

**AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, ESTABLISHING THE BOUNDARIES OF THE SPECIAL CIRCUMSTANCES OVERLY DISTRICT (SCOD) BY INCLUDING THEREIN FIVE LEGAL LOTS OF RECORDS, ALL BEING HEREIN IDENTIFIED, WITH SAID ACTION BEING CONSISTENT WITH THE LETTER OF RECOMMENDATION COMPLETED AND SUBMITTED BY THE PLANNING AND ZONING COMMISSION AND DATED FEBRUARY 7, 2022.**

**WHEREAS**, in 1980, the United States Environmental Protection Agency (the "EPA") and the Missouri Department of Natural Resources ("MoDNR") began an investigation of the Bliss Oil Company site ("Bliss Site") resulting in a subsequent remedial investigation and feasibility study. Two of the neighboring properties, the Callahan property and Primm property, located on the south side of Strecker Road, were also investigated. These properties were collectively placed on the EPA National Priorities List ("NPL") and became known as the Ellisville Superfund Site; and

**WHEREAS**, between 1985 and 1996, the EPA and MoDNR conducted a series of investigations, examinations and remediation actions which resulted in the removal of numerous toxic disposals discovered at the sites consisting of toxic and semi-volatile compounds and dioxin contaminants; and

**WHEREAS**, subsequent studies conducted by consultants for the City on property located in the City of Wildwood identified a number of locations where test sampling identified various volatile and semi-volatile organic compounds, PCB's, and dioxins exceeding the risk-based health levels for residential use and posed potential risks to the public; and

**WHEREAS**, as a result, the EPA conducted an Expanded Site Review that identified portions of the Ellisville Superfund Site where contamination levels, including dioxin soil detects, had been found; and

**WHEREAS**, the Expanded Site Review prompted the EPA to undertake a Removal Action on multiple properties removing and disposing of soil from the properties, to impose environmental covenants in lieu of additional removal actions for areas not cleaned up to a residential standard, and for MoDNR to perform limited ongoing groundwater monitoring; and

**WHEREAS**, the EPA has concluded its Removal Actions on sites within the City; and

**WHEREAS**, upon recommendation of consultants engaged by the City, the City objected to the conclusion of the Removal Actions and requested that the EPA implement additional sampling and analysis of soil and groundwater to delineate the extent of contamination; and

**WHEREAS**, to date, the EPA refuses to acknowledge or has otherwise refused to adequately respond with a plan for addressing the City's remaining outstanding public health concerns; and

**WHEREAS**, on December 10, 2007, the City Council voted "to place a moratorium on Strecker Forest development until independent oversight has studied this site; there is to be no site disturbance; and, satisfactory testing by independent authority to determine toxins" (the "Moratorium"). The property subject to the Moratorium (the "Strecker Forest Site") is included as a property subject to rezoning pursuant to this Ordinance; and

**WHEREAS**, on November 12, 2019, and pursuant to Ordinance #2510, the City Council enacted a temporary moratorium on the review and approval of plans and development for the Strecker Forest Site (the "Superseding Moratorium"). The Superseding Moratorium superseded and replaced the Moratorium; and

**WHEREAS**, the Superseding Moratorium expired on November 9, 2020, and there has been, since that time, no moratorium or other prohibition on the review and approval of plans and development for the Strecker Forest Site; and

**WHEREAS**, on November 9, 2020, and pursuant to Ordinance #2569, the City Council enacted a new section 415.505 of the Code of Ordinances of the City of Wildwood, Missouri, and established regulations pertaining to and created the Special Circumstances Overlay District ("SCOD"); and

**WHEREAS**, the general purpose of the SCOD is to "protect public health and the environment, while allowing appropriate development activities and practices within the SCOD. The requirements of the SCOD establish a protective zoning process that places more focus on the assessment of physical characteristics and public and environmental hazards that may exist on a property through a multiple-step, review process;" and

**WHEREAS**, on January 19, 2021, the Planning and Zoning Commission passed a resolution declaring its intent to study, review and consider the inclusion of certain properties within the boundaries of the SCOD; and

