submittal of plans and related information for **P.Z. 25, 26, and 26a – 14 Main Street Crossing, Payne Family Homes L.L.C.**, which includes the Site Development Plan, Landscape Plan, Public Space Plan, and other components; east side of State Route 109, south of State Route 100; R-4 7,500 square foot Residence District (Town Center “Neighborhood Edge District”), with a Planned Residential Development Overlay District (PRD); that would allow for the property’s use to proceed and provide Preliminary Plat approval of this planned one hundred four (104) lot residential subdivision, including single family detached dwellings, common ground, and public space. **(Ward Eight)**

Planner Newberry read the request into the record.

Director Vujnich outlined the components of the Site Development Plan. He explained the review process for this development, including its site-specific governing ordinance, a request for public financing, and amendments to its site-specific governing ordinance. He outlined the Site Plan Subcommittee’s recommendation for approval, with certain conditions.

Chair Bopp invited the petitioner representing Payne Family Homes to address the Commission.

Tom Cummings, Payne Family Homes, outlined what he believed to be the benefits of a project of this size, specifically noting the dedicated Public Space and the connectivity of the streets. He asked the Commission to approve the proposed Site Development Plan.

Chair Bopp invited members of the public to comment on the item.

Jerry Leeker, 559 Vintage Grove Court, stated his concern with the developer, Payne Family Homes, and noted issues that arose in other developments by them.

Discussion was held among Commission Members regarding the roundabout at Main Street and State Route 109 and access to the site during construction.

A motion by Commissioner Bartoni, seconded by Council Member Manton, to accept the Site Plan Subcommittee's report and recommendation.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Renner, Commissioner Lee, Commissioner Archeski, Commissioner Gragnani, Commissioner Bartoni, Commissioner Kohn, Council Member Manton, Mayor Bowlin, and Chair Bopp

Nays: None

Absent: Commissioner Bauer

Abstain: None

Whereupon, Chair Bopp declared the motion passed by a vote of 9-0.

IX. Other – One (1) for Consideration

- a) Time Change for the Starting Time of the Planning and Zoning Commission - Two (2) Month Pilot Program. **(Wards – All)**

Director Vujnich reminded Commission Members and members of the public present the Planning and Zoning Commission would be meeting at an earlier time for a two (2) month pilot program, beginning at its September 6, 2016, meeting.

X. Closing Remarks and Adjournment

Motion by Commissioner Archeski, seconded by Mayor Bowlin, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 8:45 p.m.

Approved by:

Secretary – City of Wildwood Planning and Zoning Commission

Note: Recordation of the opinions, statements, and/or other meeting participation in these minutes shall not be deemed to be an acknowledgement or endorsement by the Commission of the factual accuracy, relevance, or propriety thereof.

* If comment cards were submitted indicating they did not wish to speak at tonight's meeting, they have been attached and made part of the official record.

DRAFT



WILDWOOD

September 6, 2016

The Honorable City Council
The City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Council Members:

The Planning and Zoning Commission has completed its review of the posted request regarding proposed consideration of existing regulations governing the permitting of group homes in the City's residential zoning district designations, which are contained in the City's Zoning Ordinance and prepared the following recommendation regarding it for City Council's consideration. This recommendation was completed in accordance with the requirements of Chapter 89 of Missouri Revised Statutes and those regulations of the City relating to public notice, publications, and amendments to the City's codes (Chapter 415.560 of the City of Wildwood Zoning Ordinance). This recommendation and associated action are as follows:

PETITION NUMBER: P.Z. 11-16
PETITIONER: City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri
REQUEST: A request to review and consider amendments to the City of Wildwood's Zoning Ordinance – Chapter 415 of the City of Wildwood Municipal Code – including, but not necessarily limited to, all of its "R" Residence Districts designations (Chapter 415 – Sections 110 through 160), Section 415.090 NU Non-Urban Residence District, and Chapter 415.030 Definitions; and providing authority for the location and operation of group homes for persons with disabilities that is consistent with current Missouri Revised Statutes and Federal Law.
LOCATION: All Single-Family Residentially Zoned Properties
ZONING: Multiple Residential Districts
PUBLIC HEARING DATE: June 6, 2016
ACTION AND VOTE ON INFORMATION REPORT: August 15, 2016 – Approval of the recommended changes by a vote of 9 to 0 (Voting Aye – Renner, Lee, Archeski, Gragnani, Bartoni, Kohn, Manton, Bowlin, and Bopp)
ACTION AND VOTE ON LETTER OF RECOMMENDATION REPORT: September 6, 2016- TBD
BACKGROUND INFORMATION: Attachment A
WARDS: Attachment B
All

- RECOMMENDATION:** Approval of the changes to the City's Zoning Ordinance to comply with current federal and State of Missouri requirements in regards to group homes.
- SCHOOL DISTRICT:** Rockwood School District
- POLICE:** St. Louis County Police Department – Wildwood Precinct
- FIRE DISTRICTS:** Multiple – Eureka, Metro West, and Monarch Fire Protection Districts

Copies of the City of Wildwood's Master Plan, Charter, and Zoning Ordinance are all on file with the City Clerk's Office.

Respectfully submitted,
CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

R. Jon Bopp, Chair

ATTEST:

Joe Vujnich, Director
Department of Planning

cc: The Honorable James R. Bowlin, Mayor
Ryan S. Thomas, P.E., City Administrator
John A. Young, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner

ATTACHMENT A - REPORT

INTRODUCTION >>> The Missouri Legislature, by action relating to its revised statutes, addresses certain uses and how they must be treated not only on a statewide basis, but also at the County and municipal levels of government. One such use with this specific direction from the State is 'group homes.' The State of Missouri requires that group homes for persons with disabilities be classified the same as single family dwellings and/or single family residences. As such, to the extent a single family dwelling is a permitted use in a residential zoning district, a group home must similarly be a permitted use. Currently, the City's Zoning Ordinance allows this use, but only by Conditional Use Permit (CUP). Furthermore, Federal Law (the Fair Housing Act and the Fair Housing Amendments Act) prohibits the disparate treatment of persons with disabilities. The zoning regulations of municipalities, as applied to group homes, and the administration thereof, have been held to fall within the scope of this federal prohibition.

The State Statute prompting this proposed modification to the City's Zoning Ordinance is RSMO 89.020.2 reads as follows: *"For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish*

reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.”

CURRENT REQUEST >>> The Planning and Zoning Commission was presented a request by the City’s Department of Planning to consider changes to several sections within the Zoning Ordinance in this regard. These changes would include the definitions section and the list of permitted and conditional uses in all single-family residential districts (NU, R-1, R-1A, R-2, R-3, and R-4 Districts). Each of these districts may need to be amended to ensure the City’s Code is in compliance with the current State and Federal Law. The specific advertisement for this consideration is as follows:

P.Z. 11-16 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 – A request to review and consider amendments to the City of Wildwood’s Zoning Ordinance – Chapter 415 of the City of Wildwood Municipal Code – for all of its “R” Residence Districts designations (Chapter 415 – Sections 110 through 160), including Chapter 415.090 NU Non-Urban Residence District, along with Chapter 415.030 Definitions, which would thereby consider the addition of new language for group homes for the developmentally disabled that is consistent with current Missouri Revised Statutes. (Wards – All)

DISCUSSION OF APPLICABLE CODE >>> A number of provisions within the City’s Zoning Ordinance reference this type of use and do not currently meet the provisions of both the State and Federal Law. These code sections are listed below:

Zoning Ordinance - Section 415.030 Definitions

DWELLING, SINGLE-FAMILY

A building designed for or occupied exclusively by one (1) family, excluding earth sheltered dwellings. The presence of an accessory dwelling on the same lot shall not change the classification of the principal dwelling as a single-family dwelling.

FAMILY

An individual or two (2) or more persons, excluding servants, who are related by blood, marriage or adoption or a group of not more than three (3) persons who need not be related by blood, marriage or adoption occupying a single dwelling unit or in combination with an accessory dwelling, living together and subsisting in common as a single non-profit housekeeping unit. This definition shall not exclude groups of three (3) or more persons who are required by State or Federal law to be treated as a family for residential zoning purposes. This definition expressly excludes any other group of two (2) or more persons where meals or lodging are made available in exchange for payment or other consideration.

Zoning Ordinance - Section 415.090 NU Non-Urban Residence District Regulations

B. Permitted Land Uses And Developments. The following land uses and developments are permitted in this district:

- 4. Dwelling, single-family.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "NU" Non-Urban Residence District shall be as set out below:

a.

USE	MINIMUM AREA (acres)
Group homes for the developmentally disabled	3 acres

b. Any lot or tract of record on the effective date of this Chapter, which contains less than three (3) acres, may be used as a site for one (1) single-family dwelling together with customary accessory structures and uses.

Zoning Ordinance - Section 415.110 R-1 Residence District Regulations

C. Conditional Land Use And Development Permits Issued By The Commission. The following land uses and developments may be permitted under conditions and requirements specified in Section 415.500 "Conditional Use Permits":

10. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-1" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	1 acre

b. Any lot or tract of record on the effective date of this Chapter, which contains less than one (1) acre, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Zoning Ordinance - Section 415.120 R-1A Residence District Regulations

C. Conditional Land Use And Development Permits Issued By The Commission. The following land uses and developments may be permitted under conditions and requirements specified in Section 415.500 "Conditional Use Permits":

5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-1A" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	22,000 square feet

b. Any lot or tract of record on the effective date of this Chapter, which contains less than twenty-two thousand (22,000) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Zoning Ordinance - Section 415.130 R-2 Residence District Regulations

C. Conditional Land Use And Development Permits Issued By The Commission. The following land uses and developments may be permitted under conditions and requirements specified in Section 415.500 "Conditional Use Permits":

5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-2" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	15,000 square feet

b. Any lot or tract of record on the effective date of this Chapter, which contains less than fifteen thousand (15,000) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Zoning Ordinance - Section 415.140 R-3 Residence District Regulations

C. Conditional Land Use And Development Permits Issued By The Commission. The following land uses and developments may be permitted under conditions and requirements specified in Section 415.500 "Conditional Use Permits":

5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-3" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	10,000 square feet

b. Any lot or tract of record on the effective date of this Chapter, which contains less than ten thousand (10,000) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Zoning Ordinance - Section 415.150 R-4 Residence District Regulations

C. Conditional Land Use And Development Permits Issued By The Commission. The following land uses and developments may be permitted under conditions and requirements specified in Section 415.500 "Conditional Use Permits":

5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required.

G. Lot Area And Yard Requirements. The minimum lot area and yard requirements for land uses and developments in the "R-4" Residence District as well as the maximum density of nursing home self-care units shall be as set out below:

a.

USE	MINIMUM AREA
Group homes for the developmentally disabled	7,500 square feet

b. Any lot or tract of record on the effective date of this Chapter, which contains less than seven thousand five hundred (7,500) square feet, may be used as a site for one (1) single-family dwelling together with accessory structures and uses.

Zoning Ordinance - Section 415.390 Area Regulations For Group Homes For The Developmentally Disabled
 [Ord. No. 1324 App. A §1003.167A, 8-14-2006]

A. Group homes for the developmentally disabled shall, in all zoning districts in which established, comply with the following space requirements:

1. Each bedroom occupied by one (1) person shall contain at least eighty (80) square feet of floor space.
2. Each bedroom occupied by more than one (1) person shall provide at least sixty (60) square feet of floor space per person and no more than four (4) persons shall occupy each bedroom.
3. Each home shall provide eighty (80) square feet of interior floor space, excluding bedrooms, kitchens, bathrooms, closets and basements, for each occupant, including staff.

Zoning Ordinance -Section 415.340 Off-Street Parking and Loading Requirements – Residential.
 [Ord. No. 1324 App. A §1003.165F, 8-14-2006]

Residential uses shall provide off-street parking and loading facilities as follows:

Use	Minimum Parking Requirement	Minimum Loading Requirement (Section 415.360)
Group Homes for the Developmentally Disabled	2 spaces for each such use	None

ANALYSIS >>> The Commission’s concerns with regards to the current Zoning Ordinance language of the City relative to Group Homes are as follows:

- The lack of inclusion within the definition of a family;
- The absence of group homes for the developmentally disabled within the NU Non-Urban Residence District; and
- The minimum lot requirements in all single-family zoning districts.

In expressing these concerns, the Commission would note that, for a period of time, many communities had concerns about the integration of Group Homes into traditional residential subdivisions and communities.

These concerns, whether founded or not, focused on multiple adults or children with house parents, occupying a single family dwelling meant for one (1) family, under the communities' definition of such. Additionally, concerns about parking of vehicles and visitors led to standards being set to assure that Group Homes were integrated into the neighborhood of choice, versus the Group Home creating a problem for surrounding property owners. To achieve this assurance, many communities created a process to review Group Home locations, set minimum standards for the development, including parking and minimum lot area, and established parameters for the interior design. In the end, many of these well-intended requirements were viewed by the court system as discriminatory, which led to the federal and State governments supplanting the local governments right with omnibus legislation in this regard.

With the action of the federal government and the State of Missouri, the City's requirements for Group Homes could be considered contrary to the intended direction of these two (2) higher forms of government. In any case, the City must be consistent with the federal and State laws in this regard to avoid prosecution, but, more importantly, to provide a place where any person, regardless of ability can feel welcome and live. The desire of the City to protect other properties from undue or unanticipated impacts is not eliminated, but now covered by Building and Fire Codes to protect the inhabitants of the facility. Additionally, any material changes to the property and its improvements, including wastewater treatment, would require a zoning authorization from the City, just as any single family dwelling.

Therefore, it is the opinion of the Planning and Zoning Commission that 'Group Home' activities should be permitted on all lots, where the Zoning Ordinance identifies single family dwellings as permitted uses by right, including within the NU Non-Urban Residence District. Additionally, provisions relating to minimum parking requirements, beyond any for the typical single family dwelling, and the provision of a greater minimum lot area should be removed from the residential districts of the City of Wildwood. By accommodating such, the City would then be consistent with both State and federal requirements in this regard. This accommodation is appropriate and will provide the City protection from any future fair housing claim.

SUMMARY AND CONCLUSION >>> The Planning and Zoning Commission is recommending changes to the current languages of the different residential districts of the City of Wildwood's Zoning Ordinance, including the NU Non-Urban Residence District, along with two (2) other chapters of the code, to ensure compliance to all current federal and State laws relating to group homes. These changes are consistent with these laws in this regard and will protect the rights of certain populations to fair housing opportunities in the City of Wildwood. Accordingly, the Planning and Zoning Commission is recommending the following wording and changes be incorporated into Chapters 415.090 NU Non-Urban Residence District and Chapters 415.110 through 415.150, inclusive of the R-1 One Acre Residence District, the R-1A 22,000 square foot Residence District, the R-2 15,000 square foot Residence District, the R-3 10,000 square foot Residence District, and the R-4 7,500 square foot Residence District, along with Chapters 415.340 and Chapter 415.390 relating to Off-Street Parking and Loading Requirements and Area Regulations for Group Homes, which would read as follows:

Zoning Ordinance - Section 415.030 Definitions

DWELLING, SINGLE-FAMILY

A building designed for or occupied exclusively by one (1) family, excluding earth sheltered dwellings, **provided however, notwithstanding any other provision of this Code to the Contrary, for purposes of this Chapter a group home shall be included within the definition of a single-family dwelling.** The presence of an accessory dwelling on the same lot shall not change the classification of the principal dwelling as a single-family dwelling.

GROUP HOME

Any home in which eight (8) or fewer persons with disabilities reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the persons with disabilities residing in the home.

PERSON WITH A DISABILITY or DISABLED PERSON

Any person who is "handicapped" within the meaning of 42 U.S.C. § 3602(h) or a "qualified individual with a disability" within the meaning of 42 U.S.C. § 12131(2), as may be amended from time to time.

Zoning Ordinance - Section 415.090 NU Non-Urban Residence District Regulations

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA (acres)
Administrative offices and educational facilities— religious	4 acres
Bed and breakfast establishments	3 acres
Child care center	3 acres
Church	3 acres
Dwelling, single-family	3 acres
Group homes for the developmentally disabled	3 acres
Home occupations not permitted by right within the district	3 acres
Local public utility facilities	1 acre
Mechanical sewage treatment facility	3 acres
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district). 3 acres (except 5 acres for a facility of more treatment facilities than 8 resident patients).
Residential substance abuse	
Schools	
Nursery or day nursery	3 acres
Kindergarten (separate)	3 acres
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

~~10. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required. (Reserved).~~

Zoning Ordinance - Section 415.110 R-1 Residence District Regulations

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Administrative office and educational facilities— religious	3 acres
Child care center	1 acre
Church	3 acres
Dwelling, single-family	1 acre
Group homes for the developmentally disabled	1 acre
Kennel	3 acres
Library	3 acres
Local public utility facilities	1 acre
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district)
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients)
Schools	
Nursery or day nursery	1 acre
Kindergarten (separate)	3 acres
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

~~5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit is required. (Reserved)~~

Zoning Ordinance - Section 415.120 R-1A Residence District Regulations

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Child care center	30,000 square feet
Church	3 acres
Dwelling, single-family	22,000 square feet
Group homes for the developmentally disabled	22,000 square feet
Library	1 acre
Local public utility facilities	10,000 square feet
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway)

USE	MINIMUM AREA
	and adjacent to existing commercial zoning district)
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients)
Schools	
Nursery or day nursery	22,000 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

~~5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required. (Reserved).~~

Zoning Ordinance - Section 415.130 R-2 Residence District Regulations

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Child care center	30,000 square feet
Church	3 acres
Dwelling, single-family	15,000 square feet
Group living facilities for religious purposes	15,000 square feet
Library	1 acre
Group homes for the developmentally disabled	15,000 square feet
Local public utility facilities	10,000 square feet
	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district)
Mortuary	3 acres (except 5 acres for a facility of more than 8 resident patients)
Residential substance abuse treatment facilities	
Schools	
Nursery or day nursery	15,000 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

~~5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required. (Reserved).~~

Zoning Ordinance - Section 415.140 R-3 Residence District Regulations

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Child care center	30,000 square feet
Church	1 acre
Dwelling, single-family	10,000 square feet
Fire station	½ acre
Group living facilities for religious purposes	10,000 square feet
Library	1 acre
Group homes for the developmentally disabled	10,000 square feet
Local public utility facilities	10,000 square feet
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district) 3 acres (except 5 acres for a facility of more than 8 resident patients)
Residential substance abuse treatment facilities	10,000 square feet
Police station	10,000 square feet
Schools	
Nursery or day nursery	15,000 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres
Collegiate	10 acres

~~5. Group homes for the developmentally disabled to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility, provided where such use is required by Federal or State law as a permitted use, no conditional use permit shall be required. (Reserved).~~

Zoning Ordinance - Section 415.150 R-4 Residence District Regulations

a. The following permitted and conditional land uses shall be situated on tracts of land providing not less than the following areas:

USE	MINIMUM AREA
Child care center	30,000 square feet
Church	½ acre
Dwelling, single-family	7,500 square feet
Fire station	½ acre
Group living facilities for religious purposes	7,500 square feet
Library	1 acre

USE	MINIMUM AREA
Group homes for the developmentally disabled	7,500 square feet
Local public utility facilities	7,500 square feet
Mortuary	Minimum area 3 acres (minimum of 200 feet on a State (M.H.T.D.) roadway and adjacent to existing commercial zoning district)
Residential substance abuse treatment facilities	3 acres (except 5 acres for a facility of more than 8 resident patients)
Parking lot	7,500 square feet
Police station	10,000 square feet
Schools	
Nursery or day nursery	15,000 square feet
Kindergarten (separate)	1 acre
Primary	5 acres
Junior high	10 acres
Senior high	20 acres

Zoning Ordinance -Section 415.340 Off-Street Parking and Loading Requirements – Residential.

[Ord. No. 1324 App. A §1003.165F, 8-14-2006]

Residential uses shall provide off-street parking and loading facilities as follows:

Use	Minimum Parking Requirement	Minimum Loading Requirement (Section 415.360)
Group Homes for the Developmentally Disabled	2 spaces for each such use	None

Editor's Note: Changes/additions to current regulations are shown by bolded type, with deletions indicated by a bolded, single strike-through line.

ATTACHMENT B
Background Information

Public Notice posted in accordance with
610 RSMO 1994, as amended,
by Laura Rehtin
Deputy City Clerk

NOTICE OF PUBLIC HEARINGS
before the
CITY OF WILDWOOD
PLANNING AND ZONING COMMISSION
June 6, 2016 - 7:00 p.m. (Monday)

The Planning and Zoning Commission of the City of Wildwood will conduct public hearings on **Monday, June 6, 2016, at 7:00 p.m., in the City Hall Council Chambers, 16860 Main Street, Wildwood, Missouri 63040** for the purposes of obtaining testimony regarding request(s) for either the modification of zoning district designations, application of special procedures, change in the underlying regulations of the Zoning Ordinance, action on Record Plats, update on zoning matters, or amendment of the Master Plan, which will then be considered for action. These hearings are open to all interested parties to comment upon these requests, whether in favor or opposition, or provide additional input for consideration. If you do not have comments regarding these requests, no action is required on your part. Written comments are requested to be submitted prior to the hearings and addressed to the Planning and Zoning Commission, City of Wildwood, 16860 Main Street, Wildwood, Missouri 63040 or via the City's website at www.cityofwildwood.com/comment. The following requests will be considered at this time:

P.Z. 1-16 Old Towne Parc, Mike Whalen, Whalen Custom Homes, Inc., 338 South Kirkwood Road, Suite 103, Kirkwood, Missouri 63122 – A request for a change in zoning from the NU Non-Urban Residence District to the R-3 10,000 square foot Residence District on a 1.4 acre tract of land consisting of four (4) lots of record, all being located on the east side of Center Avenue, south of Manchester Road (Locator Numbers: 24V510232, 24V510221, 24V510166, and 24V510089/Street Addresses: 17020, 17026, and 17030 Manchester Road and 2612 Center Avenue). **Proposed Use: A total of four (4) single family dwellings on individual lots. (Ward Eight)**

P.Z. 11-16 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 – A request to review and consider amendments to the City of Wildwood's Zoning Ordinance – Chapter 415 of the City of Wildwood Municipal Code – for all of its "R" Residence Districts designations (Chapter 415 – Sections 110 through 160), including Chapter 415.090 NU Non-Urban Residence District, along with Chapter 415.030 Definitions, which would thereby consider the addition of new language for group homes for the developmentally disabled that is consistent with current Missouri Revised Statutes. **(Wards – All)**

By Order of the Planning and Zoning Commission
On May 19, 2016
by Laura Rehtin
Deputy City Clerk

The City of Wildwood is working to comply with the American with Disabilities Act mandates. Individuals who require accommodation to attend a meeting should contact City Hall, (636) 458-0440, at least 48 hours in advance.

