

Substitute Bill No. 1 for

Bill No. _____, 1992

ORDINANCE NO. _____, 1992

Introduced By Councilmen Corcoran, Shear for O'Mara & Breihan

AN ORDINANCE

AUTHORIZING AND GIVING PRELIMINARY APPROVAL TO A PLANNED ENVIRONMENT UNIT DEVELOPMENT OF A TRACT OF LAND LOCATED IN THE "R-3" 10,000 SQ. FT. RESIDENCE DISTRICT AND THE "R-4" 7500 SQ. FT. RESIDENCE DISTRICT, SUBJECT TO CONDITIONS. (P.C. 46-92 THE JONES COMPANY CUSTOM HOMES, INC.).

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

SECTION 1. Preliminary approval of a Planned Environment Unit Development of a tract of land located in the "R-3" 10,000 Sq. Ft. Residence District and the "R-4" 7500 Sq. Ft. Residence District in St. Louis County, Missouri, is granted, said tract being described as follows:

A tract of land in Section 36, Township 45 North - Range 3 East, St Louis County, Missouri, and being more particularly described as:

Beginning at the Southeast corner of Lot 158 of "Babler Park Estates Plat 2A", a subdivision according to the plat thereof recorded in Plat Book 247, Page 61 of the St. Louis County Records; said point being a point on the North line of property conveyed to Henry F. Bopp et al by deed recorded in Book 5346, Page 364 of the St. Louis County Records; thence North 88 degrees 55 minutes 28 seconds West 2412.28 feet along said North line of said Bopp property to the East line of Eatheron Road, 60 feet wide; thence North 13 degrees 06 minutes 00 seconds East 654.67 feet along said East line of said Eatheron Road to a point; thence South 89 degrees 01 minutes 00 seconds East 2271.72 feet along the South line of "Babler Park Estates Plat 1", a subdivision according to the plat thereof recorded in Plat Book 195, Page 78 of the St. Louis County Records and a South line of said "Babler Park Estates 2A" to the Northwest corner of Lot 164 of said "Babler Park Estates Plat 2A"; thence South 00 degrees 42 minutes 15 seconds West 643.98 feet along a West line of said "Babler Park Estates Plat 2A" to the point of beginning and containing 34.5 acres.

SECTION 2. The preliminary approval, pursuant to Section 1003.187 SLCRO 1974, as amended, is granted subject to all ordinances, rules and regulations and to the conditions recommended by the Planning Commission in its report dated June 2, 1992 as follows:

1. PERMITTED USES
The uses permitted in this Planned Environment Unit (P.E.U.) shall be single family homes and accessory uses.
2. LOT REQUIREMENTS
 - a. The minimum lot size for the interior lots and lots on the west and south perimeter shall be 7,500 square feet.
 - b. The minimum lot size for the lots on the north and east perimeter shall be 9,000 square feet.
 - c. Above-ground exits in excess of three (3) feet above grade shall not open on to side yards of less than ten (10) feet or rear yards of less than twenty-five (25) feet as measured from the property line. In no case shall an elevated deck structure encroach on the minimum side or rear yard setback of the underlying zoning district.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENT

Within eighteen (18) months from the effective date of the preliminary development plan by the County Council and prior to the issuance of any building or grading permit, the developer shall submit to the Planning Commission for its review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning Commission in accord with Section 1003.187 of the St. Louis County Zoning Ordinance. Said Site Development Plan shall include, but not be limited to, the following:

- a. Outboundary plat and legal description of property.
- b. A general numbered lot plan with setback lines from all streets and roadways on and adjacent to the property.
- c. A general plan with typical single family lots with minimum boundary dimensions, range of lot sizes, and required front, side and rear building setbacks.
- d. Location of all roadways adjacent to the property, including required roadway right-of-way dedication and pavement widening and general location, size, right-of-way, and pavement width of all interior roadways.
- e. The location and size of all freestanding signs, lighting, fences, sidewalks, and other above ground structures except retaining walls less than six (6) 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 and stormwater sewer facilities and stormwater detention areas.
- h. Conceptual location and size of common ground areas.
- i. Parking and density calculations.
- j. All other information not mentioned above, but required on a preliminary plat in accord with Section 1005.060 of the St. Louis County Subdivision Ordinance.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

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

Building Setbacks

- a. All structure setbacks shall be as approved by the Planning Commission on the Site Development Plan.

Parking Requirements

- b. All minimum parking requirements as set forth in Section 1003.165 of the St. Louis County Zoning Ordinance shall be maintained.