**WHEREAS**, on February 16, 2021, the Planning and Zoning Commission conducted a public hearing for the consideration of categories of properties within the City to be included within the SCOD, and identifying the first of the six (6), general property categories; and

**WHEREAS**, on May 3, 2021, the Planning and Zoning Commission passed a resolution declaring its intent to conduct a Public Hearing on June 7, 2021, to consider the amendment and changing of the zoning district boundaries and classification of properties in the City by establishing the boundaries of the SCOD; and

**WHEREAS**, the resolution passed on May 3, 2021, included as subjects of the public hearing, the following properties: properties located at, and commonly referred to 149, 157, 162, 165, 173, 177, and 210 Strecker Road, 340 Tumberry Place Drive, and 1627 and 1650 Idle Rock Farm Road; and

**WHEREAS**, on June 7, 2021, the Planning and Zoning Commission, after proper notice, conducted a public hearing on the amendment and the change of the zoning district boundaries and classification of properties in the City by establishing the boundaries of the SCOD to include, the following properties, commonly referred to, 145, 149, 157, 162, 165, 173, 177, and 210 Strecker Road, 340 Turnberry Place Drive, and 1627 and 1650 Idle Rock Farm Road. At the public hearing, all interested parties were given an opportunity to be heard; and

**WHEREAS**, on January 18, 2022, the Department of Planning presented its Information Report to the Planning and Zoning Commission recommending the initial inclusion of the following five (5) properties within the boundaries of the SCOD: 149, 165, 173, and 177 Strecker Road and 340 Turnberry Place Drive; and

**WHEREAS**, on February 7, 2022, the Planning and Zoning Commission approved its Letter of Recommendation to the City Council recommending that the City Council amend and change the zoning district boundaries and classification of properties in the City by establishing the boundaries of the SCOD to include the following properties: 149, 165, 173, and 177 Strecker Road and 340 Turnberry Place Drive; and

**WHEREAS**, the Letter of Recommendation from the Planning and Zoning Commission was presented to the City Council at its regular meeting on March 14, 2022, where, after providing appropriate public notice, it conducted public hearing. At the public hearing, all interested parties were given an opportunity to be heard; and

**WHEREAS**, at the conclusion of the public hearing, the City Council voted to direct preparation of legislation to amend and change the zoning district boundaries and classification of properties in the City by establishing the boundaries of the SCOD, consistent with the recommendation of the Planning and Zoning Commission; and

**WHEREAS**, the City Council, through its established authority under Chapter 89 of Missouri Revised Statutes and the Wildwood Charter, hereby finds and determines that it is consistent with good planning practice and to the benefit of the public health, safety, and general welfare to amend and change the zoning district boundaries and classification of properties in the City by establishing the boundaries of the SCOD.

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

**Section One.** Establishing SCOD Boundaries - That after proper notice in accordance with the ordinances of this City and applicable laws of the State of Missouri, a public hearing was held with regard to the amendment and change the zoning district boundaries and classification of properties in the City by establishing the boundaries of the Special Circumstances Overlay District (SCOD), first before the Planning and Zoning Commission and then the City Council of the City of Wildwood, Missouri, and the City of Wildwood Zoning Ordinances and Official Zoning District Maps, which are made a part hereof, be and they are hereby amended to reflect the amendment and change the zoning district boundaries and classification of properties in the City by establishing the boundaries of the Special Circumstances Overlay District (SCOD), to include the

following described properties that are further depicted on the map attached hereto as Exhibit A, and incorporated by reference herein:

