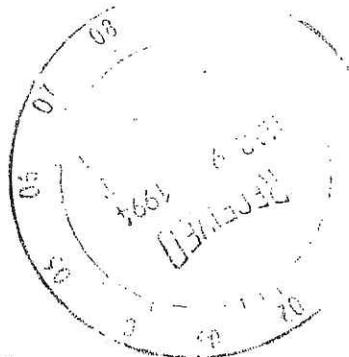


HICKORY MANOR ESTATES



BILL NO. 72, 1994  
ORDINANCE NO. 16,905, 1994

Introduced By Councilmen Corcoran & Kersting

**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" 7,500 SQ. FT. RESIDENCE  
DISTRICT, SUBJECT TO CONDITIONS. (P.C. 112-93  
J & M JOINT VENTURE NO. 4).

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" 7,500 Sq. Ft. Residence  
District in St. Louis County, Missouri, is granted, said tract  
being described as follows:

A tract of land being part of Section 1, Township 44  
North - Range 3 East, St. Louis County, Missouri, and  
being more particularly described as:

Beginning at the intersection of the East right-of-way  
line of Eatherton Road - Missouri Route 109, as widened  
by deed recorded in Book 6579, Page 783 of the  
St. Louis County Records, with the North line of said  
Section 1, said North line being also the South line of  
property conveyed to West County Investment Corporation  
by deed recorded in Book 6635, Page 371 of the  
St. Louis County Records; thence South 88 degrees 52  
minutes 09 seconds East 2365.26 feet along said South  
line of West County Investment Corporation property  
being also the North line of said Section 1 to the  
Southwest corner of "Babler Park Estates Plat 2A", a  
subdivision according to the plat thereof recorded as  
Daily Number 138 on May 8, 1986 in the St. Louis County  
Records, said corner being in the North-South  
centerline of said Section 1; thence South 00 degrees  
26 minutes 09 seconds West 1322.21 feet along said  
North-South centerline of said Section 1 being also the  
West line of "Evergreen Plat 5", a subdivision  
according to the plat thereof recorded as Daily Number  
51 on February 19, 1986 in the St. Louis County Records  
and the West line of "Evergreen Section 2 - Plat 1" a  
subdivision according to the plat thereof recorded as  
Daily Number 181 on April 23, 1987 in the St. Louis  
County Records to the Northwest corner of property  
conveyed to Thomas S. and Jane W. Kenny, by deed  
recorded in Book 6971, Page 459 of the St. Louis County  
Records; thence North 88 degrees 30 minutes 18 seconds  
West 2529.33 feet along the North line of property  
conveyed to Sandalwood Farm Joint Venture by deed  
recorded in Book 8470, Page 1551 of the St. Louis  
County Records along the North line of "Phase Seven A  
of Sandalwood Creek Condominiums", a subdivision  
according to the plat thereof recorded as Daily Number  
217 on February 14, 1989 in the St. Louis County

Records to said East right-of-way line of Eatherton Road - Missouri Route 109, as widened by deed recorded in Book 6579, Page 783 of the St. Louis County Records; thence northwardly along said East right-of-way line, the following courses and distances: North 28 degrees 34 minutes 31 seconds West 1.12 feet, North 04 degrees 25 minutes 03 seconds West 169.87 feet, North 11 degrees 47 minutes 04 seconds East 532.05 feet, North 03 degrees 04 minutes 50 seconds West 240.42 feet and North 13 degrees 50 minutes 49 seconds East 382.73 feet to the point of beginning and containing 74.398 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 December 7, 1993, as amended as follows:

1. PERMITTED USES

This Planned Environment Unit (P.E.U.) shall authorize the development of single family residences on individual lots and associated common ground.

2. LOT SIZES, DEPTHS, AND BUILDING REQUIREMENTS

- a. The minimum size of lots in Village A, as identified on the Preliminary Development Plan, shall be 7,500 square feet, except lots abutting Highway 109 shall be a minimum of 9,000 square feet in area and 130 feet in depth.
- b. The minimum size of lots in Village B, as identified on the Preliminary Development Plan shall be 6,000 square feet.
- c. The minimum size of individual lots in Village C, as identified on the Preliminary Development Plan, shall be 3,500 square feet. The minimum width of these lots shall be thirty-five (35) feet as measured at the front building line.
- d. The minimum lot size in Village D, as identified on the Preliminary Development Plan, shall be 11,000 square feet. The minimum width of the lot shall be eighty (80) feet as measured at the front building line.
- e. No building and/or structure shall be more than two (2) stories above final grade.
- f. Above-ground exits in excess of three (3) feet above-grade shall not open onto 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 yard setback of the underlying zoning district.

3. PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months of the P.E.U. approval by the County Council and prior to the issuance of any grading or building permit, the developer shall submit to the Planning

Commission for their review and approval a Site Development Plan. Where due cause is shown by the developer, time intervals may be extended by the Planning Commission in accord with requirements of Section 1003.187 of the St. Louis County 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.
- c. The location and size of all parking areas, pavement widths, and right-of-way dedications of all internal roadway improvements and internal drive.
- d. A general plan, with typical lots with minimum boundary dimensions, range of lot sizes, and required front, side, and rear building setbacks and setback lines along the perimeter of the subject tract of land.
- e. 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 drives.
- f. 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.
- g. Existing and proposed contours at vertical intervals of not more than two (2) feet.
- h. General location of sanitary and stormwater sewer facilities and stormwater detention areas.
- i. Conceptual location and size of common ground areas.
- j. Parking and density calculations.
- k. Distances between buildings and between buildings and lot lines.
- l. Location of all existing plant materials to be retained.
- m. A Landscape Plan including, but not limited to, the location, size, and general type of plant materials to be used.
- n. Location of all existing easements.
- o. An inventory indicating individual lot sizes.
- p. 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 Plans shall adhere to the following specific design criteria:

Building Setbacks - Residential

- a. No building or structure, other than boundary and/or retaining walls, fences, signs, detention facilities, and/or light standards, shall be located within the required setback distances as established by the R-4 7,500 square foot Residence District Regulations in Section 1003.117 of the St. Louis County Zoning Ordinance, except for all perimeter lots located within this P.E.U. and those lots contained in Villages B and C as shown on the Preliminary Development Plan. Minimum building setbacks for individual lots in Villages B and C, except for perimeter lots, shall be as follows:
  - (1) Twenty (20) feet for any front yard.
  - (2) Fifteen (15) feet for any rear yard.

- (3) Five (5) feet or Zero (0) feet for any one side yard in Village C, if a minimum setback distance of ten (10) feet is maintained between structures.

Parking Setbacks - Residential

- b. No parking stall, loading space, internal drive, or roadway, excluding points of ingress or egress, shall be located within the required setback distances as established by the R-4 7,500 square foot Residence District regulations in Section 1003.117 of the St. Louis County Zoning Ordinance.

Parking Requirements

- c. Parking spaces shall be provided as required by Section 1003.165 Off-Street Parking and Loading Requirements of the St. Louis County Zoning Ordinance.

Access and Roadway Improvements

- d. Conform to the requirements of the Missouri Highway and Transportation Department regarding State Route 109 in this area. These requirements include the provision of adequate left and right storage lanes on their access road to State Route 109, the entrance geometrics, drainage design, signals, and basic lighting design should be in accordance with Missouri Highway and Transportation Department standards and should be reviewed and approved by Missouri Highway and Transportation Department, and signalization and basic lighting at the access of State Route 109, when warranted, as approved by Missouri Highway and Transportation Department.

- e. The subject property is located on the south 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 100-109 Interchange and provide access to adjacent development. In view of the proximity of this tract of land to the proposed roadway, the developer's incorporation of the Pond-Grover Loop Road into the tract of land will provide the access required for the development of future residents and will help maintain the level of service of State Route 109.

1. An interim portion of the Pond-Grover Loop Road was constructed as a requirement of P.C. 45 and 46-93 The Jones Company (Kingstowne Estates Subdivision), therefore the petitioner shall be responsible for constructing and completing the Pond-Grover Loop Road to a thirty-nine (39) foot pavement, 7" thick Portland Cement Concrete over 4" thick aggregate base with 8" high vertical curbs within a seventy (70) foot right-of-way from State Route 109 east to a temporary pavement terminus located fifty (50) feet southeast of the Green Pines Drive Extension intersection as directed by the Department of Highways and Traffic. As the Pond-Grover Loop Road will be an arterial roadway, this initial construction must be overlaid with a 2" Bituminous Wearing Surface prior to its completion and connection to State Route 100.
2. The petitioner shall dedicate right-of-way and provide the finish grading for extension of the Pond-Grover Loop Road pavement from the Green

Pines Drive Extension intersection southwardly to the south property line of the tract of land as directed by the Department of Highways and Traffic. St. Louis County will be responsible for the construction of the pavement surface within the above limits at a later date.