Missouri Revised Statutes

Chapter 89 Zoning and Planning

←89.010

Section 89.020.1

89.030→

August 28, 2015

Powers of municipal legislative body--group homes, classification, standards, restrictions--enforcement of zoning beyond lake shorelines, when, how--foster homes, classifications of--certain municipalities may adopt county zoning regulations.

89.020. 1. For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

2. For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.

3. No person or entity shall contract or enter into a contract which would restrict group homes or their location as described in this section from and after September 28, 1985.

4. Any county, city, town or village which has a population of at least five hundred and whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a lake is not large enough to allow any county, city, town or village to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline without encroaching on the enforcement powers granted another county, city, town or village under this subsection, the counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement entered into by such counties, cities, towns and villages.

5. Should a single family dwelling or single family residence as defined in subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this section, any other use of such home, other than allowed by local zoning restrictions, must be approved by the local zoning authority.

6. For purposes of any zoning law, ordinance or code the classification of single family dwelling or single family residence shall include any private residence licensed by the children's division or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this subsection shall be construed to relieve the children's division, the department of mental health or any other person, firm or corporation occupying or utilizing any single family dwelling or single family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single family dwelling or single family residence.

7. Any city, town, or village that is granted zoning powers under this section and is located within a county that has adopted zoning regulations under chapter 64 may enact an ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own zoning regulations.

(RSMo 1939 § 7412, A.L. 1957 p. 274, A.L. 1959 H.B. 493, A.L. 1985 H.B. 552, A.L. 1989 S.B. 11, A.L. 2006 S.B. 809, A.L. 2014 H.B. 1299 Revision)

2006 **1991**

[Top](#)



Missouri General Assembly

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JOINT STATEMENT OF THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GROUP HOMES, LOCAL LAND USE, AND THE FAIR HOUSING ACT

Since the federal Fair Housing Act ("the Act") was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities. The Department of Justice has taken an active part in much of this litigation, often following referral of a matter by the Department of Housing and Urban Development ("HUD"). This joint statement provides an overview of the Fair Housing Act's requirements in this area. Specific topics are addressed in more depth in the attached Questions and Answers.

The Fair Housing Act prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability.⁽¹⁾ The Act does not pre-empt local zoning laws. However, the Act applies to municipalities and other local government entities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

The Fair Housing Act makes it unlawful –

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.
- What constitutes a reasonable accommodation is a case-by-case determination.
- Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

The disability discrimination provisions of the Fair Housing Act do not extend to persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not protect persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.

HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable dispute resolution procedures, like mediation, as alternatives to litigation.

DATE: AUGUST 18, 1999

Questions and Answers

on the Fair Housing Act and Zoning

Q. Does the Fair Housing Act pre-empt local zoning laws?

No. "Pre-emption" is a legal term meaning that one level of government has taken over a field and left no room for government at any other level to pass laws or exercise authority in that area. The Fair Housing Act is not a land use or zoning statute; it does not pre-empt local land use and zoning laws. This is an area where state law typically gives local governments primary power. However, if that power is exercised in a specific instance in a way that is inconsistent with a federal law such as the Fair Housing Act, the federal law will control. Long before the 1988 amendments, the courts had held that the Fair Housing Act prohibited local governments from exercising their land use and zoning powers in a discriminatory way.

Q. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning. In this statement, the term "group home" refers to housing occupied by groups of unrelated individuals with disabilities.⁽²⁾ Sometimes, but not always, housing is provided by organizations that also offer various services for individuals with disabilities living in the group homes. Sometimes it is this group home operator, rather than the individuals who live in the home, that interacts with local government in seeking permits and making requests for reasonable accommodations on behalf of those individuals.

The term "group home" is also sometimes applied to any group of unrelated persons who live together in a dwelling -- such as a group of students who voluntarily agree to share the rent on a house. The Act does not generally affect the ability of local governments to regulate housing of this kind, as long as they do not discriminate against the residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

Q. Who are persons with disabilities within the meaning of the Fair Housing Act?

The Fair Housing Act prohibits discrimination on the basis of handicap. "Handicap" has the same legal meaning as the term "disability" which is used in other federal civil rights laws. Persons with disabilities (handicaps) are individuals with mental or physical impairments which substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act, by virtue of that status.

The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

Q. What kinds of local zoning and land use laws relating to group homes violate the Fair Housing Act?

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a

city's zoning ordinance defines a "family" to include up to six unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance also disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The ordinance treats persons with disabilities worse than persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups. Thus, in the case where a family is defined to include up to six unrelated people, an ordinance would not, on its face, violate the Act if a group home for seven people with disabilities was not allowed to locate in a single family zoned neighborhood, because a group of seven unrelated people without disabilities would also be disallowed. However, as discussed below, because persons with disabilities are also entitled to request reasonable accommodations in rules and policies, the group home for seven persons with disabilities would have to be given the opportunity to seek an exception or waiver. If the criteria for reasonable accommodation are met, the permit would have to be given in that instance, but the ordinance would not be invalid in all circumstances.

Q. What is a reasonable accommodation under the Fair Housing Act?

As a general rule, the Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.

Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents who have mobility impairments. A similar waiver might not be required for a different type of group home where residents do not have difficulty negotiating steps and do not need a setback in order to have an equal opportunity to use and enjoy a dwelling.

Not all requested modifications of rules or policies are reasonable. Whether a particular accommodation is reasonable depends on the facts, and must be decided on a case-by-case basis. The determination of what is reasonable depends on the answers to two questions: First, does the request impose an undue burden or expense on the local government? Second, does the proposed use create a fundamental alteration in the zoning scheme? If the answer to either question is "yes," the requested accommodation is unreasonable.

What is "reasonable" in one circumstance may not be "reasonable" in another. For example, suppose a local government does not allow groups of four or more unrelated people to live together in a single-family neighborhood. A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance does not invalidate the ordinance. The local government would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods.

By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-family character of the neighborhood. On the other hand, a nursing home might not create a "fundamental change" in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.

Q. What is the procedure for requesting a reasonable accommodation?

Where a local zoning scheme specifies procedures for seeking a departure from the general rule, courts have decided, and the Department of Justice and HUD agree, that these procedures must ordinarily be followed. If no procedure is specified, persons with disabilities may, nevertheless, request a reasonable accommodation in some other way, and a local government is obligated to grant it if it meets the criteria discussed above. A local government's failure to respond to a request for reasonable accommodation or an inordinate delay in responding could also violate the Act.

Whether a procedure for requesting accommodations is provided or not, if local government officials have previously made statements or otherwise indicated that an application would not receive fair consideration, or if the procedure itself is discriminatory, then individuals with disabilities living in a group home (and/or its operator) might be able to go directly into court to request an order for an accommodation.

Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community.

Q. When, if ever, can a local government limit the number of group homes that can locate in a certain area?

A concern expressed by some local government officials and neighborhood residents is that certain jurisdictions, governments, or particular neighborhoods within a jurisdiction, may come to have more than their "fair share" of group homes. There are legal ways to address this concern. The Fair Housing Act does not prohibit most governmental programs designed to encourage people of a particular race to move to neighborhoods occupied predominantly by people of another race. A local government that believes a particular area within its boundaries has its "fair share" of group homes, could offer incentives to providers to locate future homes in other neighborhoods.

However, some state and local governments have tried to address this concern by enacting laws requiring that group homes be at a certain minimum distance from one another. The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act. We also believe, however, that if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. Especially in the licensing and regulatory process, it is appropriate to be concerned about the setting for a group home. A consideration of over-concentration could be considered in this context. This objective does not, however, justify requiring separations which have the effect of foreclosing group homes from locating in entire neighborhoods.

Q. What kinds of health and safety regulations can be imposed upon group homes?

The great majority of group homes for persons with disabilities are subject to state regulations intended to protect the health and safety of their residents. The Department of Justice and HUD believe, as do responsible group home operators, that such licensing schemes are necessary and legitimate. Neighbors who have concerns that a particular group home is being operated inappropriately should be able to bring their concerns to the attention of the responsible licensing agency. We encourage the states

to commit the resources needed to make these systems responsive to resident and community needs and concerns.

Regulation and licensing requirements for group homes are themselves subject to scrutiny under the Fair Housing Act. Such requirements based on health and safety concerns can be discriminatory themselves or

may be cited sometimes to disguise discriminatory motives behind attempts to exclude group homes from a community. Regulators must also recognize that not all individuals with disabilities living in group home settings desire or need the same level of services or protection. For example, it may be appropriate to require heightened fire safety measures in a group home for people who are unable to move about without assistance. But for another group of persons with disabilities who do not desire or need such assistance, it would not be appropriate to require fire safety measures beyond those normally imposed on the size and type of residential building involved.

Q. Can a local government consider the feelings of neighbors in making a decision about granting a permit to a group home to locate in a residential neighborhood?

In the same way a local government would break the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities, a local government can violate the Fair Housing Act if it blocks a group home or denies a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers are not themselves personally prejudiced against persons with disabilities. If the evidence shows that the decision-makers were responding to the wishes of their constituents, and that the constituents were motivated in substantial part by discriminatory concerns, that could be enough to prove a violation.

Of course, a city council or zoning board is not bound by everything that is said by every person who speaks out at a public hearing. It is the record as a whole that will be determinative. If the record shows that there were valid reasons for denying an application that were not related to the disability of the prospective residents, the courts will give little weight to isolated discriminatory statements. If, however, the purportedly legitimate reasons advanced to support the action are not objectively valid, the courts are likely to treat them as pretextual, and to find that there has been discrimination.

For example, neighbors and local government officials may be legitimately concerned that a group home for adults in certain circumstances may create more demand for on-street parking than would a typical family. It is not a violation of the Fair Housing Act for neighbors or officials to raise this concern and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the application, if another type of facility would ordinarily be denied a permit for such parking problems. However, if a group of individuals with disabilities or a group home operator shows by credible and un rebutted evidence that the home will not create a need for more parking spaces, or submits a plan to provide whatever off-street parking may be needed, then parking concerns would not support a decision to deny the home a permit.

Q. What is the status of group living arrangements for children under the Fair Housing Act?

In the course of litigation addressing group homes for persons with disabilities, the issue has arisen whether the Fair Housing Act also provides protections for group living arrangements for children. Such living arrangements are covered by the Fair Housing Act's provisions prohibiting discrimination against families with children. For example, a local government may not enforce a zoning ordinance which treats group living arrangements for children less favorably than it treats a similar group living arrangement for unrelated adults. Thus, an ordinance that defined a group of up to six unrelated adult persons as a family, but specifically disallowed a group living arrangement for six or fewer children, would, on its face, discriminate on the basis of familial status. Likewise, a local government might violate the Act if it denied a permit to such a home because neighbors did not want to have a group facility for children next to them.

The law generally recognizes that children require adult supervision. Imposing a reasonable requirement for adequate supervision in group living facilities for children would not violate the familial status provisions of the Fair Housing Act.

Q. How are zoning and land use matters handled by HUD and the Department of Justice?

The Fair Housing Act gives the Department of Housing and Urban Development the power to receive and investigate complaints of discrimination, including complaints that a local government has discriminated in exercising its land use and zoning powers. HUD is also obligated by statute to attempt to conciliate the complaints that it receives, even before it completes an investigation.

In matters involving zoning and land use, HUD does not issue a charge of discrimination. Instead, HUD refers matters it believes may be meritorious to the Department of Justice which, in its discretion, may decide to bring suit against the respondent in such a case. The Department of Justice may also bring suit in a case that has not been the subject of a HUD complaint by exercising its power to initiate litigation alleging a "pattern or practice" of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

The Department of Justice's principal objective in a suit of this kind is to remove significant barriers to the housing opportunities available for persons with disabilities. The Department ordinarily will not participate in litigation to challenge discriminatory ordinances which are not being enforced, unless there is evidence that the mere existence of the provisions are preventing or discouraging the development of needed housing.

If HUD determines that there is no reasonable basis to believe that there may be a violation, it will close an investigation without referring the matter to the Department of Justice. Although the Department of Justice would still have independent "pattern or practice" authority to take enforcement action in the matter that was the subject of the closed HUD investigation, that would be an unlikely event. A HUD or Department of Justice decision not to proceed with a zoning or land use matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation. HUD attempts to conciliate all Fair Housing Act complaints that it receives. In addition, it is the Department of Justice's policy to offer prospective defendants the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

1. The Fair Housing Act uses the term "handicap." This document uses the term "disability" which has exactly the same legal meaning.
2. There are groups of unrelated persons with disabilities who choose to live together who do not consider their living arrangements "group homes," and it is inappropriate to consider them "group homes" as that concept is discussed in this statement.

>

Updated August 6, 2015



WILDWOOD

September 6, 2016

MEMORANDUM

To: The Planning and Zoning Commission of the City of Wildwood

From: Department of Planning and Parks

Re: **Postponement of Request - P.Z. 6-16 Auburn Ridge, Fischer and Frichtel Custom Homes, 695 Trade Center Boulevard, Chesterfield, Missouri, 63005**

Cc: Ryan S. Thomas, P.E., City Administrator
John A. Young, City Attorney
Rick Brown, P.E. and P.T.O.E., Director of Public Works
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner – Zoning
Mike Doster, Attorney, Petitioner's Representative
Chris DeGuentz, Fischer and Frichtel

The attorney representing the petitioner of the above-referenced project, which is located on Ridge Road, contacted the Department of Planning the week of August 29, 2016 to request a postponement of its hearing at the anticipated meeting on this matter that had been scheduled for September 6, 2016. At this meeting, it was the Department's intent to provide its Information Report, with recommendation, to the Planning and Zoning Commission for consideration and action. The Information Report, with recommendation, is the first step in the process of determining the merits of the request that are being considered by the Planning and Zoning Commission.

The request, in this case, is for the application of a Planned Residential Development Overlay District (PRD) in the NU Non-Urban Residence District to accommodate the use of the eighty-one (81) acre site for up to a maximum of twenty-seven (27) single family detached dwellings on individual lots ranging from one (1) acre on up in area. The specific advertisement in this regard is as follows: **P.Z. 6-16 Auburn Ridge, Fischer and Frichtel Custom Homes, 695 Trade Center Boulevard, Chesterfield, Missouri, 63005** – A request for the application of a Planned Residential Development Overlay District (PRD) within the NU Non-Urban Residence District for a 81.4 acre tract of land that is located on the southwest side of Ridge Road, south of Lack Ridge Road (Locator Number: 25U330010 and 25U310023/Street Addresses: 1115 Ridge Road and 1513 Windwood Hills Drive). Proposed Use: A total of twenty-seven (27) individual lots, with common ground, and required public space areas (**Ward Six**). This request at the public hearing on the matter generated a significant amount of comments from participating parties.

The petitioner has requested this postponement, so as further study of the site can be completed and comments from the August 1, 2016 public hearing can be addressed to the greatest extent possible. The intent of the petitioner is to provide a revised design concept for the site for consideration by the City and the immediate community around the subject tract of land. With this request for postponement and its

formal filing with the City on Wednesday, August 31, 2016, meeting the required timeline for such, the matter will now be set to a future agenda of the Planning and Zoning Commission.

If any of the Planning and Zoning Commission Members should have questions or comments regarding this information, please feel free to contact the Department of Planning and Parks with them at (636) 458-0440. A brief presentation is planned on this item at tonight's meeting. Thank you for your consideration and input on the same.

From: **Mike Doster** MDoster@dubllc.com
Subject: Auburn Ridge
Date: August 31, 2016 at 11:47 AM
To: Joe Vujnich JVujnich@cityofwildwood.com
Cc: Kathy Larkin KLarkin@dubllc.com

MD

Mr. Vujnich, please accept this email as a request to postpone this application from the Tuesday, September 6, meeting of the Planning Commission. Please advise if you need anything further from me.

Chris DeGuentz and Mike Falkner will contact you to schedule a meeting to review changes to the plan.

Thank you.

Mike Doster

Michael J. Doster

Doster, Ullom & Boyle, LLC

16090 Swingley Ridge Road, Suite 620

Chesterfield, MO 63017

Phone: 636-532-0042

www.dubllc.com

CITY OF WILDWOOD
W
AUG 31 2016
12:17 P.M.
DEPT OF PLANNING & PARKS

PLEASE NOTE OUR NEW NAME AND EMAIL ADDRESS

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WILDWOOD

September 6, 2016

The Planning and Zoning Commission
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

- Re:** A request of the Wildwood City Council to the Planning and Zoning Commission for its reconsideration of an action relative to a correspondence it received regarding **P.Z. 14-06 City of Wildwood Department of Planning and Neichter/Throckmorton Development**, which was dated April 15, 2016, and sought a modification to the site-specific ordinance to allow for an extension of time for the commencement of construction to begin upon this tract of land, given the specified timeframe ended on July 25, 2016.
- Location:** East side of Ossenfort Road, north of DeHart Road
- Zoning District:** NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District, with a Planned Residential Development Overlay District (PRD)
- Ward:** One

Commission Members:

INTRODUCTION >>> The City Council received the Planning and Zoning Commission's report on this aforementioned matter at its July 11, 2016 meeting and conducted its required hearing upon it that night. At this public hearing, the property owner attended and requested the City Council reconsider the action of the Planning and Zoning Commission, which was to deny the extension of time for commencement of construction to begin at the site, which was set for July 25, 2016. The property owner noted the substantial amount of investment he had made into the property and to obtain the overlay district and an approved Site Development Plan. The action of the Commission would result in a substantial loss to him, and community, if not overturned.

The City Council discussed this request by the property owner and agreed that further review of the matter was needed. The City Council noted that it was its preference to have it referred to the Commission for its reconsideration and asked the members to review its previous action, more with considerations toward preserving this zoning, rather than making a decision that would lead to a process to void it. Thereafter, the City Council could then review it again, after the reconsideration by the Planning and Zoning Commission was complete.

OUTCOME AND DIRECTION >>> Given the direction of City Council, the Department of Planning has placed this matter on the Planning and Zoning Commission's agenda for reconsideration, as

requested. To assist in this discussion, the Department has provided the information the Planning and Zoning Commission had completed, when it reviewed this matter on September 6, 2016. The Department would note that, at that meeting, it did support the extension of the time, as requested, by acknowledging that no major items, regulations, standards, and other specifications had changed in the Non-Urban Residential Area that would necessarily lead to modifications to this project's overall design. Conversely, the Commission has noted that almost thirteen plus (13+) years had passed since the initial posting of the property for rezoning and waiting this long was not in the best interest of the surrounding community in terms of input.

SUMMARY >>> To assist in this discussion as well, the Department of Planning has provided its initial report on this matter, along with the revised recommendation report from the Planning and Zoning Commission the City Council received on this matter. If any of the Commission Members should have questions or comments in this regard, please feel free to contact the Department of Planning at (636) 458-0440. Thank you for your consideration of this information and direction on the same.

Respectfully submitted,
CITY OF WILDWOOD PLANNING AND ZONING COMMISSION


Joe Vujnich, Director
Department of Planning

Cc: Ryan S. Thomas, P.E., City Administrator
John A. Young, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner
Greg Neichter, Property Owner and Petitioner



WILDWOOD®

July 5, 2016

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Re: A request from Greg Neichter, the petitioner/developer, which is dated May 2, 2016, regarding **P.Z. 14-06 City of Wildwood Department of Planning and Neichter/Throckmorton Development**, which seeks an extension of time to commence construction on the subject site.

Zoning: NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District, with a Planned Residential Development Overlay District (PRD)

Location: East Side of Ossenfort Road, south of Wild Horse Creek Road

Ward: One

Council Members:

>> INTRODUCTION <<

The Planning and Zoning Commission is in receipt of a correspondence from Greg Neichter, petitioner/developer, dated May 2, 2016, regarding **P.Z. 14-06 City of Wildwood Department of Planning and Neichter/Throckmorton Development**, which seeks an extension of time to commence construction upon this residential subdivision. The site-specific ordinance governing this development requires that commencement of construction begin on, or before, May 27, 2016. The Planning and Zoning Commission has reviewed the files relative to this request and believes another extension is reasonable and appropriate. Therefore, the Planning and Zoning Commission, acting at its July 5, 2016, Executive Meeting, and by a vote of -- to --, hereby recommends an eighteen (18) month extension of time for commencement of construction to begin upon the site. The new deadline for commencement of construction to begin on this site will be **November 27, 2016**. This recommendation is hereby forwarded to the City Council for its review and consideration.