Access

- c. No street access to Eatherton Road other than the Pond-Grover Loop Road shall be permitted as part of this subdivision.
- d. No private driveway access to Eatherton Road or Pond-Grover Loop Road shall be permitted as part of this subdivision.
- e. Conform to the requirements of the Missouri Highway and Transportation Department regarding Eatherton Road (Route 109) in this area. It is noted that a north-south highway connecting Interstate Route 44 and U.S. Route 40 and 61 has been proposed. This highway would possibly follow existing Route 109 and Eatherton Road alignments.

Road Improvements Including Sidewalks

- f. (i) Construct a portion of the Pond-Grover Loop Road (Phase I) extending from Eatherton Road eastwardly to the south prolongation of Paradise Peak Circle.
 - (ii) It should be noted that the subject property is located on the north side of the proposed Pond-Grover Loop Road as shown on the Pond-Grover Community Area Study. Pond-Grover Loop Road is intended to circulate area traffic around the Route 100-Route 109 Interchange and provide access to adjacent development. In view of the proximity of this tract to the proposed roadway, the developer's incorporation of the Pond-Grover Loop Road into the tract will provide the access required for the development and future residents and will help maintain the level of service of Route 109.
- (iii) Pond-Grover Loop Road (Phase I) shall be constructed with a twenty-two (22) foot wide asphaltic concrete pavement complete with four (4) foot wide earth shoulders, roadside ditching, culverts and enclosed storm drainage facilities and located within a fifty (50) foot wide right-of-way adjacent to the south property boundary of the tract with all necessary easements and temporary slope construction licenses as directed by the Department of Highways and Traffic.
- (iv) Pond-Grover Loop Road (Phase II) from Paradise Peak Circle east toward Green Pines Drive will require the dedication of right-of-way, easements and licenses and grading of right-of-way necessary to permit construction and extension of the Pond-Grover Loop Road (Phase III) by other adjacent developments, as directed by the Department of Highways and Traffic.
- (v) The Pond-Grover Loop Road shall be constructed as a public roadway and it's right-of-way shall be dedicated to "public use forever."

(vi) It should be noted that Phase I construction of the Pond-Grover Loop Road provides for construction of a permanent roadway surface of minimum width and pavement thickness to serve the residential development proposed.

- g. Provide finish grading and required cash escrow for sidewalk along Eatherton Road and Pond-Grover Loop Road as directed by the Department of Highways and Traffic.
- h. Provide a fifty (50) foot wide right-of-way and a twenty-six (26) foot pavement including all storm drainage facilities for the extension of Paradise Peak Circle located along the north boundary line of the tract southwardly to an intersection with the Pond-Grover Loop Road, as directed by the Department of Highways and Traffic.

- i. It appears that if the proposed streets are to be accepted by St. Louis County for maintenance, steep grade approval may be required. If that is the case, it will be necessary for the developer to provide a public disclosure that the development will have steep grades and that St. Louis County will not provide priority snow removal services to this development. This disclosure shall be noted on all approved plans for the site and posted in the display area.

- j. As the tract abuts a roadway under the jurisdiction of the Missouri Highway and Transportation Department, sidewalks along the tract must be placed in a public easement outside of the State right-of-way. Maintenance of sidewalks along State highways shall be the responsibility of the property owners.

Landscaping and Signs

- k. Street trees and other landscaping shall be provided as required in the St. Louis County Subdivision Ordinance.
- l. Provide a landscaped buffer adjacent to Eatherton Road and the Pond-Grover Loop Road, within a twenty (20) foot common ground strip, to provide needed sound and site attenuation and visual aesthetics. This landscaped buffer shall consist of a mix of deciduous and evergreen materials to ultimately form a continuous screen of plantings and these individual plantings must maintain a minimum height of six (6) feet each upon installation.

- m. All new landscaping materials shall meet the following criteria:

- (1) Deciduous trees - one and one-half (1 1/2) inch minimum caliper.
- (2) Evergreen trees - four (4) feet minimum height.
- (3) Shrubs - eighteen (18) inch minimum diameter.
- (4) Flowering trees - one and one-half (1 1/2) inch minimum caliper.

- n. Signs for this P.E.U. shall be erected in accordance with the "R-3" Residence District.

- o. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction, if proposed, shall be reviewed by the Department of Highways and Traffic for sight distance considerations and approved prior to installation or construction.

Lighting Requirements

p. Light standards shall not exceed sixteen (16) feet in height. Except for required street lighting, no source of illumination shall be so situated such that light is cast directly on any public right-of-way or adjoining property. Illumination levels shall comply with provisions of Section 1005.320 Street and Parking Area Lighting of the St. Louis County Subdivision Ordinance.