3. 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."

f. 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 Green Pines Drive located along the east boundary line of the tract westwardly to an intersection with the Pond-Grover Loop Road, as directed by the Department of Highways and Traffic.

g. Provide a sidewalk conforming to St. Louis County ADA standards adjacent to State Route 109 as directed by the Missouri Highway and Transportation Department and the Department of Highways and Traffic.

h. Provide a sidewalk conforming to St. Louis County ADA standards adjacent to Pond-Grover Loop Road as directed by the Department of Highways and Traffic.

i. Access to this development from Pond-Grover Loop Road shall be as directed by the Department of Highways and Traffic.

j. No residential driveways will be permitted onto State Route 109 or Pond-Grover Loop Road.

#### Miscellaneous Roadway Requirements

k. 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.

l. If the proposed internal streets are to be accepted by St. Louis County for maintenance, steep grade approval may be required. Therefore, 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.

#### Landscape Requirements - General

m. Either as part of the development plan or on a separate drawing to be reviewed as part of said plan, the developer shall submit a landscape plan to comply with the following:

- (1) All new landscaping materials shall meet the following criteria:
- a) Deciduous trees shall be a minimum one and one-half (1<sup>1</sup>/<sub>2</sub>) inches in caliper.
  - b) Evergreen trees shall be a minimum four (4) feet in height.
  - c) Shrubs shall have a minimum diameter of eighteen (18) inches.

- d) Flowering trees shall be a minimum of one and one-half ( $1\frac{1}{2}$ ) inches in caliper.

Landscape Requirements - Specific

- n. Street trees and other landscaping shall be provided as required in the St. Louis County Subdivision Ordinance.
- o. Restoration and replanting of existing vegetation shall be required in the area where the detention facilities are to be placed. The materials used in this restoration shall represent a mix of plant species as to provide immediate visual impact and insure overall mortality.
- p. Provide a twenty (20) foot wide, landscaped buffer strip along the rear and/or side yard of any proposed lot adjacent to State Route 109 and the Pond-Grover Loop Road. This buffer strip should consist of a mix of deciduous and evergreen plantings and be of a sufficient quantity and height to provide immediate screening and noise attenuation effects. These plantings shall be placed on a minimum of twenty (20) foot centers within this buffer area. The proposed landscaping scheme shall be approved by the Planning Commission on the Site Development Plan.
- q. Provide appropriate grading profiles indicating where existing vegetation may be retained. These areas of newly identified tree masses to be retained shall be indicated on the Site Development Plan and appropriately marked on the site before grubbing, clearing, or grading commences. Removal of said vegetation shall constitute a violation of said Ordinance and allow revocation of all applicable permits.
- r. Provide landscaping within a minimum twenty (20) foot wide common ground buffer strip located between the proposed Pond-Grover Loop Road and the Evergreen Subdivision. The planting scheme shall be placed on maximum twenty (20) foot centers and consist of an appropriate mix of species, heights, and quantities to provide a continuous screen of vegetation within this area. This planting scheme shall be as approved by the Planning Commission on the Site Development Plan.
- s. Provide for the retention of existing vegetation along the common property line between Villages A and B of this petitioned tract of land and the site of P.C. 11 and 12-79. This retention area shall consist of a maximum of fifteen (15) foot distance and be incorporated as part of the individual residential lots. If grading profiles dictate this vegetation's removal, a similar planting strip will be provided by this developer for the same area. Said planting scheme shall consist of a mix of species of varying size and quantities as to provide appropriate screening. This planting scheme shall be approved by the Planning Commission as part of the Site Development Plan approval process.

Signs

- t. Signs for this P.E.U. shall be erected in accordance with the Section 1003.115 R-3 10,000 square foot Residence District regulations of the St. Louis County Zoning Ordinance.