>> BACKGROUND <<

For the purposes of review, **P.Z. 14-06 City of Wildwood Department of Planning and Neichter/Throckmorton Development** was a request to reauthorize a previously approved Planned Residential Development Overlay District (PRD) within the NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District for the purposes of allowing a future residential subdivision on the site. The subject site has a total size of 193.7 acres and is located on the east side of Ossenfort Road,

south of Wild Horse Creek Road. The property exists as a single lot of record, and has been designated 'Non-Urban Residential Category' by the City's Master Plan, since 1996. Prior to the 2006 application for the special procedure permit, this property had been granted a Planned Residential Development Overlay District (PRD) by the City Council in 2003, but was voided, since the required Site Development Plan (SDP) was never approved by the Planning and Zoning Commission and recorded with the St. Louis County Recorder of Deeds Office within the required timeframe.

The Planning and Zoning Commission did recommend approval reauthorizing the Planned Residential Development Overlay District (PRD) onto the property for the previously approved fifty (55) lots. This previously approved lot design guaranteed, through the application of the Natural Resource Protection Standards, a minimal impact on the surrounding physical environment, the protection of the perimeter vegetation, compliance to the standards of the City for installation of infrastructure improvements, and the provision of abundant public space. The City Council received the Planning and Zoning Commission's recommendation and acted favorably upon it and approved the Planned Residential Development Overlay District (PRD) on February 27, 2007.

With the reauthorization of the Planned Residential Development Overlay District (PRD), the petitioner was required to complete the Site Development Plan (SDP) review process and obtain approval from the Planning and Zoning Commission. The developer(s) of this site completed this step in April 2007. With the completion of the Site Development Plan (SDP) review process, the next step is to complete Improvement Plans (Construction Drawings) for submittal, review, and acceptance by the Departments of Public Works and Planning. Once the Improvement Plans are completed, the project, from a construction standpoint, can typically begin. The Improvement Plans for this site were approved by the Departments of Public Works and Planning on September 14, 2007. Within the site-specific governing ordinance for this project, construction was then to commence upon the project by February 27, 2008. This construction date left the developers of this project less than five (5) months to start and meet the requirements of this deadline.

In January 2008, the petitioner requested an extension to this deadline for commencement of construction, since the development was not at stage to proceed to the issuance of permits and related items. With the submittal of the request, the Planning and Zoning Commission noted concerns about the current condition of the residential housing market and whether requiring this project to begin construction would be premature and lead to greater issues, if it were to be stopped, after starting. Given the design of the project still met all requirements of the City, the Planning and Zoning Commission agreed that an eighteen (18) month extension of time was appropriate and should be granted under the provisions of the site-specific ordinance.

This action was forwarded to the City Council for its review and consideration as well. The City Council concurred with the Planning and Zoning Commission and clearly stated the project continued to represent one (1) of the City's best applications of its Planned Residential Development Overlay District (PRD) regulations and would be a loss, if not allowed to develop under the current conditions of the existing ordinance. The City Council also noted the residential housing market was difficult and certainly this project would suffer, if launched at this time. Additionally, the City Council, although not related to the commencement of construction, also amended the ordinance for this project to address a noise issue related to its use by off-road motorcycles and vehicles on certain days. This activity was creating a noise

nuisance for the surrounding property owners. The two (2) changes to the Ordinance #1381 were approved by the City Council on May 27, 2008, which included the eighteen (18) month extension of time for commencement of construction, now November 27, 2009, and restrictions on the use of property for off-road recreational activities.

With this action by the City Council, the development was to commence construction by late 2009. The Zoning Ordinance defines "commencement of construction" as follows: "shall mean final grading for and installation of roadways necessary for first (1st) approved plat or phase of construction and commencement of installation of sanitary and storm sewers." In November 2009, with the aforementioned extension date rapidly approaching, and the residential housing market suffering under the Great Recession, the petitioner sought another eighteen (18) month extension of time for this activity to begin on the site. Thus, the Planning and Zoning Commission recommended, and the City Council concurred, the requirement for the commencement of construction to begin on the site be extended for an additional eighteen (18) months, which amended the timeline for this activity to May 27, 2011.

Once again, with the deadline for the commencement of construction approaching in May 2011, the petitioner requested another extension to this deadline. The Planning and Zoning Commission was supportive of allowing an additional twenty-four (24) month extension for the commencement of construction to begin on the site due to the unforeseen circumstances and outside influences that continued to affect the viability of a project of this size and magnitude. In this case, the outside influences remained the condition of the stalled residential housing market recovery and the financing barriers for potential buyers. Thus, the Planning and Zoning Commission recommended, and the City Council concurred, the requirement for the commencement of construction to begin on the site be extended for an additional twenty-four (24) months, which amended the timeline for this activity to May 27, 2013.

When the May 27, 2013 deadline arrived, the Planning and Zoning Commission was again supportive of allowing an extension of time to the deadline for the commencement of construction. The Commission recognized the lingering effects of the recession on the residential market and how it continued to affect any project's viabilities. Although the Commission noted it appeared the residential market was beginning to show some signs of recovery, in part due to the pent-up demand for new housing and low mortgage rates for buyers. However, it appeared the market was just beginning to create confidence for homebuilders and lenders in these high-end residential communities and more time was needed to ensure such trends were true and could sustain a development of this size and magnitude. Therefore, the Planning and Zoning Commission recommended, and the City Council concurred, the requirement for the commencement of construction to begin on the site be extended for an additional eighteen months, which amended this timeline to November 27, 2014.

In 2014, the petitioner requested another eighteen (18) to twenty-four (24) month extension of time, given construction had not begun by the November 27, 2014 deadline. The Planning and Zoning Commission acted favorably on the request to extend the deadline eighteen (18) months, with a new deadline of May 27, 2016. The Planning and Zoning Commission approved the extension, noting it would be the last one granted for this project. This position did not reflect on the character of the project, but rather the length of time the site-specific governing ordinance had been in place, without commencement of construction.

>> CURRENT REQUEST <<

As noted above in the background of this report, with the Planning and Zoning Commission's action, the commencement of construction was to begin by May 27, 2016 for this project. With that date surpassed and the platting process not yet underway at this time, the petitioner is now seeking another eighteen (18) month extension of time.

>> ANALYSIS AND RECOMMENDATION <<

With the May 27, 2016 deadline now surpassed for this special procedures permit to remain in 'good standing' and no planned development of the site imminent, an extension of time to the commencement of construction has again been requested by the petitioner. This particular request for additional time associated with this Planned Residential Development Overlay District (PRD) has been considered in six (6) other separate instances. Therefore, this requested extension by the owner would be the seventh such associated with this project, since its initial approval in 2003. This number of extensions is unusual and not typical. When the Planning and Zoning Commission granted an extension in 2014, it went on record to note this action would be the last extension granted for this development to commence construction.

Previous extensions have been granted due to several appropriate reasons, which have included the following:

1. The City had not passed any new land use regulations that might change the design or requirements associated with this subdivision and it still met and, in some instances, exceeds the minimum requirements for Natural Resource Protection Standards, tree preservation requirements, public space requirements, and design standards of the City.
2. The project provides over twenty-five (25) acres of usable public space for residents, much of which is visible from Ossenfort Road, thereby preserving the view of this valley along this rural roadway.
3. The density is less than allowed under the regulations of the NU Non-Urban Residence District and had the community's support, when first approved for the allowable fifty-five (55) lots.
4. The impact of the project, given its size, has been offset by a number of the conditions in the site-specific ordinance, which include appropriate utility connections to the public systems that are available in the area and stormwater and roadway improvements commensurate with the demand.

Although the Planning and Zoning Commission is wary of an-going extensions to the ordinance-required deadlines, it must acknowledge these reasons remain applicable at this time. Having a planned development that satisfies all of the requirements for a Planned Residential Development Overlay District (PRD) regulations favors another extension of time for the commencement of construction, which the Planning and Zoning Commission is inclined to support and recommend favorably to the City Council. This recommendation by the Planning and Zoning Commission would be for another eighteen (18) month period of time, as requested by the petitioner/developers.

However, it is important to identify that some of the reasons cited in previous extensions of time are no longer as applicable, as they may once have been. For example, previous recommendations recognized the lingering effects on the residential market from the Great Recession and how it continued to affect the project's viability. Yet, over the past several years, the City has experienced an increase in the number of applications for proposed residential developments and would contend the residential market continues to show apparent and strong signs of recovery.

Denying the extension of time for the commencement of construction and allowing the Planned Residential Development Overlay District (PRD) to become void, would not necessarily result in a better project design in the future. Additionally, this development continues to be the best example of the application of the Planned Residential Development Overlay District (PRD) and associated environmental standards and public space requirements to date. Given these circumstances, the Planning and Zoning Commission recommends the requirement relating to the commencement of construction be extended for an additional eighteen (18) months, which modifies the current deadline to **November 27, 2017**.

>> SUMMARY AND CONCLUSION <<

Given the above rationales for this support, the Planning and Zoning Commission is recommending an eighteen (18) month extension of time be granted to this project to proceed to the required level of commencement of construction. Accordingly, the Planning and Zoning Commission is recommending that Planned Residential Development Overlay District Ordinance **#1946** be amended to read as follows:

1. PERMITTED USES

This Planned Residential Development (P.R.D.) Overlay District shall authorize the maximum development of fifty-five (55), detached single family dwellings on individual lots, with common ground, and all permitted accessory structures. Common ground area shall include all property not within the Planned Residential Development Overlay District boundaries, but utilized for the purposes of density calculation within the same and access to the site (a minimum of sixty-six (66) acres shall be set aside for this purpose and not be used for future lots). The minimum area of this Planned Residential Development Overlay District shall be one hundred ninety-three (193) acres. A re-circulating sand filter type, centralized wastewater treatment facility shall be provided to serve this site.

2. LOT SIZES, DEPTHS, AND BUILDING REQUIREMENTS

- a. Each dwelling unit shall be located on an individual lot of record, which shall not be less than one (1) acre in overall size. The minimum width of any lot within this P.R.D. Overlay District shall be one hundred fifty (150) feet in distance at the front building line, except for parcels of ground located within any cul-de-sac. These lot frontages (within the cul-de-sacs) shall be as approved on the Site Development Plan by the Planning and Zoning Commission.
- b. The depth of all lots within this residential subdivision shall be a minimum two hundred (200) feet in size.
- c. No building and/or structure shall be more than two (2) stories above final grade, as measured from the front building line on any individual lot at street elevation.
- d. The maximum area of this 193.2 acre tract of land, which can be used for development and related land disturbance for the permitted and accessory uses, shall not exceed forty-six (46) acres, including the Director of Planning's five (5) percent variance.

- e. The minimum amount of this 193.2 acre tract of land, which must be preserved as part of this development, shall be one hundred forty-seven point two (147.2) acres in overall size, including the Director of Planning's five (5) percent variance.
- f. Lots sizes, configurations, and locations shall meet the design of the residential subdivision, as was approved by the Planning and Zoning Commission on the Side Development Plan that was acted upon on June 7, 2004 (made a part hereof and attached in Attachment C). Variations to this approved Site Development Plan referenced herein must be submitted and acted upon the Planning and Zoning Commission, as part of its standard review process. Any requested modifications to these lots shall be based upon locations that are most suitable for disturbance, consistent with the Natural Resource Protection Standards of the City's Subdivision and Development Regulations.

3. PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the P.R.D. Overlay District approval by the City Council, and prior to any site disturbance, the developer shall submit to the Planning and Zoning Commission for their review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended once by the Planning and Zoning Commission in accord with requirements of Chapter 415.510 of the City of Wildwood Zoning Ordinance. Said Site Development Plan shall include, but not be limited to, the following information:

- a. Outboundary plat and legal description of the property.
- b. A general numbered lot plan, with setback lines from all streets and roadways on and adjacent to the property. A typical configuration for a lot indicating all site design information such as, but not limited to, right-of-way width, improvement dimensions and locations, setbacks, and building placement, along with a minimum and maximum sizes.
- c. A general plan indicating setback lines along the perimeter of the subject tract of land and surrounding property lines and related improvements within one hundred (100) feet of this site's boundaries, i.e. curb cut and access locations, stormwater facilities, and utility installations.
- d. Location of all roadways adjacent to the property, including required roadway right-of-way dedication and pavement widening, with existing and proposed improvements and sidewalks, and general location, size, right-of-way, and pavement width of all interior drives.
- e. The location and size of all freestanding signs, lighting, fences, and other above ground structures, except retaining walls less than two (2) feet in height per section.
- f. Existing and proposed contours at vertical intervals of not more than two (2) feet.
- g. General location of sanitary sewer and stormwater facilities.
- h. Parking and density calculations.
- i. Conceptual location and size of common ground areas, if provided.
- j. A Landscape Plan including, but not limited to, the location, size, and general type of plant materials to be used in accord with the City of Wildwood's Chapter 410 and accompanying Tree Manual.
- k. An inventory of the percent of tree canopy or individual trees to be retained on the site indicated on a Tree Preservation Plan completed in accordance with the City of Wildwood Chapter 410 Tree Preservation and Restoration Code and accompanying Tree Manual.
- l. Location of all existing and proposed easements.
- m. All other information not mentioned above, but required on a Preliminary Plat in accord with Section 1005.060 of the City of Wildwood Subdivision and Development Regulations.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

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

Building Setbacks – Residential

a. Any building or structure, other than boundary and/or retaining walls, fences, detention facilities, and/or light standards, shall adhere to the following setbacks as specified in Chapter 415.110 R-1 One Acre Residence District of the City of Wildwood's Zoning Ordinance, except as noted below:

- 1.) Twenty (20) feet from any roadway right-of-way, whether public or private, except a fifty (50) foot distance from Ossenfort Road, shall be required. All other front yard setback area distances shall comply with Chapter 415.110 R-1 One Acre Residence District.
- 2.) Eight (8) feet from any side yard property line of any individual lot, but a minimum of thirty (30) feet shall be maintained between buildings on adjoining lots
- 3.) Thirty (30) feet from any rear yard property line of any individual lot.

Parking Setbacks - Residential

b. All parking stalls or loading spaces, excluding points of ingress or egress and streets and roads, shall comply with the requirements of Chapter 415.110 R-1 One Acre Residence District of the City of Wildwood's Zoning Ordinance.

Miscellaneous Setbacks - Right-of-Way and Other Locations

c. No portion of any residential building foundation shall encroach within twenty-five (25) feet of the 'Final Resource Protection Line.'

Access and Roadway Improvements

- d. Access to Ossenfort Road shall be limited to one (1) residential street approach located to provide required sight distance and flood-free access to all lots and constructed to conform to the requirements of the Department of Public Works in this regard. All work within the right-of-way shall be as directed by the Department of Public Works.
- e. Dedicate the necessary land area along Ossenfort Road to provide a seventy (70) foot right-of-way and construct two (2) feet of additional pavement width along it as well, including the installation of storm drainage facilities and related shoulders, as directed by the City of Wildwood Department of Public Works. Improvement requirements to Ossenfort Road may be escrowed in lieu of their construction by the developer to the City of Wildwood, if deemed appropriate by the Department of Public Works and the Department of Planning.
- f. Construct an internal private roadway system, within a forty (40) foot right-of-way easement, for vehicles and pedestrians to serve the residential lots within this development that complies with the requirements of the City of Wildwood's 'Rural Roadway Standards' and as approved by the Department of Public Works. Street widths shall be as approved on the Site Development Plan by the Planning and Zoning Commission. Earthen swales along portions of the internal street may not be required, where stormwater volumes justify their elimination. Along with this forty (40) foot right-of-way area, provide eight (8) foot wide roadway maintenance, pedestrian, and utility easements on either side of the roadway dedication.
- g. Dedicate a minimum twenty (20) foot easement/dedication along Ossenfort Road to the City of Wildwood for the purposes of constructing a multiple-use trail that conforms to its standards, which shall be as directed by the Department of Public Works. This trail must minimally provide an adequate distance from edge of the Ossenfort Road pavement area to create separation between vehicles and pedestrians. This requirement shall also mean the easement might meander through the area of the subject site abutting the Ossenfort Road right-of-way edge to address public safety considerations.
- h. No direct residential access from any individual lot within this development to Ossenfort Road shall be authorized.

Miscellaneous Roadway Requirements

- i. Installation of landscaping and ornamental entrance monument or identification signage, if proposed, shall be reviewed by the Department of Public Works for sight distance considerations and approved prior to its installation or construction.
- j. If required sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to vertical alignment and other off-site improvements, may be required to provide the required sight distance as directed by the Department of Public Works.

Parking Requirements

- k. Parking spaces shall be provided as required by Chapter 415.340 Off-Street Parking and Loading Requirements of the City of Wildwood Zoning Ordinance for the R-1 One Acre Residence District. Minimally, two (2) parking spaces for each single family dwelling shall be provided.

Landscape Requirements - Specific

- l. Landscaping shall adhere to all requirements of Chapter 410 of the City's Tree Preservation and Restoration Code and its accompanying Tree Manual, including the submittal of a Tree Preservation Plan in conjunction with the Site Development Plan.
- m. All streets and roads shall be appropriately landscaped as required by the Chapter 410 Tree Preservation and Restoration Code and be approved by the Planning and Zoning Commission on the Site Development Plan.
- n. The areas of existing vegetation within the P.R.D. Overlay District boundaries identified as to be retained shall be marked on the site prior to the commencement of any disturbance in accord with the City of Wildwood's Chapter 410. These areas shall be indicated on the Site Development Plan submitted to the City of Wildwood for Planning and Zoning Commission review and approval. Existing mature tree canopy shall be preserved in accordance with the requirements of City of Wildwood's Chapter 410 Tree Preservation and Restoration Code. Initial clearing and grubbing of the site shall be limited to the installation of the internal roadway system.
- o. Landscaping within the defined common ground areas shall comply with Chapter 410 Tree Preservation and Restoration Code requirements and accompanying Tree Manual. Those areas of common ground to be used for stormwater detention/retention shall comply with the City of Wildwood requirements in this regard. The Planning and Zoning Commission on the Site Development Plan shall approve the planting pattern.
- p. A registered Landscape Architect shall prepare, submit, and sign all plan(s).

Signs

- q. Signs for this P.R.D. Overlay District shall be erected in accordance with Chapter 415.410 Sign Regulations of the City of Wildwood Zoning Ordinance for the R-1 One Acre Residence District.
- r. The location of all signage shall be as approved on the Site Development Plan by the Planning and Zoning Commission. Signage not located on common ground must be erected within an easement.

Lighting Requirements

- s. The location of all lighting standards shall be as approved on the Site Development Plan. No on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties. Minimally, lighting levels and their design specifications shall be approved by the Planning and Zoning Commission, as part of a Lighting Plan submitted in conjunction with the Site Development Plan, and comply with City of Wildwood's Lighting

Code – Chapter 415.450 of the Zoning Ordinance.

Miscellaneous Conditions

- t. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 “Physically Handicapped and Aged” of the S.L.C.R.O. 1974, as amended.
- u. Hours of construction and grading activity shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. No development (grading and construction) activity shall be authorized on Sundays.
- v. All retaining walls exceeding three (3) feet in height per section or crossing individual property lines shall be constructed of an appropriate inter-locking concrete block system or boulders. Walls crossing property lines shall be located in a maintenance easement. The Planning and Zoning Commission, as part of the Site Development Plan review process, shall approve said materials and design.
- w. The generalized location of all utility easements for proposed service to this development shall be shown on a Typical Lot Diagram, as approved by the Planning and Zoning Commission on the Site Development Plan. Installation of utilities within the respective easements shall adhere to the requirements of the Natural Resource Protection Standards Analysis and, whenever practical, be placed in areas of existing or proposed disturbance relating to previous site activity, the construction of streets, or the layout of building lots.
- x. All utilities serving this site shall be installed underground in accord with the requirements of the City of Wildwood’s Subdivision and Development Regulations. Any existing easements located on the subject site, which are not being utilized, shall be vacated under the standard procedures of the City of Wildwood Subdivision and Development Regulations.
- y. A trail system shall be installed around the lake and within the common ground areas containing this water feature and the floodplain to provide access to them for recreational purposes. The design of the trail shall be as directed by the Departments of Public Works and Planning and be approved on the Site Development Plan by the Planning and Zoning Commission. Additionally, within the area of the site west of Wild Horse Creek, but not including the access roadway, development shall be limited to the installation of trails, picnic areas, and other similar low-impact activities for the purposes of future use.

Sewage Treatment Plant

- z. A minimum four (4) foot high, sight-proof, chain link fence shall be installed around the perimeter of the area where the centralized sewage treatment facility is to be located on the site. This fence shall be constructed with a black vinyl coating, including support structures as well. Wood slating may be incorporated in its design. The Planning and Zoning Commission shall approve the location of this fence on the Site Development Plan.
- aa. Mechanical equipment associated with the operation of this facility shall be adequately screened and soundproofed to reduce noise associated with its operation over any given hour at the boundaries of the Planned Residential Development Overlay District.
- bb. Mechanical systems shall be equipped with alarm systems, which will notify operators of any malfunctions or system failures and an emergency power source to provide for its operation in an event of a power failure. Minimally, the alarm shall be wired to directly notify the operator or maintenance contractor of the failure or shutdown. In the event of a system failure, operators shall meet all emergency procedures, as established by the Missouri Department of Natural Resources and the City of Wildwood.
- cc. The proposed access roadway and maneuvering area will be a maximum of twelve (12) feet in width and paved. The remaining area within the perimeter of the fence not paved shall be surfaced in an appropriate dust-proof material, as determined and approved by the City of Wildwood’s Department of Public Works.