1. 149 Strecker Road (St. Louis County Locator Number 22U330051);
2. 165 Strecker Road (St. Louis County Locator Number 22U330031) - See Legal Description Below;
3. 173 Strecker Road (St. Louis County Locator Number 22U330062) - See Legal Description Below;
4. 177 Strecker Road (St. Louis County Locator Number 22U240024) - See Legal Description Below;
5. 340 Turnberry Place Drive (St. Louis County Locator Number 22U610641); and
6. Strecker Forest Subdivision: A TRACT OF LAND BEING PART OF THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 31 AND PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 32, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF WILDWOOD, ST. LOUIS COUNTY MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO DAVID E. KRUEGER PER DEED BOOK 7989 PAGE 1413 OF THE ST. LOUIS COUNTY RECORDS; SAID CORNER ALSO BEING ON THE NORTH LINE OF STRECKER (VARIABLE WIDTH) ROAD, SAID POINT BEING 20' NORTH OF CENTERLINE; THENCE WITH THE SAID NORTH LINE OF STRECKER ROAD, SOUTH  $89^{\circ}05'35''$  WEST 175.43 FEET TO A POINT ON THE COMMON LINE BETWEEN SECTIONS 31 AND 32; SAID POINT ALSO BEING AN ANGLE POINT IN AFORESAID STRECKER ROAD; THENCE WITH SAID SECTION LINE, SOUTH  $00^{\circ}00'43''$  EAST 20.00 FEET TO A STONE FOUND FOR THE QUARTER SECTION CORNER; THENCE WITH THE EAST/WEST CENTERLINE OF SECTION 31 BEING ALSO 15.00 NORTH OF AND PARALLEL TO THE CENTERLINE OF SAID STRECKER ROAD, SOUTH  $89^{\circ}42'40''$  WEST 328.28 TO AN ANGLE POINT IN SAID STRECKER ROAD; THENCE NORTH  $00^{\circ}02'41''$  EAST 20.00 FEET TO A POINT; THENCE WITH A LINE BEING 20.00 NORTH OF AND PARALLEL TO AFORESAID CENTER SECTION LINE AND THE SAID CENTERLINE OF STRECKER ROAD, SOUTH  $89^{\circ}42'40''$  WEST 208.71 FEET TO A POINT BEING THE SOUTHEAST CORNER OF A RIGHT OF WAY DEDICATION STRIP AS SHOWN ON THE PLAT OF STRECKER FARMS PLAT I AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 331 PAGES 91 & 92 OF SAID RECORDS; THENCE WITH THE EAST LINE OF SAID STRECKER FARMS PLAT I, NORTH,  $00^{\circ}02'41''$  EAST 626.14 FEET, NORTH  $89^{\circ}38'56''$  EAST 208.71 FEET AND NORTH  $00^{\circ}02'41''$  EAST 686.36 FEET TO A STONE FOUND FOR THE NORTHEAST CORNER THEREOF; SAID CORNER ALSO BEING ON THE SOUTH LINE OF TURNBERRY PLACE PLAT II PER THE PLAT THEREOF RECORDED IN PLAT BOOK 286 PAGE 88-91 OF SAID RECORDS AND BEING A POINT ON THE NORTH LINE OF THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 31; THENCE WITH THE SAID QUARTER SECTION LINE, NORTH  $89^{\circ}57'25''$  EAST 326.96 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 31 AND BEING THE

NORTHWEST CORNER OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 32; THENCE WITH SAID QUARTER NORTH 89° 15'26" EAST 172.70 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO JERRY RUSSELL BLISS PER DEED BOOK 7451 PAGE 1135 OF SAID RECORDS; THENCE WITH THE WEST LINE THEREOF AND ITS DIRECT PROLONGATION, SOUTH 00°07'51" EAST 1310.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 795,283 SQUARE FEET, (18.2571 ACRES) MORE OR LESS ACCORDING TO A SURVEY BY THE STERLING COMPANY DURING THE MONTH OF JANUARY, 2006.

**Section Two. Severability.** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable by a court of competent jurisdiction, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**Section Three. Savings.** Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

**Section Four. Effective Date.** 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 \_\_\_\_\_, 2022, by the Council of the City of Wildwood, Missouri after having been read by title, or in full, two (2) times prior to its passage.

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
James R. Bowlin, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk

**EXHIBIT A**  
[SEE ATTACHED MAP]





City of  
Wildwood

340  
Turnberry  
Place  
Drive

173  
Strecker  
Road

149  
Strecker  
Road

City of  
Ellisville

177  
Strecker  
Road

165  
Strecker  
Road

Strecker Road

BERRY HOLLOW CT

TURNBERRY PLACE DR

ENGLEBROOK DR

CLAYTON SPUFF

CLAYTON TRAILS

HIDDE