- u. The location of all signage shall be as approved on the Site Development Plan.

Lighting Requirements

- v. The location of all lighting standards shall be as approved on the Site Development Plan. No on-site illumination source abutting any residential property line shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties or public roadways. Illumination levels shall comply with provisions of Section 1005.320 Street and Parking Area Lighting of the St. Louis County Subdivision Ordinance.

Miscellaneous Conditions

- w. 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.
- x. No recreational vehicles, trailers, or boats shall be parked on any non-paved surfaces or within the established front yard setback requirements as stipulated in Section 1003.117 R-4 Residence District Regulations of the St. Louis County Zoning Ordinance.
- y. No sales trailer shall be placed at the site, until final approval of the requested zoning district and P.E.U. are received from the St. Louis County Council.
- z. Sidewalks shall be provided on the internal streets within this development as approved on the Site Development Plan by the Planning Commission.

5. TRAFFIC GENERATION ASSESSMENT

The developer shall contribute to the Pond-Grover Traffic Generation Assessment Road Trust Fund established by Ordinance No. 16,321. This contribution shall not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Single Family Space	\$ 552.96/Parking Space

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

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

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

The amount of this required contribution, if not submitted by January 1, 1994, 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 APPROVAL OF THE SITE DEVELOPMENT PLAN  
Prior to approval of Site Development Plan, the developer shall provide the following:  
Stormwater Improvements

a. Submit to the Planning Commission a preliminary 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 Metropolitan St. Louis Sewer District. If required by 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  
Notification to Public Works

a. Subsequent to approval of the Site Development Plan and prior to issuance of any foundation and/or building permit, all approvals from the Department of Planning, the Department of Highways and Traffic, the Missouri Highway and Transportation Department, and the Metropolitan St. Louis Sewer District must be received by the Department of Public Works.

b. Prior to issuance of foundation or building permits for any lot which adjoins the common ground area and/or detention basin areas, written certification from the Department of Highways and Traffic which verifies these areas are graded in accordance with the 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 Ordinance 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 provisions

of Section 1003.173 and 1003.187 of the St. Louis County Zoning Ordinance.

#### Traffic Generation Assessment

- e. Traffic generation assessment 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 traffic generation assessment contribution through standard escrow procedure prior to issuance of building permits for each phase of development. The traffic generation assessment contribution shall be deposited with St. Louis County in the form of a cash escrow.

#### Roadway Improvements

- f. Based on the preliminary plan, improvements to State Route 109 and Pond-Grover Loop Road must be completed prior to issuance of the building permits in excess of sixty percent (60%) of the total and as directed by the Department of Highways and Traffic. 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.

#### Landscape Bond or Escrow

- g. All landscaping costs shall be deposited to St. Louis County through standard subdivision escrow procedures.

### 9. GENERAL DEVELOPMENT CONDITIONS

- a. The developer 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.
- b. As the tract abuts a roadway under the jurisdiction of the Missouri Highway and Transportation Department, sidewalks along the tract of land must be placed in a public easement outside of the State right-of-way. Maintenance of sidewalks along State highways must be the responsibility of the property owners.
- c. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contribution. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
- d. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas should 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.
- e. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.

- f. A copy of the most recently approved Site Development Plan for this P.E.U. development shall be prominently displayed at all times in all display area sales offices for this development clearly stating setback criteria for above-grade decks and any stub street shall be extended with future development.
- g. A disclosure statement regarding the location of State Route 109 and the proposed Pond-Grover Loop Road within and adjacent to this development and their ultimate design and alignment shall be required as an addendum to each sales contract to insure future homebuyers are aware of these improvements.
- h. 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.
- 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.
- j. The Zoning Enforcement Officer of St. Louis County, Missouri, shall enforce the conditions of this ordinance in accord with Site Development Plans approved by the Planning Commission and the Department of Planning.

SECTION 3. The St. Louis County Council, pursuant to the petition of J & M Joint Venture No. 4, 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 September 13, 1993, 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: March 3, 1994

DEBORAH KERSTING

APPROVED: March 4, 1994

CHAIRMAN, COUNTY COUNCIL

BUZZ WESTFALL

COUNTY EXECUTIVE

ATTEST: JEANETTE O. HOOK  
DEPUTY ADMINISTRATIVE DIRECTOR