- dd. The developer shall provide a copy of a signed "pump and haul" agreement, whereby failure of the plant would implement a discharge shutdown; waste would be transported to an approved Metropolitan St. Louis Sewer District facility for disposal.
- ee. The operator shall submit monthly inspection reports to the Missouri Department of Natural Resources and the City of Wildwood indicating adherence to all applicable standards established for the maintenance and operation of these types of facilities. This report must include a lab analysis of plant discharge samples (pH, BOD, TSS, fecal coliform) obtained and analyzed by a licensed, accredited laboratory.
- ff. Operators of this facility shall provide verification of licensing with the Missouri Department of Natural Resources in the form of an approved Operating License. Along with this licensing requirement, the developer or Homeowners Association shall provide to the City of Wildwood a bond or cash deposit in the amount of five thousand (\$5,000.00) to guarantee the upkeep of this facility, per Section 510.090 of the City of Wildwood's Municipal Code. This bond or cash deposit shall be in place during the operation of the wastewater treatment facility.
- gg. At any point in the future, the petitioner or the relevant Homeowners Association (or any entity of it), will be required to close this treatment plant when public sanitary sewer service is available to this site by the Metropolitan St. Louis Sewer District or other comparable public district/agency. De-commissioning of the plant shall be the responsibility of the owner/developer and completed according to Missouri Department of Natural Resources and Metropolitan St. Louis Sewer District standards.
- hh. The Homeowners Association shall be required to employ a maintenance contractor that has offices or facilities within a fifty (50) mile radius of the subject site. Verification shall be provided in the form of the signed contract with the location of the office/facility clearly noted.
- ii. The location of this centralized treatment facility shall not be closer to the south boundary of this Planned Residential Development Overlay District than the following: six hundred (600) feet from Ossenfort Road and three hundred (300) feet from the southern boundary of the property.
- jj. No portion of this Planned Residential Development Overlay District site shall be authorized for use by motocross motorcycles and all-terrain vehicles, until such time as occupancy of a single family dwelling is authorized by the City of Wildwood.

5. PUBLIC SPACE REQUIREMENTS

Developer shall construct improved public space in conformance with or otherwise satisfying the requirements of the City's Public Space Ordinance, Chapter 415.260 of the City of Wildwood's Zoning Ordinance. The City Council accepts the findings of the Public Space Study adopted therein and determines the compliance with the Public Space Ordinance provisions will address the impact of this specific development on public space needs in a manner and amount that is equal to less than an amount that is roughly proportional to the actual or anticipated impact. The installation of required public space improvements shall be as required by the applicable ordinance, but shall be completed prior to issuance of any zoning authorizations for building permits in excess of fifty (50) percent of the total dwellings authorized by this ordinance. Unless otherwise approved pursuant to the procedures set forth in the Public Space Ordinance, the public space attributable to this development, based upon the number of permitted lots, shall be 2.2 acres or its equivalent. Qualifying public space shall be deemed to include, in this instance only, the public multiple use trail that is referenced in Section 4(g.) of this ordinance and designed in accordance with the recommendations contained therein. This trail shall be located within an easement, a width to be determined, so as to provide ample and safe separation from the edge of pavement along Ossenfort Road. The design and construction shall conform to the City of Wildwood requirements and be as directed by the Department of Public Works.

6. TRAFFIC GENERATION ASSESSMENT FEE

The developer shall contribute to the West Area Traffic Generation Assessment Trust Fund established by Section 140.210 of the City of Wildwood's Revised Codes. This assessment may be paid in full at the time of the first Zoning Authorization for any building or structure, or at the time of each Zoning Authorization for the individual dwellings. This contribution shall not exceed the amount established by multiplying the ordinance required number of parking spaces by the following rate:

<i>Type of Development</i>	<i>Required Contribution</i>
Single Family Dwelling	\$1,055.10 /Parking Space

(Parking space, as defined by Chapter 415.340 of the City of Wildwood Zoning Ordinance.)

If the type of proposed development differs from that listed, rates shall be provided by the Department of Public Works.

The amount of this required contribution, if not submitted by January 1, 2014, 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 City of Wildwood Department of Public Works.

7. VERIFICATIONS PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN

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

Stormwater Improvements

- a. Submit to the Planning and Zoning Commission an 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 the City of Wildwood standards.
 - 2) All stormwater shall be discharged at an adequate natural discharge point.
 - 3) Retention of differential runoff of stormwater shall be required. These features shall be provided in permanent retention facilities, such as ponds or other acceptable alternatives. These retention facilities shall be completed and in operation prior to the issuance of building permits for an approved dwelling unit, except display lots.
 - 4) The developer shall provide an engineering analysis of the existing dam to determine its structural stability and any possible upgrades necessary to it. These upgrades, if required, shall be the responsibility of the developer to implement them prior to the issuance of building permits for any dwelling unit, except for display lots.

Geotechnical Report

- b. Provide a Geotechnical Report covering development and grading required by improvements involved with this site, as directed by the Department of Public Works. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions that are susceptible to rapid erosion, landslide, and/or creep. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. The development and construction plans shall be 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 the proposed construction will be completed in accordance with the grading and soils requirements and conditions contained in the report.

Natural Resource Protection Standard Plans

- c. Provide a revised and final copy of the Natural Resource Protection Plan indicating all areas of the site, which are to be designated as protected and not developable. This revised and final copy of this map shall be reviewed and signed by a

qualified soil scientist, who completed the analysis, and a statement indicating compliance with all the requirements of Section 1005.200 of the City of Wildwood's Subdivision and Development Regulations.

Floodplain Study

- d. The developer shall provide a floodplain study to the Department of Public Works indicating compliance to the requirements of the City of Wildwood, the U.S. Army Corp of Engineers, and the Federal Emergency Management Agency regarding disturbance or development in the floodplain. This study shall minimally provide information relating to access across the floodplain area and be reviewed and acted upon by the Department of Public Works, as part of the Site Development Plan submittal process.

Stormwater Pollution Prevention Plan

- e. Submit a Stormwater Pollution Prevention Plan, as part of the Site Development Plan review process, indicating compliance to Federal, State, and local requirements regarding the management of stormwater runoff to prevent siltation and erosion, both on-site and upon downstream properties.

7. RECORDING

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

8. VERIFICATION PRIOR TO PERMITS

Notification to Department of Planning

- a. Subsequent to approval of the Site Development Plan and prior to issuance of any grading, foundation, or building permit, all approvals from the Department of Public Works, the Missouri American Water Company, and the Missouri Department of Natural Resources must be received by the Department of Planning.
- b. Prior to issuance of foundation or building permits for any lot adjoining a common area or detention facility, written certification from a professional engineer, which verifies these areas are graded in accordance with approved plans, must be received by the Department of Public Works.

Land Subdivision

- c. Record a proper subdivision of the property and comply with all other applicable Subdivision and Development Regulations sections affecting the development of land, except as otherwise specified by this ordinance.

Indentures

- d. With the filing of the record plat establishing separate lots, the developer shall record an approved indenture, which defines the necessary assessments and specific trustee obligations in accord with the provisions of Chapters 415.470 and 415.510 of the City of Wildwood Zoning Ordinance.

Public Potable Water

- e. The developer shall be required to provide public potable water from the Missouri American Water Company to the property, and related homesites. Since this area has been designated by the Missouri American Water Company as a "Low Pressure Area," the total number of permitted lots shall be premised on addressing these service issues with its resolution achieved before approval of the Site Development Plan. Verification of this service shall be in a form acceptable to the City of Wildwood. Additionally, the design and location of this water system shall be reviewed and acted upon by the Planning and Zoning Commission, as part of the Site Development Plan submittal process.

Escrow Requirements

- f. All improvement and landscaping costs shall be submitted to the City of Wildwood through the standard subdivision escrow procedures.

Traffic Generation Assessment

- g. Traffic Generation Assessment contributions shall be deposited with the City of Wildwood in the form of a cash escrow prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the Traffic Generation Assessment Contribution prior to the issuance of building permits for each phase of the development.

Roadway Improvements

- h. Based upon the preliminary development plan, improvements to the Ossenfort Road right-of-way must be completed prior to issuance of the building permits in excess of fifty (50) percent of the total.

9. GENERAL DEVELOPMENT CONDITIONS

- a. 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.
- b. A grading permit is required prior to any grading on the site. Interim stormwater drainage control in the form of siltation control measures is required and must comply with the Stormwater Pollution Prevention Plan for this development (SWPPP). The developer shall be solely responsible for obtaining any temporary slope and construction licenses needed to address the installation of public and private improvements on this site that require the use of adjoining parcels of ground that are not under their ownership or control. A demolition permit is required for the removal of the existing dwelling and related structures.
- c. A copy of the most recently approved Site Development Plan for this P.R.D. Overlay District subdivision shall be prominently displayed at all times in all sales offices of this project
- d. 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 of land.
- e. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public right-of-way. 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 infrastructure improvements.
- f. 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 or Sudan Grasses, shall be utilized to retard erosion. This restoration must occur within thirty (30) days of the conclusion of preliminary grading as determined by the Director of Public Works.
- g. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City of Wildwood Departments or Commissions.
- h. The Zoning Enforcement Officer of the City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with Site Development Plans approved by the Planning and Zoning Commission and the Department of Planning.
- i. Any other applicable zoning, subdivision, or other regulations or requirements of the City, whether in effect at the

adoption of this ordinance or as may be hereinafter adopted, shall further apply to the development of this property as authorized by this Planned Residential Development Overlay District Ordinance, except as may be provided by law. Nothing herein shall be deemed a waiver of any subdivision, zoning, or other development regulation of the City whether by implication or reference.

- j. This zoning approval is conditioned on compliance with the Zoning Ordinance, Subdivision and Development Regulations, and all applicable laws of the City. Such additional regulations are supplemental to the requirements herein and no modification of any applicable regulations shall result from this Planned Residential Development Overlay District, except where this ordinance has expressly modified such regulations by reference to the applicable provision authorizing such modification.
- k. Commencement of construction, as defined by the City of Wildwood's Zoning Ordinance (Chapter 415.520), is required of the petitioner/developer of this residential subdivision **on or before November 27, 2017.**

All other conditions remain unchanged and in full force.

Respectfully submitted,
CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

R. Jon Bopp, Chair

ATTEST:

Joe Vujnich, Director
Department of Planning

Cc: The Honorable James R. Bowlin, Mayor
Council Members DeHart and McGowen, Ward One
Ryan S. Thomas, City Administrator
John A. Young, City Attorney
Travis Newberry, Planner
Greg Neichter, Property Owner
R.J. Throckmorton, Petitioner/Developer

Editor's Note: Changes to Ordinance #1946 are shown as follows: additions or amendments **by bolded and underlined red type.**

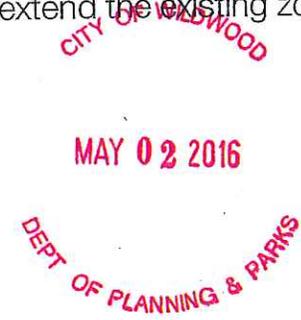
**Background
Information**

From: Neichter Greg gregjn@sbcglobal.net
Subject: Extension of existing PRD Zoning
Date: May 2, 2016 at 6:19 PM
To: Joe Vujnich joe@cityofwildwood.com



Joe,
The PRD Zoning for my 193+ acres on Ossenfort Road in the City Of Wildwood is set to expire on May 27, 2016. As we discussed, I would like to extend the existing zoning for an additional eighteen (18) months.

Thanks,
Greg Neichter, Manager
Neichter Farm LLC
1412 South Mason Road
Town and Country, Missouri 63131
314-909-0442
gregjn@sbcglobal.net

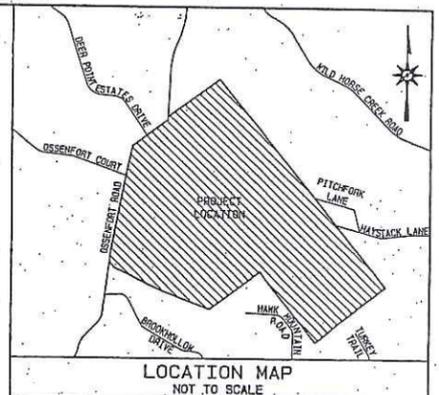


Site Development Plan

DEER VALLEY ESTATES

A TRACT OF LAND BEING PART OF U.S. SURVEY 957,
TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF WILDWOOD,
ST. LOUIS COUNTY, MISSOURI.

"NU" NON-URBAN RESIDENCE DISTRICT AND "FPNU" FLOODPLAIN NON-URBAN RESIDENCE
DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT.



LAND DESCRIPTION
OSSEFORT ROAD
193.190 ACRES
MARCH 27, 2002
JOB NUMBER 01-156

A TRACT OF LAND BEING PART OF U.S. SURVEY 957, TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWEST LINE OF WILD HORSE FARM, A SUBDIVISION AS RECORDED IN PLAT BOOK 321 PAGE 49, OF THE ST. LOUIS COUNTY, MISSOURI RECORDER'S OFFICE, WITH THE NORTHWEST LINE OF WILD HORSE CREEK HILLS PLAT 4, A SUBDIVISION RECORDED IN PLAT BOOK 273 PAGE, OF SAID RECORDER'S OFFICE;

THENCE ALONG SAID NORTHWEST LINE, SOUTH 50 DEGREES 17 MINUTES 30 SECONDS WEST, A DISTANCE OF 1315.48 FEET TO THE NORTHWEST CORNER OF WILD HORSE CREEK HILLS PLAT 4, A SUBDIVISION AS RECORDED IN PLAT BOOK 268 PAGE 94 OF SAID RECORDER'S OFFICE;

THENCE ALONG SAID NORTHEAST LINE, NORTH 37 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 1341.93 FEET TO THE MOST NORTHERN CORNER THEREOF;

THENCE ALONG THE NORTHWEST LINE, THEREOF, SOUTH 52 DEGREES 11 MINUTES 27 SECONDS WEST, A DISTANCE OF 932.14 FEET TO THE NORTH LINE OF BROOKHOLLOW, A SUBDIVISION AS RECORDED IN PLAT BOOK 273 PAGE 35, OF SAID RECORDER'S OFFICE;

THENCE ALONG SAID NORTH LINE THE FOLLOWING COURSES AND DISTANCES: NORTH 68 DEGREES 12 MINUTES 12 SECONDS WEST A DISTANCE OF 774.29 FEET, NORTH 64 DEGREES 24 MINUTES 42 SECONDS WEST A DISTANCE OF 763.27 FEET, NORTH 37 DEGREES 44 MINUTES 27 SECONDS WEST A DISTANCE OF 117.26 FEET TO THE EAST RIGHT OF WAY LINE OF OSSEFORT (40 FOOT WIDE) ROAD;

THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING COURSES: NORTH 06 DEGREES 05 MINUTES 18 SECONDS EAST A DISTANCE OF 157.47 FEET, NORTH 09 DEGREES 27 MINUTES 20 SECONDS EAST A DISTANCE OF 156.42 FEET, NORTH 11 DEGREES 35 MINUTES 27 SECONDS EAST A DISTANCE OF 200.44 FEET, NORTH 10 DEGREES 54 MINUTES 01 SECOND EAST A DISTANCE OF 800.40 FEET, NORTH 11 DEGREES 53 MINUTES 16 SECONDS EAST A DISTANCE OF 470.50 FEET, NORTH 52 DEGREES 19 MINUTES 26 SECONDS EAST A DISTANCE OF 674.45 FEET, NORTH 02 DEGREES 19 MINUTES 26 SECONDS EAST A DISTANCE OF 52.22 FEET TO THE SOUTHEAST LINE OF U.S. SURVEY 1956, ALSO BEING THE NORTHWEST LINE OF U.S. SURVEY 957;

THENCE ALONG SAID NORTHWEST LINE, NORTH 52 DEGREES 19 MINUTES 26 SECONDS EAST A DISTANCE OF 930.96 FEET TO THE NORTHWEST CORNER, THEREOF;

THENCE ALONG THE NORTHEAST LINE OF SAID U.S. SURVEY 957, SOUTH 37 DEGREES 55 MINUTES 19 SECONDS WEST, A DISTANCE OF 3984.67 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 193.190 ACRES IS BASED UPON AN ACTUAL BOUNDARY SURVEY EXECUTED BY COLE & ASSOCIATES DURING THE MONTH OF MARCH, 2002 AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND CONDITIONS OF RECORD, IF ANY.

PERTINENT DATA

SCHOOL DISTRICT: ROCKWOOD SCHOOL DISTRICT (936-2200)
NEAREST MAJOR STREET INTERSECTION: OSSEFORT RD. & WILDHORSE CREEK RD. APPROX. 1500' TO THE NORTH

FIRE DISTRICT: METRO WEST FIRE PROTECTION DISTRICT
SEWER DISTRICT: PRIVATE SEWER TREATMENT PLANT
WATERSHED: WILD HORSE CREEK
WATER: MISSOURI AMERICAN WATER COMPANY
GAS: LACLEDE GAS COMPANY
ELECTRIC: AMEREN UE
TELEPHONE: SOUTHWESTERN BELL
CABLE T.V. PROVIDER: CHARTER COMMUNICATIONS
SOURCE OF TOPOGRAPHIC INFORMATION: SANBORN MAPPING
ZIP CODE: 63036

GENERAL NOTES

GROSS ACREAGE OF TRACT: 193.190 ACRES
PRESENT ZONING OF TRACT: "NU" NON-URBAN RESIDENCE DISTRICT AND "FPNU" FLOOD PLAIN NON-URBAN RESIDENCE DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT
PRESENT LAND USE: VACANT
PROPOSED LAND USE: 55 SINGLE FAMILY RESIDENCES

DENSITY CALCULATIONS:
GROSS AREA OF TRACT: 193.190 ACRES

"NU"/"FPNU" W/P.R.D. DENSITY CALCS.

("NU"/"FPNU") ("FPNU")
193.20 - 27.81 = 165.39 AC.

165.39 AC./3.0 AC. = 55 LOTS

- LOTS PROPOSED: 55 SINGLE FAMILY RESIDENCES
- REQUIRED PARKING: 55 DWELLING UNITS @ 2.0 U./D.U. = 110 P.S.
- PROPOSED PARKING: 110 P.S. (MIN. 9' X 19')
- COMMON GROUND: 66.395 ACRES
- GRADING AND DRAINAGE PER CITY OF WILDWOOD AND N.S.D. STANDARDS. SLOPE SHALL NOT EXCEED 3 (HORIZONTAL) : 1 (VERTICAL), UNLESS SUPPORTED BY GEOTECHNICAL REPORT AND APPROVED BY THE CITY OF WILDWOOD.
- ALL PROPOSED STREETS TO BE DEDICATED AS PRIVATE.
- STORMWATER SHALL BE DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT. SINKHOLES ARE NOT ADEQUATE DISCHARGE POINTS.
- LANDSCAPE STANDARDS: PER CITY OF WILDWOOD STANDARDS.
- STREET LIGHTING TO BE PROVIDED PER CITY OF WILDWOOD STANDARDS.
- ENTRANCE, STREET INTERSECTION, AND ENTRANCE ISLAND SHALL BE CONSTRUCTED TO CITY OF WILDWOOD STANDARDS.
- STORAGE SHALL COMPLY WITH CITY OF WILDWOOD STANDARDS.
- MAXIMUM HEIGHT OF PROPOSED DWELLING UNITS IS 2-STORY OR MAX. 35 FEET.
- ENTRANCE MONUMENTS WILL BE ON BOTH SIDES OF THE DIVIDED ENTRANCE AND THE ENTRANCE ISLAND WITH A MAXIMUM OF TWO (2) SIGNS TO CONFORM TO THE CITY OF WILDWOOD ORDINANCE.
- THE "INDENTURES" FOR THIS PROPOSED SUBDIVISION WILL BE PROVIDED TO THE CITY PRIOR TO THE RECORDING OF THE RECORD PLAT.
- NO PLANTS, TREES, SIGNS, ETC. GREATER THAN THIRTY-SIX (36) INCHES IN HEIGHT SHALL BE PLACED IN THE SIGHT DISTANCE TRIANGLE.
- ALL EASEMENTS OF RECORD PER THE CLIENT SUPPLIED TITLE COMMITMENT HAVE BEEN INDICATED ON THE PLAN.
- THE EXISTING FENCE ALONG OSSEFORT ROAD AND ALONG THE COMMON LINE OF BROOKHOLLOW COMMON GROUND IS TO BE REMOVED AND REPLACED WITH 3-RAIL VINYL FENCE.
- AS PART OF THE CONSTRUCTION PLAN PROCESS, A SERVICE PROVIDER FOR THE MAINTENANCE OF THE TREATMENT PLANT WILL BE CHOSEN.
- NO PARKING ON EITHER SIDE OF THE 20 FOOT WIDE STREETS WILL BE ALLOWED PER THE METRO WEST FIRE PROTECTION DISTRICT OF ST. LOUIS COUNTY.
- INITIAL GRADING PHASE FOR THIS DEVELOPMENT WILL BE FOR THE PURPOSE OF ROADWAY INSTALLATION ONLY (APPROXIMATELY 4.5 ACRES).
- IMPROVEMENTS TO OSSEFORT ROAD RIGHT-OF-WAY MUST BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMITS IN EXCESS OF (50) PERCENT.
- THE 8' WIDE (PUBLIC) MULTI-USE TRAIL WILL BE INSTALLED BY THE DEVELOPER OR THE FINISH GRADE WILL BE PROVIDED ALONG WITH A CASH ESCROW TO THE CITY FOR ITS INSTALLATION.
- TOTAL LENGTH OF PRIVATE TRAIL = 8,300 L.F.