Miscellaneous Requirements

q. Parking, circulation, and other applicable site design features shall comply with Section 512.4 of the St. Louis County Building Code.

r. Sidewalks shall be provided on the internal streets within this development as approved on the site Development Plan.

5. TRAFFIC GENERATION ASSESSMENT TRUST FUND

Contribute to the Pond-Grover Traffic Generation Assessment Trust Fund established by Ordinance 12,625 based upon the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Single Family	\$537.90/Parking Space

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

Traffic Generation Assessment and Trust Fund credits will be applicable to Eatherton Road and Pond-Grover Loop Road improvements required by the Missouri Highway and Transportation Department and the Department of Highways and Traffic.

The amount of this required contribution, if not submitted by January 1, 1993, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

6. VERIFICATIONS PRIOR TO SITE DEVELOPMENT PLAN APPROVAL
Stormwater Requirements

a. Prior to approval of the Site Development Plan the developer shall submit to the Planning Commission an engineering plan approved by the Department of Highways and Traffic and the Metropolitan St. Louis Sewer District 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 St. Louis County and Metropolitan St. Louis Sewer District Standards.

(2) All stormwater shall be discharged at an adequate natural discharge point.

(3) Detention of differential runoff of stormwater is at the discretion of the Metropolitan St. Louis Sewer District. If required by the Metropolitan St. Louis Sewer District, it shall be provided in permanent detention facilities, such as: dry reservoirs, ponds, or another acceptable

alternative. The detention facilities shall be completed and in operation prior to issuance of building permits exceeding sixty percent (60%) of the approved dwelling units.

7. RECORDING

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

8. VERIFICATION PRIOR TO PERMITS

Subsequent to approval of the Site Development Plan, and prior to issuance of any building or occupancy permit, except for a display plat, the following requirements shall be met:

Road Improvements

a. Based on the preliminary plan, improvements to Fatherton Road and the Pond-Grover Loop Road must be completed prior to issuance of the building permits in excess of sixty percent (60%) of the total. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development prior to issuance of building permits in excess of sixty percent (60%) of the total in any one phase. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

Trust Fund Contribution

b. Trust fund contribution shall be deposited with St. Louis County through standard escrow procedure prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the trust fund contribution through standard escrow procedure prior to issuance of building permits for each phase of development. The trust fund contribution shall be deposited with St. Louis County in the form of a cash escrow.

Land Subdivision

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

Landscape Bonds or Escrows

d. All landscaping costs shall be escrowed through the standard subdivision procedure.

Indentures

e. With the filing of the record plat the developer shall record an approved indenture which defines the necessary assessments and specific trustee obligations in accord with provisions of Section 1003.173 and 1003.187 of the St. Louis County Zoning Ordinance and Section 1005.095 of the St. Louis County Subdivision Ordinance.

Notification of Public Works

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

9. GENERAL DEVELOPMENT CONDITIONS

- a. Within two (2) years of the date of approval of the appropriate Site Plan by the Planning Commission, construction shall commence. Said time may be extended one additional year on approval by the Planning Commission.
 - b. A copy of the most recently approved Site Development Plan for this P.E.U. development shall at all times be prominently displayed in all display area sales offices within this development.
 - c. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures are required.
 - d. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion.
 - e. 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.
 - f. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
 - g. If roadways in this petition are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever.
 - h. The existence of private roadways within the development requires disclosure by the developer of responsibility for street maintenance in accordance with the provisions of Section 1005.265 of St. Louis County's Subdivision Ordinance.
 - i. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing County Departments or Commissions.
- i. The Zoning Enforcement Officer of St. Louis County, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the Planning Commission and the Department of Planning.

SECTION 3. The St. Louis County Council, pursuant to petition of the Jones Company Custom Homes, Inc., requesting the approval of a Planned Environment Unit Development for the tract of land described in Section 1 of this ordinance as an alternative zoning, and pursuant to the recommendation of the Planning Commission that said petition be granted after public hearing held by the said Commission on April 20, 1992, adopts this ordinance pursuant to the St. Louis County Charter authorizing the County Council to exercise legislative power pertaining to planning and zoning, and returns the application and plan to the St. Louis County Planning Commission for consideration of final development plans pursuant to Section 1003.187 SLCRO 1974, as amended.

ADOPTED: September 24, 1992

JOHN R. SHEAR
CHAIRMAN, COUNTY COUNCIL

APPROVED: September 28, 1992

BUZZ WESTFALL
COUNTY EXECUTIVE

ATTEST: JEANETTE O. HOOK
DEPUTY ADMINISTRATIVE DIRECTOR