SANITARY TREATMENT PLANT NOTES

EMERGENCY EQUIPMENT AND PROCEDURES:
IN CASE OF WASTEWATER TREATMENT PLANT PROBLEMS, THE FOLLOWING PROCEDURES SHALL APPLY:

- A. PUMP FAILURE: 2 PUMPS ARE PROVIDED TO GIVE 100% BACKUP. IF ONE PUMP FAILS, THE PUMP CONTROLLER WILL SWITCH TO THE SECOND PUMP. IF BOTH PUMPS FAIL, A HIGH WATER ALARM WILL SOUND AND AN OUTSIDE LIGHT WILL COME ON. IF EITHER OF THESE CONDITIONS OCCUR, THE OPERATIONAL COMPANY OF KELPE CONTRACTING, INC. WILL BE CONTACTED TO CORRECT THE FAILURE CONDITION.

Kelpe Contracting, Inc.
P.O. Box 100
Wildwood, MO 63036
636-458-1400
Contact: David Fuzsner

- B. LIGHT AND SIREN: THESE SYSTEMS HAVE A BATTERY BACKUP IN CASE OF POWER FAILURE. THIS WILL ALSO BE MAINTAINED BY KELPE CONTRACTING, INC.

- C. POWER FAILURE: IN THE EVENT OF A POWER FAILURE, THE LIGHT AND SIREN WILL COME ON. KELPE CONTRACTING, INC. MAY THEN BE CONTACTED AND THEY WILL CONTACT THE PUMP AND HULL CONTRACTOR WHO WILL PUMP AND HULL SANITARY SEWAGE FROM THE FACILITY. THE PUMP AND HULL CONTRACTOR IS:

Acpe Septic Tank Service
P.O. Box 10
Pacifica, MO 63069
636-458-3100
Contact: Juenita Walker

- D. PLANT MAINTENANCE: KELPE CONTRACTING, INC. SHALL CONDUCT REGULAR, WEEKLY VISITS TO CHECK AND MAINTAIN PLANT OPERATION, MECHANICAL SYSTEMS AND ELECTRICAL SYSTEMS.

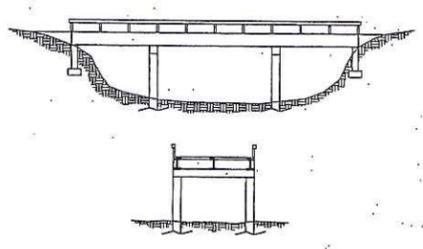
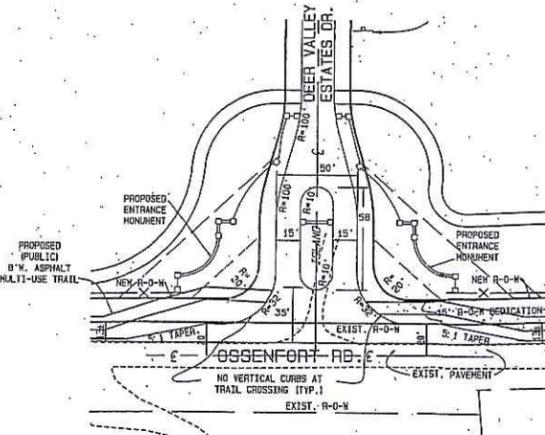
- E. PLANT EFFLUENTS: KELPE CONTRACTING, INC. SHALL CONDUCT REGULAR VISITS TO MAINTAIN PLANT OPERATION AND TEST PLANT EFFLUENT. KELPE CONTRACTING, INC. WILL ALSO SUBMIT REGULAR REQUIRED REPORTS TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES AND TO THE CITY OF WILDWOOD.

LEGEND

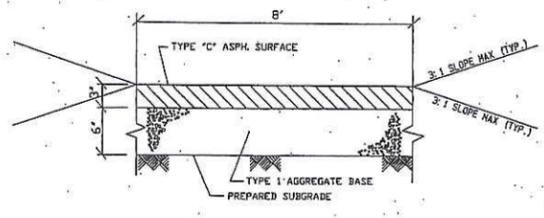
- - DENOTES 1/2" IRON PIPE WITH PLASTIC CAP STAMPED COLE LS 2660 SET, UNLESS NOTED OTHERWISE.
- ▲ - DENOTES MONUMENTATION FOUND AS NOTED ON PLAT

BOUNDARY SURVEY NOTES:

- ALL BEARINGS AND DISTANCES ARE RECORDED (P) AND SURVEYED (S), UNLESS OTHERWISE NOTED.
- THIS SURVEY HAS BEEN EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR THE STATE OF MISSOURI (ACRS30-16.010), AND MEETS THE REQUIREMENTS OF AN URBAN CLASS SURVEY, AS DEFINED THEREIN.
- MSD 16-134 ELEVATION 530.09 STANDARD ALUMINUM DISK STAMPED SL-97-1991, DISK IS AT THE NORTHWEST CORNER OF OSSEFORT ROAD AND DEER VALLEY ESTATES DRIVE, 15 FEET NORTH OF THE CENTERLINE OF OSSEFORT ROAD AND 51 FEET WEST OF THE CENTERLINE OF DEER VALLEY DRIVE.
- TOTAL AREA OF BOUNDARY = 193.190 ACRES.
- BASIS OF BEARING: THE BEARING ALONG THE NORTH LINE OF BROOKHOLLOW AS RECORDED IN PLAT BOOK 273, PAGE 35 OF THE ST. LOUIS COUNTY, MISSOURI RECORDER'S OFFICE AS ESTABLISHED BY GPS OBSERVATION. GPS MONUMENT SL-97 WAS OCCUPIED AND TIED TO THE AZIMUTH MARK, WHICH NORTH LINE BEARS NORTH 64 DEGREES 24 MINUTES 42 SECONDS WEST.
- CORNER OF RECORD: OLD CONCRETE MONUMENT FOUND AT AN ANGLE POINT ON THE NORTH LINE OF BROOKHOLLOW AS SHOWN ON PLAT BOOK 273, PAGE 35 OF THE ST. LOUIS COUNTY, MISSOURI RECORDER'S OFFICE.
- SOURCE OF RECORD TITLE:
 - GENERAL WARRANTY DEED GRANTED TO GREGORY J. NEICHTER AS RECORDED BY DEED IN BOOK 10844, PAGE 1312 OF THE ST. LOUIS COUNTY, MISSOURI RECORDER'S OFFICE.
- TITLE COMMITMENTS: STEWART TITLE COMMITMENT NUMBER: X69796 EFFECTIVE DATE: DECEMBER 6, 1988
- SCHEDULE B,
 - EASEMENT TO YARHOLA PIPE LINE CO. ACCORDING TO INSTRUMENT RECORDED IN BOOK 424 PAGE 111. SAID EASEMENT WAS ASSIGNED TO OZARK PIPE LINE CORPORATION RECORDED IN BOOK 472 PAGE 14. (BLANKET EASEMENT, MAY NOT EFFECT 193.19 ACRE TRACT).



BRIDGE CROSS SECTIONS
NO SCALE
NOT PART OF SITE DEVELOPMENT PLAN APPROVAL



PUBLIC TRAIL CROSS SECTION
NO SCALE

LOT	Area (SQ FT)	Area (Ac.)
LOT 1	125787	2.888
LOT 2	163344	3.750
LOT 3	83394	1.914
LOT 4	80507	1.848
LOT 5	79777	1.831
LOT 6	92660	2.127
LOT 7	72246	1.659
LOT 8	44421	1.020
LOT 9	58723	1.378
LOT 10	145203	3.358
LOT 11	124509	2.858
LOT 12	86407	1.984
LOT 13	68577	1.574
LOT 14	71181	1.634
LOT 15	75363	1.730
LOT 16	99620	2.287
LOT 17	69525	1.527
LOT 18	51509	1.182
LOT 19	69056	1.582
LOT 20	75435	1.732
LOT 21	57123	1.311
LOT 22	109364	2.511
LOT 23	127389	2.920
LOT 24	159310	3.565
LOT 25	101155	2.322
LOT 26	85500	1.953
LOT 27	89500	2.053
LOT 28	154779	3.553
LOT 29	124935	2.868
LOT 30	91621	2.103
LOT 31	103730	2.381
LOT 32	113256	2.600
LOT 33	245529	5.639
LOT 34	251899	5.783
LOT 35	105893	2.431
LOT 36	78940	1.809
LOT 37	72155	1.656
LOT 38	62764	1.441
LOT 39	63532	1.458
LOT 40	90372	2.075
LOT 41	71293	1.637
LOT 42	71176	1.634
LOT 43	64880	1.489
LOT 44	74339	1.707
LOT 45	81869	1.880
LOT 46	72724	1.670
LOT 47	69056	1.585
LOT 48	89718	2.060
LOT 49	53701	1.233
LOT 50	62903	1.444
LOT 51	157629	3.619
LOT 52	73463	1.686
LOT 53	45736	1.050
LOT 54	48120	1.105
LOT 55	58775	1.349
COMMON GROUND A	1089150	25.004
COMMON GROUND B	1795357	41.239
COMMON GROUND ISLANDS	6510	0.152
R.O.W.	365621	8.393
DEDICATION	37900	0.870

ENGINEERING DECLARATION
THE INFORMATION ON THIS PLAN IS FROM EXISTING AVAILABLE DATA. THE ENGINEERING IS PRELIMINARY AND CONCEPTUAL AND SHALL NOT BE CONSIDERED AS THE FINAL DESIGN FOR CONSTRUCTION, BUT FOR PRELIMINARY COSTS AND CONCEPT ONLY. THIS PRELIMINARY IS SUBJECT TO CHANGE BASED ON COMPLETE FIELD INFORMATION, ENGINEERING CALCULATIONS, AND FUTURE AVAILABLE DATA.

COLE & ASSOCIATES, INC.

SIGNATURE
DATE

SURVEYOR'S CERTIFICATION
THIS IS TO CERTIFY TO NEICHTER-THROCKMORTON DEVELOPMENT THAT AT THEIR REQUEST DURING THE MONTH OF AUGUST, 2002, COLE & ASSOCIATES INC. HAS PREPARED A SITE DEVELOPMENT PLAN OF A TRACT OF LAND BEING PART OF U.S. SURVEY 957, TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI. THIS PLAN IS BASED ON A BOUNDARY SURVEY COMPLETED BY COLE & ASSOCIATES INC. THIS PRELIMINARY PLAN AND THE SURVEY ON WHICH IT IS BASED WERE EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

COLE & ASSOCIATES, INC. L.S. 266-D
PROJECT NO. 01-156

BRIAN J. FISCHER, PLS
MISSOURI CERT. NO. L.S. 2584
DATED:

DEER VALLEY ESTATES
SITE DEVELOPMENT PLAN

Cole & Associates Inc.
Planning - Civil Engineering - Land Surveying

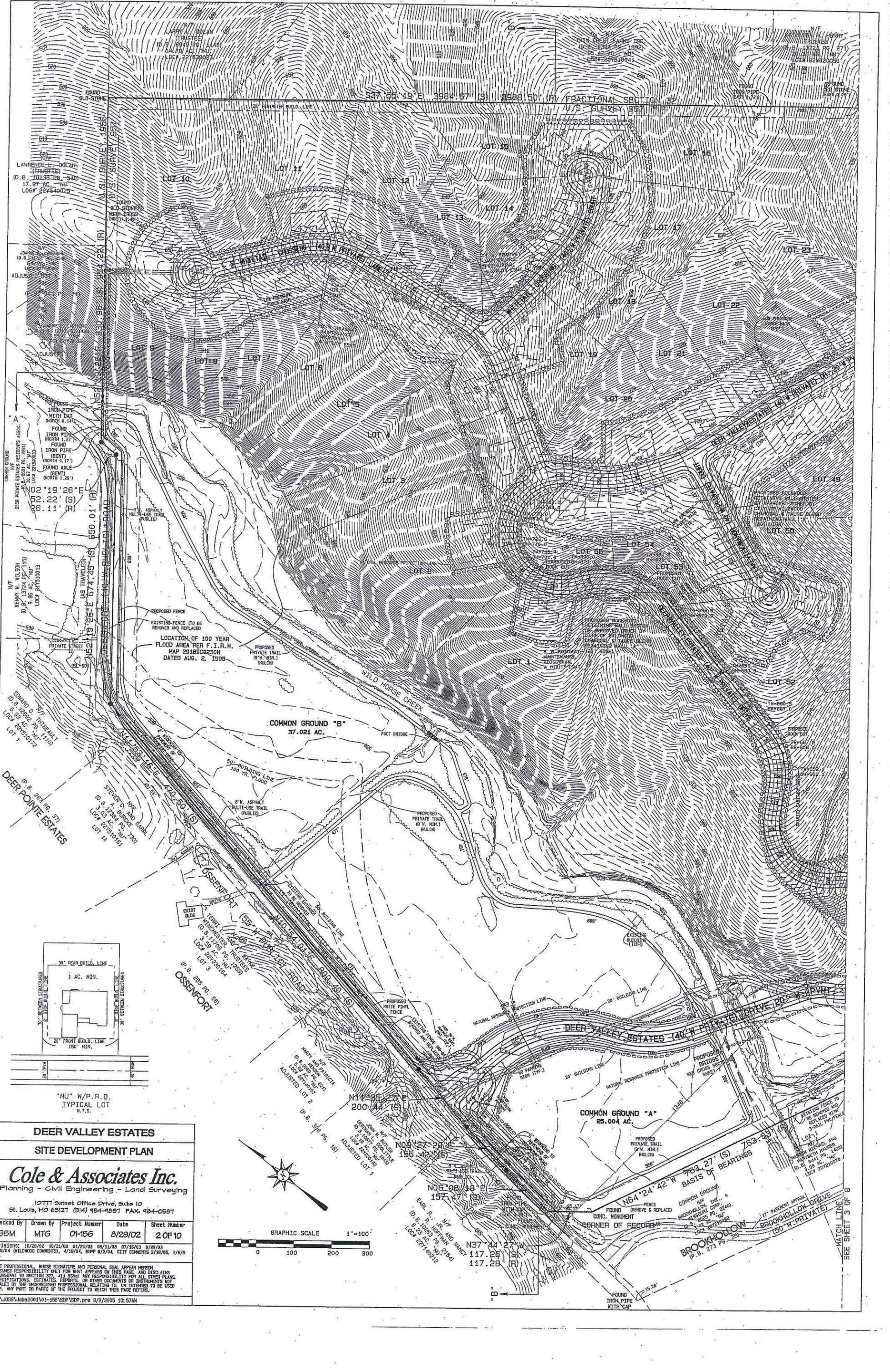
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GSM/BJF	MTG	01-156	8/29/02	1 OF 10

Revisions: 10/23/02, 10/28/02, 10/31/02, 01/15/03, 01/21/03, 01/16/03, 07/22/03, 9/29/03, 3/15/04 (WILDWOOD COMMENTS), CITY COMMENTS 3/18/05, 3/8/06

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SITE DEVELOPMENT PLAN

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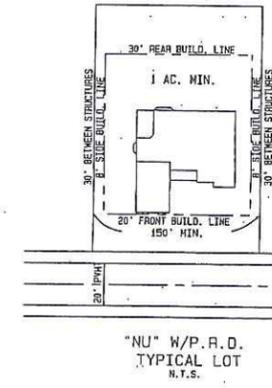
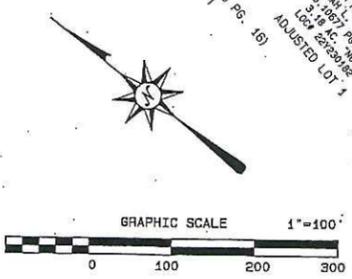
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GGM	MTG	01-156	8/29/02	2 OF 10

Revisions: 10/28/02 19/31/03 01/21/03 05/11/03 07/16/03 8/29/03
 3/19/04 (WILDWOOD COMMENTS), 4/19/04, NPPF 6/2/04, CITY COMMENTS 3/18/05, 3/18/05

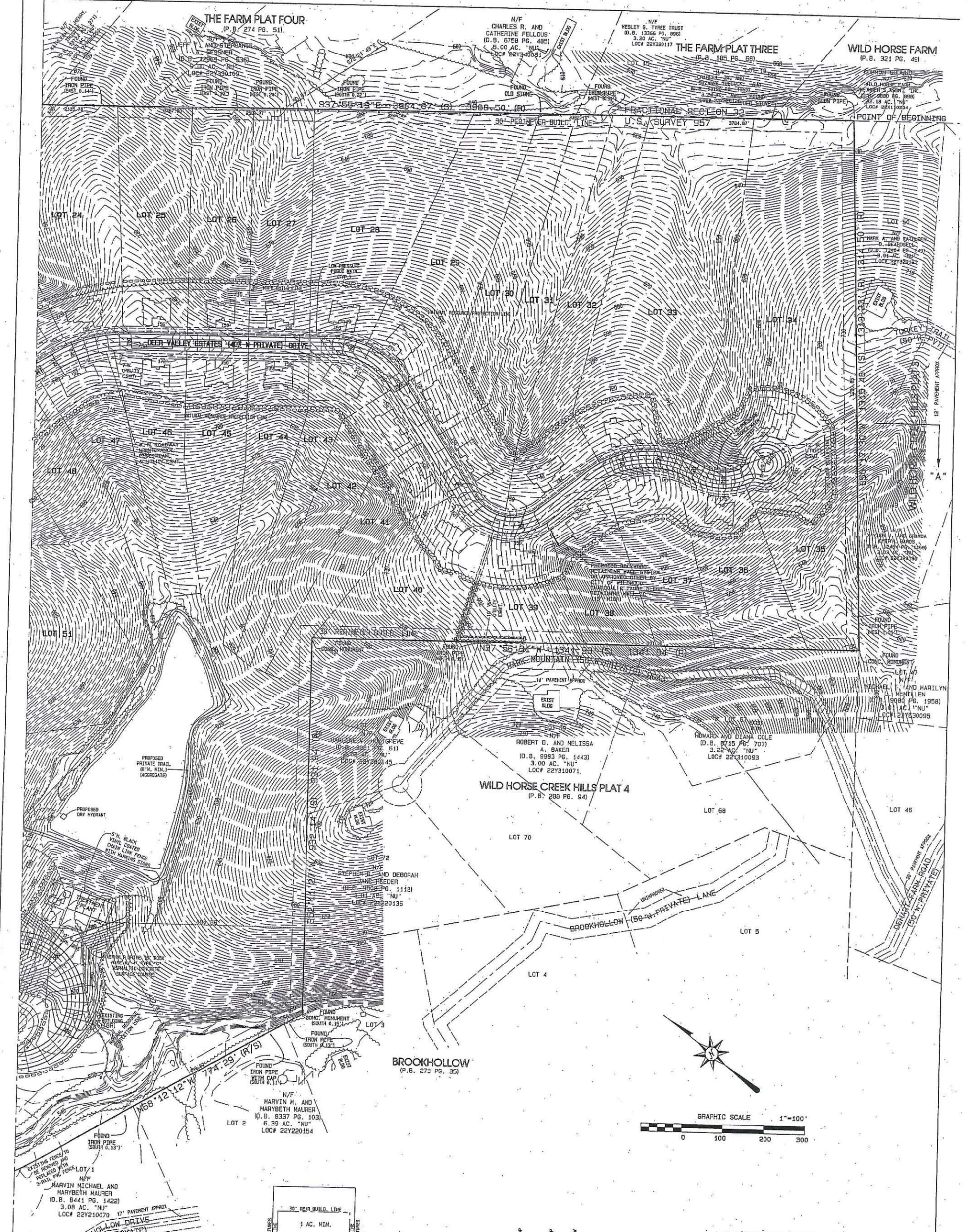
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"NU" W/P.R.D.
 TYPICAL LOT
 N.T.S.

SEE SHEET 3 OF 8



S37°55'19"E 3984.67' (S) 3988.50' (R) FRACTIONAL SECTION 32

U.S. SURVEY 957

U.S. SURVEY 1956
U.S. SURVEY 957

N02°19'26"E
52.22' (S)
26.11' (R)

(AS TRAVELED)
N52°19'26"E 674.45' (S) 650.01' (R)

OSSENFORT (40'-W-PUBLIC) ROAD

N11°53'16"E 470.50' (S)
OSSENFORT (55'-W-PUBLIC) ROAD
N40°54'01"E 800.40' (S)

LOCATION OF 100 YEAR
FLOOD AREA PER F.I.R.M.
MAP 23199C0290H
DATED AUG. 2, 1996

N11°35'27"E
200.44' (S)

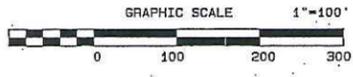
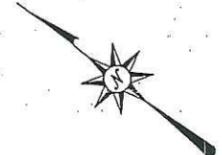
N09°27'20"E
156.42' (S)

N05°06'18"E
157.47' (S)

N37°44'27"W
117.26' (S)
117.28' (R)

N54°24'42"W 763.53' (R)
BASIS OF BEARINGS

CORNER OF RECORD



DEER VALLEY ESTATES
NATURAL RESOURCE PROTECTION PLAN

Cole & Associates Inc.
Planning - Civil Engineering - Land Surveying

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Revisions: 10/28/02 10/31/02 01/21/03 05/11/03 07/15/03 9/29/03
9/19/04 (MILKWOOD COMMENTS) WFF 9/2/04, 3/05

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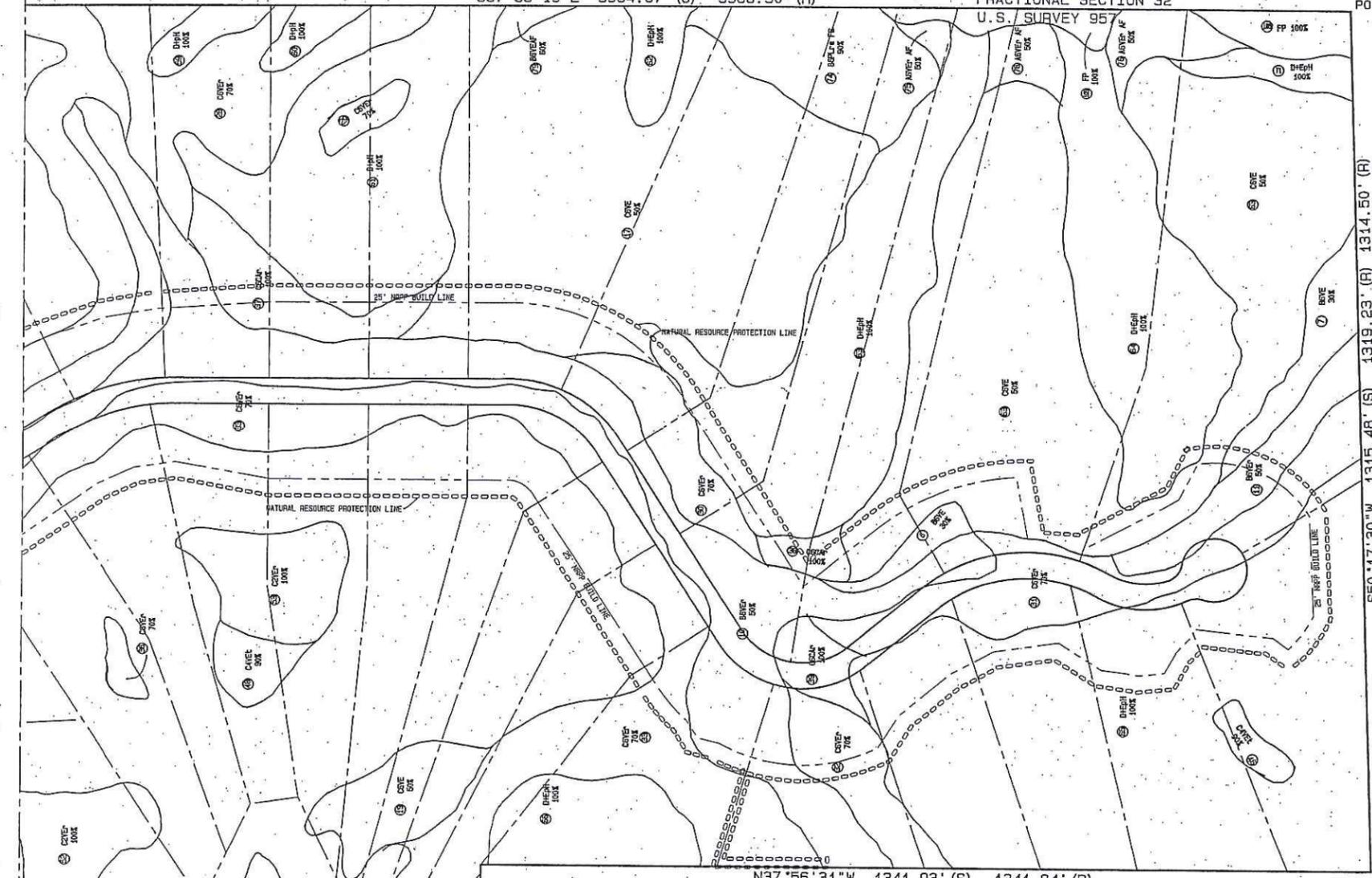
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MATCH LINE
SEE SHEET 5 OF 8

S37°55'19"E 3984.67' (S) 3988.50' (R)

FRACTIONAL SECTION 32
U.S. SURVEY 957

POINT OF BEGINNING



N37°56'31"W 1341.93' (S) 1341.84' (R)

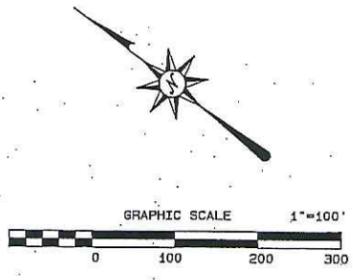
S50°17'30"W 1315.48' (S) 1319.23' (R) 1314.50' (R)

S52°11'27"W 932.14' (S) 931.94' (R)

N68°12'12"W 774.29' (R/S)

MAP SYMBOL	PRESEHVATION PERCENTAGE	MAP UNIT ACRES	ACRES REQUIRED TO BE PRESERVED	USABLE ACRES	ACRES PRESERVED	ACRES DISTURBED
A6PL	0%	0.34	0.0	0.34	0.00	0.34
A6PL (TE)	30%	8.52	2.56	5.97	6.16	0.36
A6PLr (TE)	50%	5.49	2.74	2.75	2.91	1.83
A6PLre (TE)	60%	3.73	2.24	1.49	3.69	0.04
A6VER (AF)	50%	1.17	0.59	0.58	1.17	0.00
B6VE	30%	2.99	0.90	2.09	1.27	1.72
B6VER	50%	9.71	4.85	4.86	1.22	8.49
B6PLre (FS)	90%	1.08	0.97	0.11	1.08	0.00
B6VE (AF)	60%	0.06	0.04	0.02	0.06	0.00
B6VER (AF)	80%	0.62	0.49	0.13	0.40	0.22
B6PL (TE)	60%	0.15	0.09	0.06	0.07	0.08
B6Car	80%	0.36	0.29	0.07	0.00	0.36
B4VEt	70%	0.74	0.52	0.22	0.38	0.36
C6VE	50%	21.99	10.99	11.00	17.41	4.58
C6CA	80%	0.36	0.29	0.07	0.23	0.13
C6VER	70%	17.82	12.47	5.35	5.77	11.05
C6Car	100%	1.79	1.79	0.00	1.00	0.79
C6VER (FS)	100%	0.28	0.28	0.00	0.28	0.00
C6VER (AF)	100%	1.06	1.06	0.00	1.06	0.00
C4VEt	90%	6.47	5.82	0.65	5.20	1.27
C2VER	100%	8.41	8.41	0.00	6.48	1.93
D+EPH	100%	75.59	75.59	0.00	65.28	10.16
METLAND	100%	5.54	5.54	0.00	3.34	1.05
FLOOD PLAIN	100%	14.02	14.02	0.00	15.19	0.83
CHANNEL	100%	2.57	2.57	0.00	2.46	0.11
DAM	100%	0.60	0.60	0.00	0.37	0.23
WATER	100%	2.21	2.21	0.00	2.21	0.00
TOTALS	---	193.67	157.91	35.76	147.74	45.93
OTHER	0%	---	(#10.915)	0.000	0.000	
				147.001	132.195	

MATCH LINE
SEE SHEET 4 OF 8



THIS NATURAL RESOURCE PROTECTION PLAN HAS BEEN REVIEWED AND APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE CONSULTING SOIL SCIENTIST REPORT DATED MARCH 25, 2002

DENNIS M. WEINERT - SOIL SCIENTIST

DATED

DEER VALLEY ESTATES
NATURAL RESOURCE PROTECTION PLAN

Cole & Associates Inc.
Planning - Civil Engineering - Land Surveying

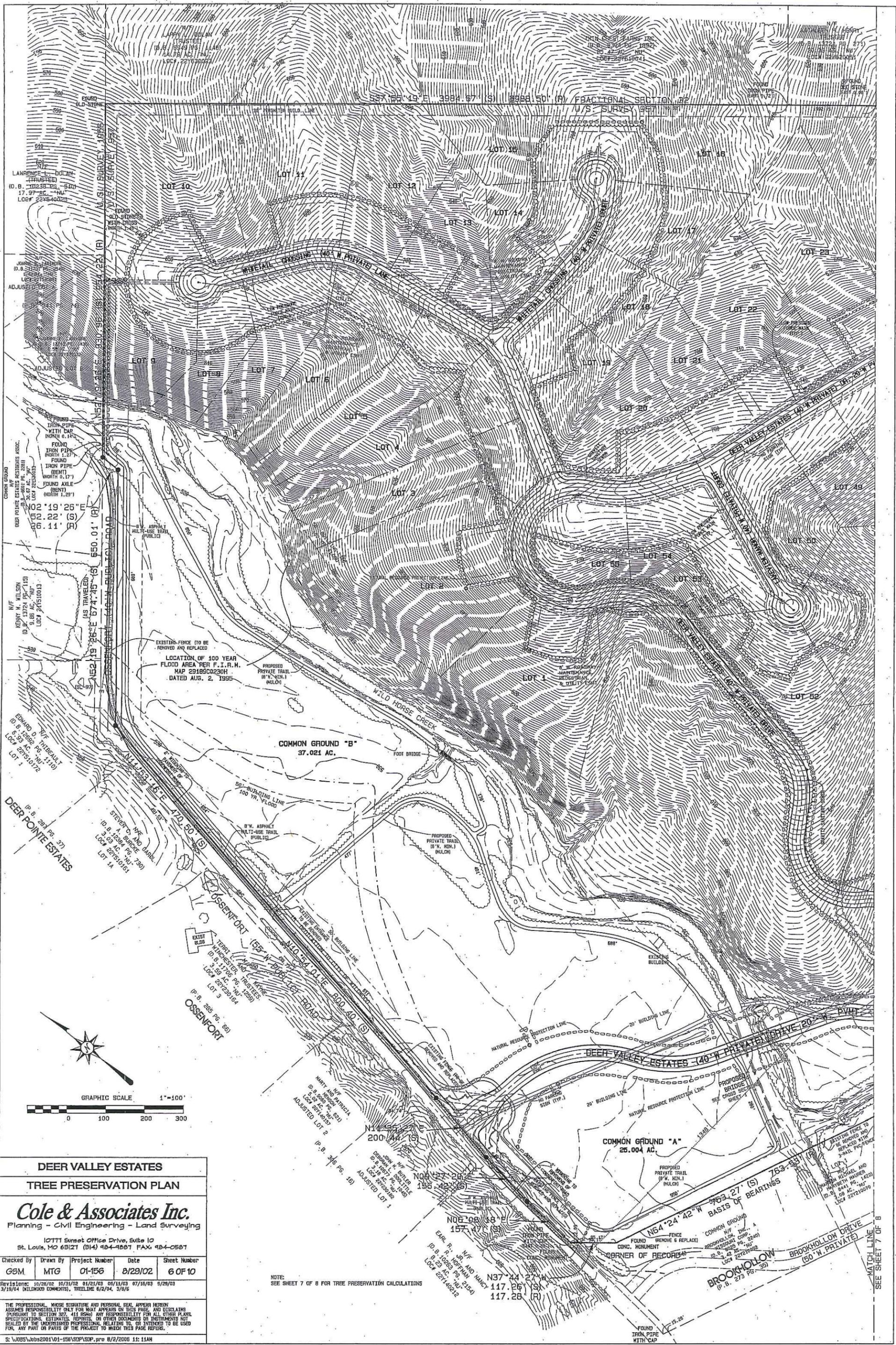
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GSM	MTG	01-156	8/29/02	5 OF 10

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DEER VALLEY ESTATES
TREE PRESERVATION PLAN

Cole & Associates Inc.
 Planning - Civil Engineering - Land Surveying

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GEM	MTG	01-156	8/29/02	6 OF 10

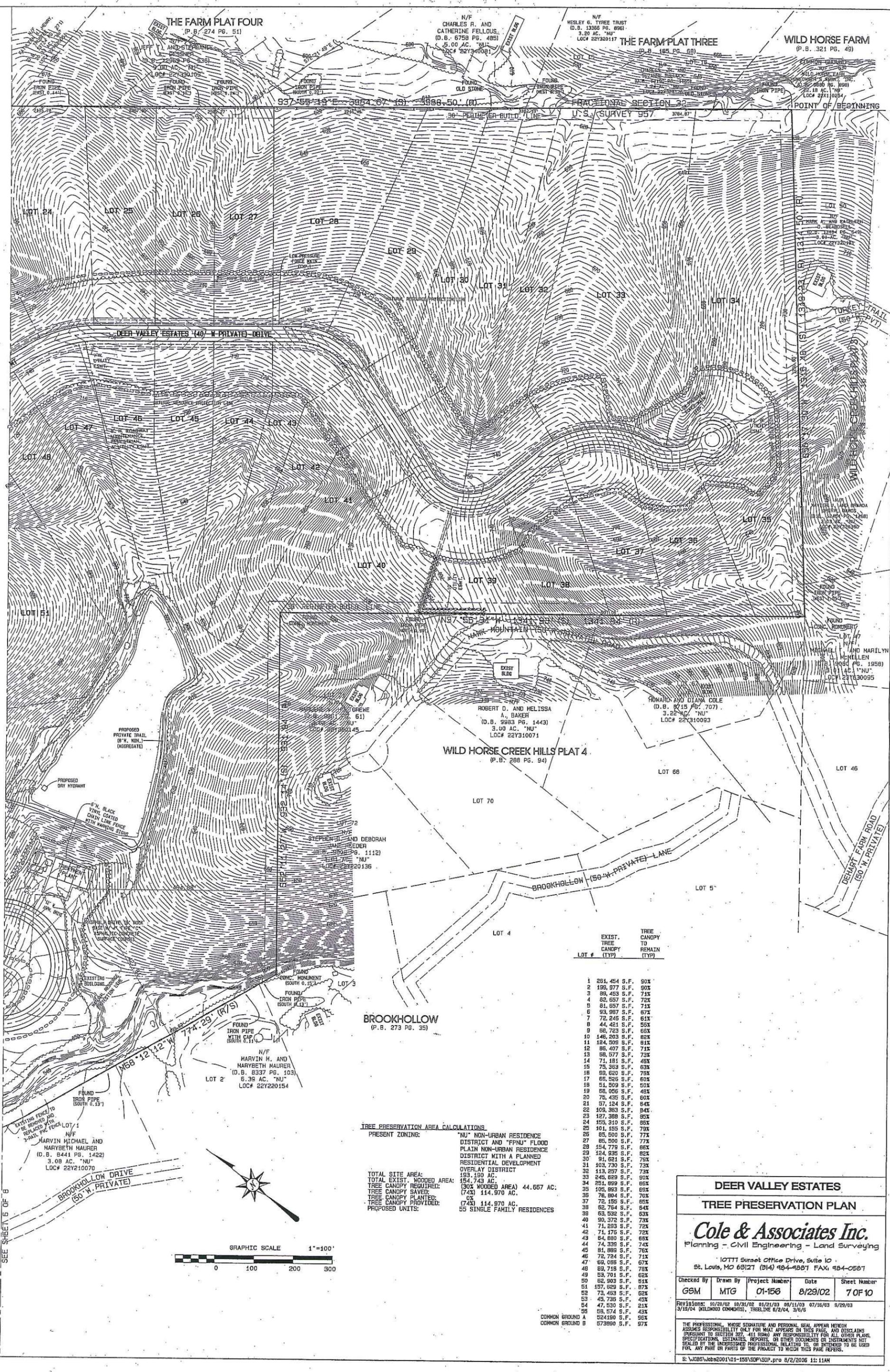
Revisions: 10/28/02 10/31/02 01/21/03 05/11/03 07/18/03 9/29/03
 3/18/04 (WILKWOOD COMMENTS), TRELLINE 6/2/04, 3/8/6

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NOTE:
 SEE SHEET 7 OF 8 FOR TREE PRESERVATION CALCULATIONS

SEE SHEET 7 OF 8



TREE PRESERVATION AREA CALCULATIONS

PRESENT ZONING: "NU" NON-URBAN RESIDENCE DISTRICT AND "FPNU" FLOOD PLAIN NON-URBAN RESIDENCE DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT

TOTAL SITE AREA: 193.190 AC.
 TOTAL EXIST. WOODED AREA: 154.743 AC.
 TREE CANOPY REQUIRED: (30% WOODED AREA) 44.667 AC.
 TREE CANOPY SAVED: (74%) 114.970 AC.
 TREE CANOPY PLANTED: 02
 TREE CANOPY PROVIDED: (74%) 114.970 AC.
 PROPOSED UNITS: 55 SINGLE FAMILY RESIDENCES

LOT #	EXIST. TREE CANOPY (TYP)	TREE CANOPY TO REMAIN (TYP)
1	251,454 S.F.	90%
2	199,977 S.F.	90%
3	89,453 S.F.	71%
4	82,657 S.F.	72%
5	81,857 S.F.	71%
6	93,987 S.F.	87%
7	72,246 S.F.	61%
8	44,421 S.F.	55%
9	58,723 S.F.	65%
10	146,203 S.F.	82%
11	124,505 S.F.	81%
12	86,407 S.F.	71%
13	58,577 S.F.	73%
14	71,181 S.F.	45%
15	75,363 S.F.	63%
16	92,620 S.F.	75%
17	65,525 S.F.	60%
18	51,509 S.F.	50%
19	58,056 S.F.	48%
20	75,435 S.F.	60%
21	57,124 S.F.	84%
22	109,363 S.F.	84%
23	127,388 S.F.	85%
24	155,310 S.F.	85%
25	101,155 S.F.	79%
26	65,500 S.F.	77%
27	85,500 S.F.	77%
28	154,779 S.F.	65%
29	124,935 S.F.	82%
30	91,621 S.F.	79%
31	103,730 S.F.	73%
32	113,297 S.F.	73%
33	245,629 S.F.	90%
34	251,899 S.F.	86%
35	105,893 S.F.	69%
36	78,804 S.F.	70%
37	72,156 S.F.	65%
38	62,764 S.F.	54%
39	63,532 S.F.	63%
40	90,372 S.F.	73%
41	71,293 S.F.	72%
42	71,176 S.F.	72%
43	64,880 S.F.	65%
44	74,339 S.F.	74%
45	81,989 S.F.	76%
46	72,784 S.F.	71%
47	69,036 S.F.	67%
48	89,718 S.F.	78%
49	53,701 S.F.	62%
50	82,903 S.F.	51%
51	157,529 S.F.	87%
52	73,453 S.F.	62%
53	43,736 S.F.	45%
54	47,530 S.F.	21%
55	58,574 S.F.	43%
COMMON GROUND A	324190 S.F.	95%
COMMON GROUND B	873950 S.F.	97%

DEER VALLEY ESTATES

TREE PRESERVATION PLAN

Cole & Associates Inc.
 Planning - Civil Engineering - Land Surveying

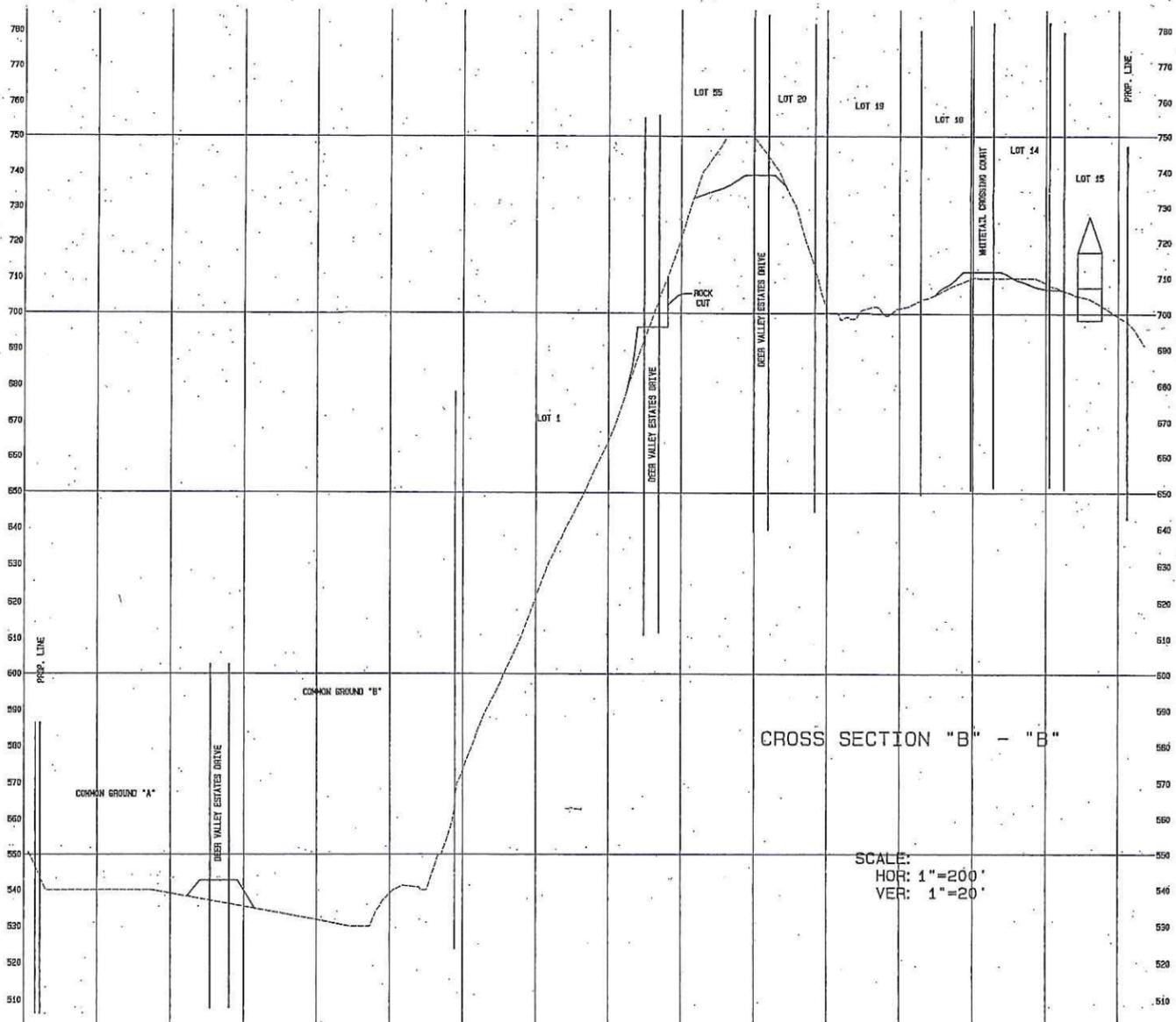
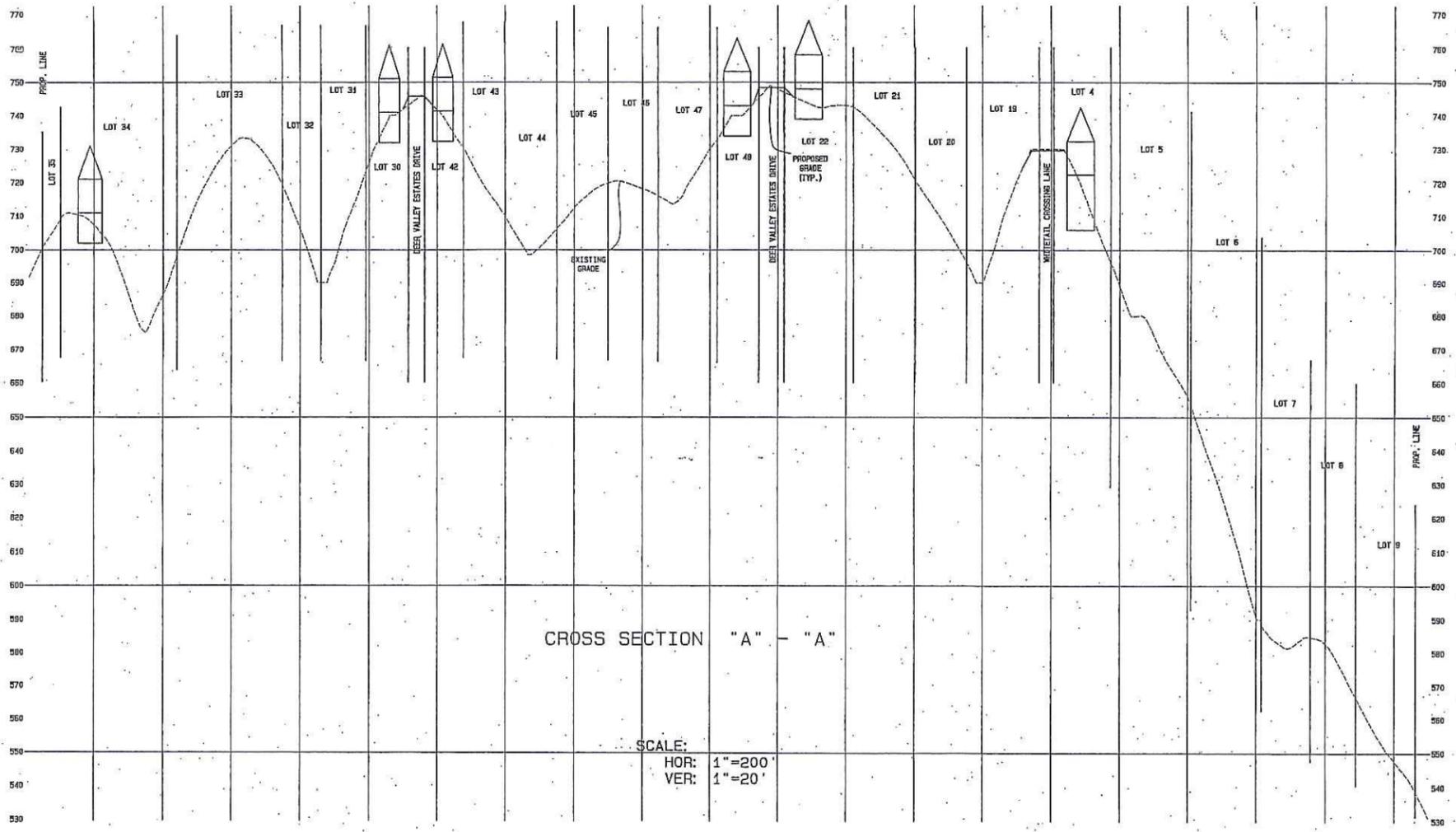
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GSM	MTG	01-156	8/29/02	7 OF 10

Revisions: 10/28/02 10/31/02 01/21/03 05/11/03 07/16/03 5/29/03
 3/19/04 (WILWOOD COMMENTS), TREE LINE 6/2/04, 3/6/05

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DEER VALLEY ESTATES				
SITE CROSS SECTIONS				
<i>Cole & Associates Inc.</i>				
Planning - Civil Engineering - Land Surveying				
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<small>THE PROFESSIONAL WHOSE SIGNATURE AND PERSONAL SEAL APPEAR HEREON ASSUMES RESPONSIBILITY ONLY FOR WHAT APPEARS ON THIS PAGE, AND DISCLAIMS PURSUANT TO SECTION 327, 411 RSMo ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS, OR OTHER DOCUMENTS OR INSTRUMENTS NOT SEALED BY THE UNDERSIGNED PROFESSIONAL RELATING TO, OR INTENDED TO BE USED FOR, ANY PART OR PARTS OF THE PROJECT TO WHICH THIS PAGE REFERS.</small>				
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AN ORDINANCE AUTHORIZING THE APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT IN THE NU NON-URBAN RESIDENCE DISTRICT AND FPNU FLOODPLAIN NON-URBAN RESIDENCE DISTRICT UPON A 193.2 ACRE PARCEL OF GROUND TO AUTHORIZE ITS USE FOR A FIFTY-FIVE (55) LOT RESIDENTIAL SUBDIVISION UNDER A SET OF SPECIFIC CONDITIONS AND REQUIREMENTS SET FORTH HEREIN BY THIS ORDINANCE (P.Z. 25 and 25a-02 Deer Valley Estates)

WHEREAS, on February 26, 1996, the City of Wildwood, Missouri adopted its Master Plan, which identified portions of the City where low density residential development would be appropriate by designating these properties into a Conceptual Land Use Classification called the "Non-Urban Residential Area;" and

WHEREAS, those properties included in the Non-Urban Residential Area were selected because they lacked a full range of utility services, which were not readily accessible, infrastructure levels which were not commensurate with the increased use caused by the new development, topography that was not as favorable as other locations within the City, and a surrounding development pattern which was comparable in terms of density and type of use; and

WHEREAS, the designation of property within the "Non-Urban Residential Area" of the City allows for residential housing densities to be limited to one (1) dwelling per every three (3) acres, with a minimum size of one (1) acre, to allow for the clustering of homesites within these developments; and

WHEREAS, additionally, after the adoption of the Master Plan, the City Council began the process of creating complementary ordinances to implement the requirements of the Master Plan, including the City's revised Zoning Code; and

WHEREAS, one (1) of the major modifications to the Zoning Code was the creation of the Planned Residential Development Overlay District regulations, which assist in the application of the City's environmental ordinances, including the Natural Resource Protection Standards; and

WHEREAS, the Planning and Zoning Commission heard a series of requests from the petitioner for the approval of a maximum of sixty-three (63), detached single-family dwellings to be located on a 193.2 acre tract of land situated on the east side of Ossenfort Road, north of Hardt Road; which would require the approval of a Planned Residential Development Overlay District to allow for the proposed lot sizes and their layout, while also granting a Major Variance to the Natural Resource Protection Standards of the Subdivision and Development Regulations (fifteen (15) percent amount); and

WHEREAS, the Planning and Zoning Commission reviewed and analyzed these requests for consistency with the Master Plan and its related standards and guidelines, and recommended approval of the application of the Planned Residential Development Overlay District for this tract of land in the NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District to allow for the development of a fifty-seven (57) lot residential subdivision (fifty-one (51) lots on a 174.7 acre tract of land within the boundaries of the Planned Residential Development Overlay District and six (6) lots not included in the area) under certain design requirements and restrictions, including the preservation of the approximately fifty (50) acre area along Ossenfort Road in its current condition, the relocation of the proposed sewage treatment plant to the interior of the site, and no Major Variance to the Natural Resource Protection Standards of the Subdivision and Development Regulations; and

WHEREAS, the Planning and Zoning Commission supported this application for a Special Procedures Permit due to its compliance with the Master Plan for development in the Non-Urban Residential Area and Comprehensive Zoning Plan and the eight (8) standards for approving a Planned Residential Development Overlay District Regulations defined by the Zoning Code; and

WHEREAS, the Planning and Zoning Commission prepared the attached Letter of Recommendation reflecting its review and action upon this request and forwarded it to the City Council for their consideration in conjunction with the public hearing scheduled for October 20, 2003, which was held and where comments were heard regarding its merits; and

WHEREAS, the City Council has reviewed the input from the Planning and Zoning Commission, and the comments received from the public hearing, and supports the recommendation for approval based upon the proposal's compliance with the Master Plan relative to density, lot size, character, and other development characteristics, such as the project's compliance to the overall construction practices proposed for the installation of both public and private improvements. The City Council also concurred with the minor level of variance to the Natural Resource Protection Standards of the Subdivision and Development Regulations due to the need to protect the site from excessive disturbance, along with a lesser number of overall lots and the entire area of the site included within the boundaries of the Planned Residential Development Overlay District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. The City of Wildwood Zoning Ordinances and Official Zoning District Maps, which are a part thereof, are hereby amended by approving the application of the Planned Residential Development Overlay District to the subject 193.2 acre parcel of ground in the NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District, as set forth in this ordinance for the following described land area:

A TRACT OF LAND BEING PART OF U.S. SURVEY 957, TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWEST LINE OF WILD HORSE FARM, A SUBDIVISION AS RECORDED IN PLAT BOOK 321 PAGE 49, OF THE ST. LOUIS COUNTY, MISSOURI RECORDER'S OFFICE, WITH THE NORTHEAST LINE OF WILD HORSE CREEK HILLS PLAT 3, A SUBDIVISION RECORDED IN PLAT BOOK 273 PAGE, OF SAID RECORDER'S OFFICE; THENCE ALONG SAID NORTHEAST LINE, SOUTH 50 DEGREES 17 MINUTES 30 SECONDS WEST, A DISTANCE OF 1319.48 FEET TO THE NORTHEAST LINE OF WILD HORSE CREEK HILLS PLAT 4, A SUBDIVISION AS RECORDED IN PLAT BOOK 288 PAGE 94 OF SAID RECORDER'S OFFICE; THENCE ALONG SAID NORTHEAST LINE, NORTH 37 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 1341.93 FEET TO THE MOST NORTHERN CORNER THEREOF; THENCE ALONG THE NORTHEAST LINE, THEREOF, SOUTH 52 DEGREES 11 MINUTES 27 SECONDS WEST, A DISTANCE OF 932.14 FEET TO THE NORTH LINE OF BROOKHOLLOW, A SUBDIVISION AS RECORDED IN PLAT BOOK 273 PAGE 35, OF SAID RECORDER'S OFFICE; THENCE ALONG SAID NORTH LINE, THE FOLLOWING COURSES AND DISTANCES: NORTH 58 DEGREES 12 MINUTES 12 SECONDS WEST A DISTANCE OF 774.29 FEET, NORTH 64 DEGREES 24 MINUTES 42 SECONDS WEST A DISTANCE OF 753.27 FEET, NORTH 37 DEGREES 44 MINUTES 27 SECONDS WEST A DISTANCE OF 117.25 FEET TO THE EAST RIGHT OF WAY LINE OF OSSENFORT (40 FOOT WIDE) ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING COURSES: NORTH 06 DEGREES 06 MINUTES 18 SECONDS EAST A DISTANCE OF 157.47 FEET, NORTH 09 DEGREES 27 MINUTES 20 SECONDS EAST A DISTANCE OF 156.42 FEET, NORTH 11 DEGREES 35 MINUTES 27 SECONDS EAST A DISTANCE OF 200.44 FEET, NORTH 10 DEGREES 54 MINUTES 01 SECOND EAST A DISTANCE OF 800.40 FEET, NORTH 11 DEGREES 53 MINUTES 16 SECONDS EAST A DISTANCE OF 470.50 FEET, NORTH 52 DEGREES 19 MINUTES 26 SECONDS EAST A DISTANCE OF 674.45 FEET, NORTH 02 DEGREES 19 MINUTES 26 SECONDS EAST A DISTANCE OF 62.22 FEET TO THE SOUTHEAST LINE OF U.S. SURVEY 1996, ALSO BEING THE NORTHEAST LINE OF U.S. SURVEY 957; THENCE ALONG SAID NORTHEAST LINE, NORTH 52 DEGREES 19 MINUTES 26 SECONDS EAST A DISTANCE OF 930.96 FEET TO THE NORTHWEST CORNER, THEREOF; THENCE ALONG THE NORTHEAST LINE OF SAID U.S. SURVEY 957, SOUTH 37 DEGREES 55 MINUTES 19 SECONDS EAST, A DISTANCE OF 3984.67 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 193.190 ACRES IS BASED UPON AN ACTUAL BOUNDARY SURVEY EXECUTED BY COLE & ASSOCIATES DURING THE MONTH OF MARCH, 2002 AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND CONDITIONS OF RECORD, IF ANY.

Section Two. The zoning authority and approval embodied in this ordinance is granted subject to compliance with the Subdivision and Development Regulations, Zoning Code, and all other City of Wildwood ordinances, rules, and regulations, the conditions of this ordinance, and on the requirement the development and plan be carried out in part with the recommendation forwarded to the City Council by the Planning and Zoning Commission with a communication dated September 15, 2003, which is incorporated herein by reference as if fully set forth in this ordinance. The zoning authority granted herein is further subject to the following conditions for the 193.2 acre area referenced above in the legal description:

1. PERMITTED USES

This Planned Residential Development (P.R.D.) Overlay District shall authorize the maximum development of Fifty-five (55) detached single family dwellings on individual lots with common ground and all permitted accessory structures. Common ground area shall include all property not within the Planned Residential Development Overlay District boundaries, but utilized for the purposes of density calculation within the same and access to the site (a minimum of sixty-six (66) acres shall be used for this purpose and not be used for future lots). The minimum area of this Planned Residential Development Overlay District shall be one hundred ninety-three (193) acres. A re-circulating sand filter type, centralized wastewater treatment facility shall be provided to serve this site.

2. LOT SIZES, DEPTHS, AND BUILDING REQUIREMENTS

- a. Each dwelling unit shall be located on an individual lot of record, which shall not be less than one (1) acre in overall size. The minimum width of any lot within this P.R.D. Overlay District shall be one hundred fifty (150) feet in distance at the front building line, except for parcels of ground located within any cul-de-sac. These lot frontages shall be as approved on the Site Development Plan by the Planning and Zoning Commission.
- b. The depth of all lots within this residential subdivision shall be a minimum two hundred (200) feet in size.
- c. No building and/or structure shall be more than two (2) stories above final grade, as measured from the front building line on any individual lot at street elevation.
- d. The maximum area of this 193.2 acre tract of land, which can be used for development and related land disturbance for the permitted and accessory uses, shall not exceed forty-six (46) acres in size, including the Director of Planning's five (5) percent variance.
- e. The minimum amount of this 193.2 acre tract of land, which must be preserved as part of this development, shall be one hundred forty-seven point two (147.2) acres in overall size, including the Director of Planning's five (5) percent variance.
- f. Lots 12, 16, 23, and 45, as shown on the Preliminary Development Plan dated July 15, 2003, shall be eliminated from this residential subdivision to create additional preserved area on the site. Modifications to the remaining lots shall be required to create locations upon them that are most suitable for disturbance, consistent with the Natural Resource Protection Standards of the City's Subdivision and Development Regulations. Lot sizes, widths, and configurations shall be as approved on the Site Development Plan by the Planning and Zoning Commission.

3. PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the P.R.D. Overlay District approval by the City Council, and prior to any site disturbance, the developer shall submit to the Planning and Zoning Commission for their review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended once by the Planning and Zoning Commission in accord with requirements of Section 1003.187 of the City of Wildwood Zoning Code. Said Site Development Plan shall include, but not be limited to, the following information:

- a. Outboundary plat and legal description of the property.
- b. A general numbered lot plan with setback lines from all streets and roadways on and adjacent to the property. A typical configuration for a lot indicating all site design information such as, but not limited to, right-of-way width, improvement dimensions and locations, setbacks, and building placement, along with a minimum and maximum size.
- c. A general plan indicating setback lines along the perimeter of the subject tract of land and surrounding property lines and related improvements within four hundred (400) feet of this site's boundaries, i.e. curb cut and access locations, stormwater facilities, and utility installations.
- d. Location of all roadways adjacent to the property, including required roadway right-of-way dedication and pavement widening, with existing and proposed improvements and sidewalks, and general location, size, right-of-way, and pavement width of all interior drives.
- e. The location and size of all freestanding signs, lighting, fences, and other above ground structures, except retaining walls less than two (2) feet in height per section.
- f. Existing and proposed contours at vertical intervals of not more than two (2) feet.
- g. General location of sanitary sewer and stormwater facilities.
- h. Parking and density calculations.
- i. Conceptual location and size of common ground areas, if provided.
- j. A Landscape Plan including, but not limited to, the location, size, and general type of plant materials to be used in accord with the City of Wildwood's Chapter 410 and accompanying Tree Manual.
- k. An inventory of the percent of tree canopy or individual trees to be retained on the site indicated on a Tree Preservation Plan completed in accordance with the City of Wildwood Chapter 410 Tree Preservation and Restoration Code and accompanying Tree Manual.
- l. Location of all existing and proposed easements.
- m. All other information not mentioned above, but required on a preliminary plat in accord with Section 1005.050 of the City of Wildwood Subdivision and Development Regulations.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

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

Building Setbacks - Residential

- a. Any building or structure, other than boundary and/or retaining walls, fences, detention facilities and/or light standards, shall adhere to the following setbacks as specified in Section 1003.111 R-1 One Acre Residence District of the City of Wildwood's Zoning Code, except as noted below:
 - 1. Twenty (20) feet from any roadway right-of-way, whether public or private, except a fifty (50) foot distance from Ossenfort Road shall be required. All other front yard setback area distances shall comply with Section 1003.111 R-1 One Acre Residence District.
 - 2. Eight (8) feet from any side yard property line of any individual lot, but a minimum of thirty (30) feet shall be maintained between buildings on adjoining lots.
 - 3. Thirty (30) feet from any rear yard property line of any individual lot.

Parking Setbacks - Residential

- b. All parking stalls or loading spaces, excluding points of ingress or egress and streets and roads, shall comply with the requirements of Section 1003.111 R-1 One Acre Residence District of the City of Wildwood's Zoning Code.

Miscellaneous Setbacks - Right-of-Way and Other Locations

- c. No portion of any residential building foundation shall encroach within twenty-five (25) feet of the Final Resource Protection Line.

Access and Roadway Improvements

- d. Access to Ossenfort Road shall be limited to one (1) residential street approach located to provide required sight distance and flood-free access to all lots and constructed to conform to the requirements of the Department of Public Works in this regard. All work within the right-of-way shall be as directed by the Department of Public Works.
- e. Dedicate the necessary land area along Ossenfort Road to provide a seventy (70) foot right-of-way and construct two (2) feet of additional pavement width along it as well, including the construction of storm drainage facilities and related shoulders, as directed by the City of Wildwood Department of Public Works. Improvement requirements to Ossenfort Road may be escrowed in lieu of their construction by the developer to the City of Wildwood, if deemed appropriate by the Department of Public Works and the Department of Planning.

- f. Construct an internal private roadway system, within a forty (40) foot right-of-way easement, for vehicles and pedestrians to serve the residential lots within this development that complies with the requirements of the City of Wildwood's Rural Roadway Standards and as approved by the Director of Public Works. Street widths shall be as approved on the Site Development Plan by the Planning and Zoning Commission. Earthen swales along portions of the internal street may not be required, where stormwater volumes justify their elimination. Along with this forty (40) foot right-of-way area, provide eight (8) foot wide roadway maintenance, pedestrian, and utility easements on either side of the roadway dedication.

- g. Provide a trail or sidewalk within the required fifteen (15) foot dedication along Ossenfort Road to the City of Wildwood that conforms to the City of Wildwood standards, or provide finish grading therefore and required cash escrow in lieu of said construction, as directed by the Department of Public Works.

- h. No direct residential access from any individual lot within this development to Ossenfort Road shall be authorized.

Miscellaneous Roadway Requirements

- i. Installation of landscaping and ornamental entrance monument or identification signage, if proposed, shall be reviewed by the Department of Public Works for sight distance considerations and approved prior to its installation or construction.
- j. If required sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to vertical alignment and other off-site improvements, may be required to provide the required sight distance as directed by the Department of Public Works.

Parking Requirements

- k. Parking spaces shall be provided as required by Section 1003.165 Off-Street Parking and Loading Requirements of the City of Wildwood Zoning Code for the R-1 One Acre Residence District. Minimally, two (2) parking spaces for each single family dwelling shall be provided.

Landscape Requirements - Specific

- l. Landscaping shall adhere to all requirements of Chapter 410 of the City's Tree Preservation and Restoration Code and its accompanying Tree Manual, including the submittal of a Tree Preservation Plan in conjunction with the Site Development Plan.
- m. All streets and roads shall be appropriately landscaped as required by the Chapter 410 Tree Preservation and Restoration Code and be approved by the Planning and Zoning Commission on the Site Development Plan.
- n. The areas of existing vegetation within the P.R.D. Overlay District boundaries identified as to be retained shall be marked on the site prior to the commencement of any disturbance in accord with the City of Wildwood's Chapter 410. These areas shall be indicated on the Site Development Plan submitted to the City of Wildwood for Planning and Zoning Commission review and approval. Existing mature tree canopy shall be preserved in accordance with the requirements of City of Wildwood's Chapter 410 Tree Preservation and Restoration Code. Initial clearing and grubbing of the site shall be limited to the installation of the internal roadway system.
- o. Landscaping within the defined common ground areas shall comply with Chapter 410 Tree Preservation and Restoration Code requirements and accompanying Tree Manual. Those areas of common ground to be used for stormwater detention/retention shall comply with the City of Wildwood requirements in this regard. The Planning and Zoning Commission on the Site Development Plan shall approve the planting pattern.
- p. A Registered Landscape Architect shall prepare, submit, and sign all plan(s).

Signs

- q. Signs for this P.R.D. Overlay District shall be erected in accordance with Section 1003.166 Sign Regulations of the City of Wildwood Zoning Code for the R-1 One Acre Residence District.
- r. The location of all signage shall be as approved on the Site Development Plan by the Planning and Zoning Commission. Signage not located on common ground must be erected within an easement.

Lighting Requirements

- s. The location of all lighting standards shall be as approved on the Site Development Plan. No on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties. Minimally, lighting levels and their design specifications shall be approved by the Director of Planning and subject to reasonable standards, which adhere to generally accepted principles and practices of this industry as defined by the City of Wildwood's Lighting Code Section 1003.169 of the Zoning Code

Miscellaneous Conditions

- t. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 Physically Handicapped and Aged of the S.L.C.R.D. 1974, as amended.
- u. Hours of construction and grading activity shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. No development (grading and construction) activity shall be authorized on Sundays.
- v. All retaining walls exceeding two (2) feet in height per section or crossing individual property lines shall be constructed of an appropriate interlocking concrete block system or boulders. Walls crossing property lines shall be located in a maintenance easement. The Planning and Zoning Commission, as part of the Site Development Plan review process, shall approve said materials and design.
- w. The generalized location of all utility easements for proposed service to this development shall be shown on a Typical Lot Diagram as approved by the Planning and Zoning Commission on the Site Development Plan. Installation of utilities within the respective easements shall adhere to the requirements of the Natural Resource Protection Standards Analysis and, whenever practical, be placed in areas of existing or proposed disturbance relating to previous site activity, the construction of streets, or the layout of building lots.

DEER VALLEY ESTATES

ORDINANCE

Cole & Associates Inc.
Planning - Civil Engineering - Land Surveying

10771 Sunset Office Drive, Suite 10
St. Louis, MO 63127 (314) 984-4887 FAX: 984-0581

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THE PROFESSIONAL ENGINEER'S SIGNATURE AND PERSONAL SEAL APPEAR HEREON AS REQUIRED BY SECTION 327, 411 (RSMO) ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS, OR OTHER DOCUMENTS OR INSTRUMENTS NOT SIGNED BY THE INDICATED PROFESSIONAL, RELATES TO, OR INTENDED TO BE USED FOR, ANY PART OR PARTS OF THE PROJECT TO WHICH THIS PAGE REFERS.
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- x. All utilities serving this site shall be installed underground in accord with the requirements of the City of Wildwood's Subdivision and Development Regulations. Any existing easements located on the subject site, which are not being utilized, shall be vacated under the standard procedures of the City of Wildwood Subdivision and Development Regulations.
- y. A trail system shall be installed around the lake and within the common ground/areas containing this water feature and the floodplain to provide access to these areas for recreational purposes. The design of the trail shall be as directed by the Departments of Public Works and Planning and approved on the Site Development Plan by the Planning and Zoning Commission. Additionally, within the area of the site west of Wild Horse Creek, but not including the access roadway, development shall be limited to the installation of trails, picnic areas, and other similar low-impact activities for the purposes of recreation only.

Sewage Treatment Plant

z. A minimum four (4) foot high, eight-foot, chain link fence shall be installed around the perimeter of the area where the centralized sewage treatment facility is to be located on the site. This fence shall be constructed with a black vinyl coating, including support structures as well. Wood slatting may be incorporated in its design. The Planning and Zoning Commission shall approve the location of this fence on the Site Development Plan.

aa. Mechanical equipment associated with the operation of this facility shall be adequately screened and soundproofed to reduce noise associated with its operation over any given hour at the boundaries of the Planned Residential Development Overlay District.

bb. Mechanical systems shall be equipped with alarm systems, which will notify operators of any malfunctions or system failures and an emergency power source to provide for its operation in an event of a power failure. Minimally, the alarm shall be wired to directly notify the operator or maintenance contractor of the failure or shutdown. In the event of a system failure, operators shall meet all emergency procedures as established by the Missouri Department of Natural Resources and the City of Wildwood.

cc. The proposed access roadway and maneuvering area will be a maximum of twelve (12) feet in width and paved. The remaining area within the perimeter of the fence not paved shall be surfaced in an appropriate dust-proof material as determined and approved by the City of Wildwood's Department of Public Works.

dd. The developer shall provide a copy of a signed pump and haul agreement, whereby failure of the plant would implement a discharge shutdown, waste would be transported to an approved Metropolitan St. Louis Sewer District facility for disposal.

ee. The operator shall submit monthly inspection reports to the Missouri Department of Natural Resources and the City of Wildwood indicating adherence to all applicable standards established for the maintenance and operation of these types of facilities. This report must include a lab analysis of plant discharge samples (pH, BOD, TSS, fecal coliform) obtained and analyzed by a licensed, accredited laboratory.

ff. Operators of this facility shall provide verification of licensing with the Missouri Department of Natural Resources in the form of an approved Operating License. Along with this licensing requirement, the developer or Homeowners Association shall provide to the City of Wildwood a bond or cash deposit in the amount of five thousand (\$5,000.00) to guarantee the upkeep of this facility per Section 510.090 of the City of Wildwood's Municipal Code. This bond or cash deposit shall be in place during the operation of the wastewater treatment facility.

gg. At any point in the future, the petitioner or the relevant Homeowners Association (or any entity of it), will be required to close this treatment plant when public sanitary sewer service is available to this site by the Metropolitan St. Louis Sewer District. De-commissioning of the plant shall be the responsibility of the owner/developer and completed according to Missouri Department of Natural Resources and Metropolitan St. Louis Sewer District standards.

hh. The Homeowners Association shall be required to employ a maintenance contractor that has offices or facilities within a fifty (50) mile radius of the subject site. Verification shall be provided in the form of the signed contract with the location of the office/facility clearly noted.

ii. The location of this centralized treatment facility shall not be closer to the south boundary of this Planned Residential Development Overlay District than the following: six hundred (600) feet from Ossenfort Road and three hundred (300) feet from the southern boundary of the property.

5. TRAFFIC GENERATION ASSESSMENT FEE

The developer shall contribute to the West Area Traffic Generation Assessment Trust Fund established by Section 140.210 of the City of Wildwood's Revised Codes. This assessment may be paid in full at the time of the first Zoning Authorization for any building or structure, or at the time of each Zoning Authorization for the individual dwellings. This contribution shall not exceed the amount established by multiplying the ordinance required number of parking spaces by the following rate:

Type of Contribution	Development	Required
Single Family Dwelling / Parking Space		\$748.99

(Parking space as defined by Section 1003.15B of the City of Wildwood Zoning Code.)

If the type of proposed development differs from that listed, rates shall be provided by the Department of Public Works.

The amount of this required contribution, if not submitted by January 1, 2004, 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 City of Wildwood Department of Public Works.

6. VERIFICATIONS PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN

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

- a. Submit to the Planning and Zoning Commission an engineering plan approved by the Department of Public Works showing that adequate handling of the stormwater drainages of the site is provided.
 - 1) The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood standards.
 - 2) All stormwater shall be discharged at an adequate natural discharge point.
 - 3) Retention of differential runoff of stormwater shall be required. These features shall be provided in permanent retention facilities, such as ponds, dry reservoirs, or other acceptable alternatives. These retention facilities shall be completed and in operation prior to the issuance of building permits for an approved dwelling unit, except display lots.
 - 4) The developer shall provide an engineering analysis of the existing dam to determine its structural stability and any possible upgrades necessary to it. These upgrades, if required, shall be the responsibility of the developer to install.

Geotechnical Report

- b. Provide a Geotechnical Report covering development and grading required by improvements involved with this site, as directed by the Department of Public Works. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions that are susceptible to rapid erosion, landslide, and/or creep. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. The development and construction plans shall be 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 the proposed construction will be completed in accordance with the grading and soils requirements and conditions contained in the report.

Natural Resource Protection Standard Plans

- c. Provide a revised and final copy of the Natural Resource Protection Plan indicating all areas of the site, which are to be designated as protected and not developable. This revised and final copy of this map shall be reviewed and signed by a qualified soil scientist, who completed the analysis, and a statement indicating compliance with all the requirements of Section 1003.200 of the City of Wildwood's Subdivision and Development Regulations.

Floodplain Study

- d. The developer shall provide a floodplain study to the Department of Public Works indicating compliance to the requirements of the City of Wildwood, the U.S. Army Corp. of Engineers, and the Federal Emergency Management Agency regarding disturbance or development in the floodplain. This study shall minimally provide information relating to access across the floodplain area and be reviewed and acted upon by the Department of Public Works, as part of the Site Development Plan submittal process.

7. RECORDING

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

8. VERIFICATION PRIOR TO PERMITS

Notification to Department of Planning

- a. Subsequent to approval of the Site Development Plan and prior to issuance of any grading, foundation, or building permit, all approvals from the Department of Public Works, the Missouri American Water Company, and the Missouri Department of Natural Resources must be received by the Department of Planning.
- b. Prior to issuance of foundation or building permits for any lot adjoining a common area or detention facility, written certification from a professional engineer, which verifies these areas are graded in accordance with approved plans, must be received by the Department of Public Works.

Land Subdivision

- c. Record a proper subdivision of the property and comply with all other applicable Subdivision and Development Regulations sections affecting the development of land, except as otherwise specified by this ordinance.

Indentures

- d. With the filing of the record plat establishing separate lots, the developer shall record an approved indenture, which defines the necessary assessments and specific trustee obligations in accord with the provisions of Section 1003.173 and 1003.187 of the City of Wildwood Zoning Code.

Public Potable Water

- e. The developer shall be required to provide public potable water from the Missouri American Water Company to the property, and related homesites. Since this area has been designated by the Missouri American Water Company as a Low Pressure Area, the total number of permitted lots shall be premised on addressing these service issues with its resolution achieved before approval of the Site Development Plan. Verification of this service shall be in a form acceptable to the City of Wildwood. Additionally, the design and location of this water system shall be reviewed and acted upon by the Planning and Zoning Commission as part of the Site Development Plan submittal process.

Escrow Requirements

- f. All improvement and landscaping costs shall be submitted to the City of Wildwood through the standard subdivision escrow procedures.

Traffic Generation Assessment

- g. Traffic Generation Assessment contributions shall be deposited with the City of Wildwood in the form of a cash escrow prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the Traffic Generation Assessment Contribution prior to the issuance of building permits for each phase of the development.

Roadway Improvements

- h. Based upon the preliminary development plan, improvements to the Ossenfort Road right-of-way must be completed prior to issuance of the building permits in excess of fifty (50) percent of the total.

9. GENERAL DEVELOPMENT CONDITIONS

- a. 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.
- b. A grading permit is required prior to any grading on the site. Interim stormwater drainage control in the form of siltation control measures is required. A demolition permit is required for the removal of the existing dwelling and related structures.
- c. A copy of the most recently approved Site Development Plan for this P.R.U. Overlay District subdivision shall be prominently displayed at all times in all sales offices of this project.
- d. 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 of land.
- e. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public right-of-way. 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 infrastructure improvements.
- f. 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 or sudan grasses, shall be utilized to retard erosion. This restoration must occur within thirty (30) days of the conclusion of preliminary grading as determined by the Director of Public Works.
- g. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City of Wildwood Departments or Commissions.
- h. The Zoning Enforcement Officer of the City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with Site Development Plans approved by the Planning and Zoning Commission and the Department of Planning.

- 1. Any other applicable zoning, subdivision, or other regulations or requirements of the City, whether in effect at the adoption of this ordinance or as may be hereinafter adopted, shall further apply to the development of this property as authorized by this Planned Residential Development Overlay District Ordinance, except as may be provided by law. Nothing herein shall be deemed a waiver of any subdivision, zoning, or other development regulation of the City whether by implication or reference.
- 1. This zoning approval is conditioned on compliance with the Zoning Code, Subdivision and Development Regulations, and all applicable laws of the City. Such additional regulations are supplemental to the requirements herein and no modification of any applicable regulations shall result from this Planned Residential Development Overlay District, except where this ordinance has expressly modified such regulations by reference to the applicable provision authorizing such modification.

Section Three. This ordinance shall be in full force and effect on and after its passage and approval.

This Bill was passed and approved this ___ day of _____, 2003 by the Council of the City of Wildwood, Missouri after having been read by title, or in full, two (2) times prior to passage.

Presiding Officer: The Honorable John D. Wild, Mayor

ATTEST:

City Clerk: _____ City Clerk: _____

IN CONNECTION WITH A CHANGE OF ZONING FOR THE FOLLOWING DESCRIBED PROPERTY FROM "N-U" TO "N-U" W/PRD

(SEE LAND DESCRIPTION ON SHEET 1 OF 10)

THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN FOR AND IN CONSIDERATION OF BEING GRANTED A PERMIT TO DEVELOP SAID PROPERTY UNDER THE PROVISIONS OF SECTION 1003.142, 1003.187 OF THE CITY'S ZONING CODE AND THE N-U W/PRD, DO HEREBY AGREE, DECLARE AND COVENANT THAT FROM THE DATE OF RECORDING OF THIS PLAN THE PROPERTY SHALL BE DEVELOPED ONLY AS SHOWN HEREIN. THIS COVENANT SHALL RUN WITH THE LAND, AND SHALL BE ENFORCEABLE PURSUANT TO SECTIONS 67.870 THROUGH 67.900 R.S. MO., BY CITY OF WILDWOOD OR ITS SUCCESSOR AS A PLAN OF A DEVELOPMENT ADOPTED BY THE CITY OF WILDWOOD PLANNING AND ZONING COMMISSION TO PROMOTE ORDERLY DEVELOPMENT. THIS PLAN MAY BE AMENDED OR SUPERSEDED BY THE PLANNING COMMISSION OR MODIFIED BY THE DEPARTMENT OF PLANNING OR VOIDED BY ORDER OF THE CITY OF WILDWOOD COUNCIL, EACH AS MORE PARTICULARLY AUTHORIZED BY THE CITY OF WILDWOOD ZONING CODE NOW OR HEREAFTER IN AFFECT.

OWNER: GREGORY J. NEICHTER, MANAGING MEMBER
NEICHTER FARM L.L.C.

STATE OF MISSOURI) SS
COUNTY OF ST. LOUIS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED GREGORY J. NEICHTER, TO ME KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE MANAGING MEMBER OF NEICHTER FARM L.L.C., A LIMITED LIABILITY CORPORATION OF THE STATE OF MISSOURI, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS MEMBERS AND GREGORY J. NEICHTER FURTHER ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE CITY AND STATE AFORESAID THE DAY AND YEAR ABOVE WRITTEN.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

THIS PLAN WAS APPROVED BY THE CITY OF WILDWOOD'S PLANNING AND ZONING COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF SECTION _____ OF THE ZONING CODE. THIS PLAN SHALL BE DEVELOPED UNDER THE CONDITIONS PRESCRIBED BY ORDINANCE _____ APPROVED BY THE CITY COUNTY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI ON _____

JOE VUJNICH - DIRECTOR OF PLANNING

DATE

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

I, LYNNÉ GREENE, CITY CLERK OF THE CITY OF WILDWOOD, ST. LOUIS COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE SITE DEVELOPMENT PLAN SUBMITTED FOR THIS RESIDENTIAL SUBDIVISION IS REQUIRED UNDER ORDINANCE _____, WHICH WAS APPROVED BY THE CITY COUNCIL ON _____, SAID ORDINANCE OF THE SAME APPEARS ON RECORD IN MY OFFICE AS TESTIMONY WHEREOF, I HEREUNTO NOW SET MY HAND AND AFFIX THE OFFICIAL SEAL OF THE CITY OF WILDWOOD, MISSOURI, ST. LOUIS COUNTY ON THIS _____ DAY OF _____, 20____.

LYNNE BELDNER, CITY CLERK

DEER VALLEY ESTATES

ORDINANCE

Cole & Associates Inc.
Planning - Civil Engineering - Land Surveying

10771 Sunset Office Drive, Suite 10
St. Louis, MO 63127 (314) 484-4887 FAX: 484-0587

Checked by	Drawn by	Project Number	Date	Sheet Number
GSM	MTG	01-156	8/29/02	10 OF 10

Revisions: 10/28/02 10/31/02 01/21/03 08/05/03
3/15/04 (WILDWOOD COMMENTS), 3/5/5

THE PROFESSIONAL, WHOSE SIGNATURE AND PERSONAL SEAL APPEAR HEREON ASSUMES RESPONSIBILITY ONLY FOR WHAT APPEARS ON THIS PAGE, AND DISCLAIMS (PURSUANT TO SECTION 327, 411 RSMO) ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS, OR OTHER DOCUMENTS OR INSTRUMENTS NOT SEALED BY THE UNDERSIGNED PROFESSIONAL RELATING TO OR REFERRED TO BE USED FOR ANY PART OR PARTS OF THE PROJECT TO WHICH THIS PAGE REFERS.

S:\JOBS\Jobs2001\01-156\SDPS\SDP.dwg 8/2/2006 10:59AM



WILDWOOD

September 6, 2016

The Planning and Zoning Commission
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

Re: A response to a communication dated August 16, 2016 from Michael J. Doster, the representative for the Villages at Bright Leaf Project, which requests the withdrawal of the request that is currently under consideration by the Planning and Zoning Commission on its agenda.

Zoning: R-3 10,000 square foot Residence District, with a Planned Residential Development Overlay District (PRD)

Location: Northwest corner of State Route 100 and Taylor Road

Ward: Five

Planning and Zoning Commission Members:

Subsequent to the last discussion on this particular matter, which occurred at the Planning and Zoning Commission meeting held on August 15, 2016, the Department of Planning received a letter from Michael J. Doster, the representative of the Villages at Bright Leaf Project that requested its current proposal for modifications to the governing ordinance be withdrawn and no further action be considered by the City in this regard. The letter is dated August 16, 2016. The aforementioned letter is attached to this report.

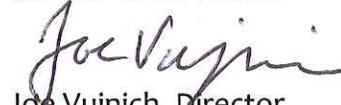
In this letter, the petitioner's representative notes that, after further consideration, the developers, Consort Homes and Fischer and Frichtel, have revised the design of the development's lots, where their sizes were in conflict with the conditions of the site-specific ordinance, and changed them to meet those current thresholds. This reworking of the site design eliminates two (2) lots and places more grading into the rear yard areas some of the proposed properties.

The request from the developers' representative would formally end the consideration of this matter. Therefore, based upon the attached letter, the Department of Planning is seeking an action from the members regarding the withdrawal of this matter from the Commission's active agenda. This action should be undertaken in the form of a motion, with a second, and vote.

If any of the Planning and Zoning Commission members should have any questions or comments regarding this letter or the petitioners representative's request, please feel free to contact the

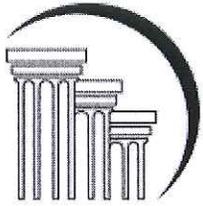
Department of Planning at (636) 458-0440. A presentation on this request is planned at tonight's meeting. Thank you for your review and anticipated action on the same.

Respectfully submitted,
CITY OF WILDWOOD



Joe Vujnich, Director
Department of Planning

Cc: The Honorable City Council of the City of Wildwood, Missouri
Ryan S. Thomas, P.E., City Administrator
Rick Brown, P.E. and P.T.O.E., Director of Public Works
John A. Young, City Attorney
Travis Newberry, Planner – Zoning
Michael J. Doster, Attorney for the Villages of Bright Leaf Project



**DOSTER ULLOM
& BOYLE, LLC**
ATTORNEYS AT LAW

St. Louis
16090 Swingley Ridge Road
Suite 620
Chesterfield, MO 63017
(636) 532-0042
(636) 532.1082 Fax

Michael J. Doster
mdoster@dublhc.com

August 16, 2016

Sent via E-mail & U.S. Mail

Mr. Joe Vujnich
Director of Planning and Parks
City of Wildwood
16860 Main Street
Wildwood, Missouri 63040

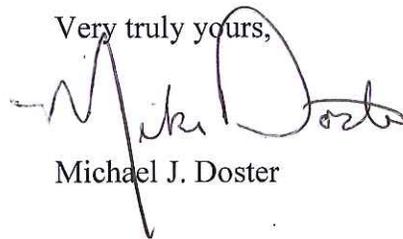


RE: P.Z. 12 and 13-15 The Villages at Bright Leaf – Communication from Mike Falkner, Sterling Engineers and Surveyors, dated March 25, 2016 (“Request for Amendment”)

Dear Mr. Vujnich:

On behalf of the Petitioners, the Request for Amendment is hereby withdrawn. The Petitioners’ will submit a proposed Site Development Plan that complies with Ordinance No. 2145 as written. Consequently, there is no need for the amendments that are the subject of the Request for Amendment. Thank you, and please contact the undersigned if you have any questions about the withdrawal of the Request for Amendment.

Very truly yours,



Michael J. Doster

MJD/kml