

RESOLUTION #2023-3

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, APPROVING THE WAIVER GRANTED FOR THE PROPOSED WEST EDEN SUBDIVISION, AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION ON OCTOBER 3, 2022.

WHEREAS, the petitioner submitted for consideration by the Planning and Zoning Commission a request for waiver to the installation of a centralized wastewater treatment plant to serve the West Eden Subdivision, at that time thirteen (13), three plus (3+) acre lots to be developed on a sixty-six (66) acre tract of land; and

WHEREAS, at the public meeting on this matter, which was held on September 6, 2022, the petitioner presented the proposal and provided plans indicating the locations of the proposed individual, on-site systems for each of the proposed lots, along with their installation requirements and accommodations to ensure successful treatment levels; and

WHEREAS, a number of residents spoke at the public hearing about the impact this development could have on the groundwater source (aquifer) and concerns about the alterations that might occur to it, if the project proceeded, which led to the Planning and Zoning Commission to seek additional information before undertaking its planned action; and

WHEREAS, with that direction, the petitioner and the Department of Planning investigated these concerns and prepared a report for the October 3, 2022 meeting of the Planning and Zoning Commission that addressed the primary concern of wastewater treatment and its anticipated impact on groundwater; and

WHEREAS, the Planning and Zoning Commission reviewed the information that was provided and agreed the waiver was reasonable under the circumstances of overall lot size, reduced density, and soil reports that were developed and provided for each of the lots on the site; and

WHEREAS, with this agreement, the Planning and Zoning Commission granted the waiver by a vote of 10 to 0 on October 3, 2022; and

WHEREAS, the Letter of Recommendation reflecting this action was forwarded to the City Council on October 24, 2022 for its consideration, at which time the members exercised their “power of review;” and

WHEREAS, the matter was then set for a public hearing before the City Council, as required by Chapter 420 Subdivision and Development Regulations, with its discussion being held on December 12, 2022; and

WHEREAS, the Department of Planning provided a presentation at the public hearing in response to the City Council’s exercise of “power of review” and described the circumstances that lead the Planning and Zoning Commission to author a favorable recommendation on this request and grant the waiver; and

WHEREAS, the City Council reviewed this new information and the testimony of the Department of Planning, which led it to make a recommendation to support the granting of the waiver, with all conditions contained in that report, which was by a vote of 10 to 0.

WHEREAS, thereafter, the City Council authorized the preparation of the needed Resolution for the waiver's consideration, as part of its final action of this item, which was then scheduled for presentation at its next meeting on January 9, 2023.

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

Section One. The City Council of the City of Wildwood, Missouri has considered the information provided to it regarding the request for the waiver of the centralized wastewater treatment plant requirement for this proposed large-lot residential subdivision consisting of twelve (12) single detached dwellings and has found sufficient evidence to support its approval of it and to be granted thereafter.

Section Two. The evidence, as described in the recommendation from the Planning and Zoning Commission, indicates the waiver, given lot size (3.4 acres or greater), and the conditions developed as part of the City's review will provide for superior wastewater treatment on the proposed twelve (12) lots, which is less than the allowable density associated with the property's NU Non-Urban Residence District zoning designation.

Section Three. The waiver is hereby granted by the City Council to the requirement for the installation of a centralized wastewater treatment plant to service the proposed lots, and is subject to all conditions and requirements identified below:

1. The proposed density of this residential project shall not be more than twelve (12) total lots.
2. The lot sizes shall not be less than a minimum of 3.4 acres in area.
3. The implementation of monetary and other protections, as conditions of its granting the requested waiver by the City to the plant requirement. These conditions include the following items:
 - a. The systems to be installed on the individual lots shall meet the 10 BOD/15 TSS; pH range of 6 to 9; and 400 or less fecal coliform colonies per 100 milliliters of discharge, which is a tertiary level of sewage treatment.
 - b. The subdivision's indentures shall establish maintenance requirements for these sewage systems, with the developer providing a cash deposit, bond, or letter of credit for each lot to be used in the event any homeowner does not accept this responsibility. This fee would be at two thousand six hundred dollars (\$2,600.00) per lot, for a total amount of \$33,800.00, to be deposited within an account to the benefit of the Homeowners Association for its use in the future. This total of \$33,800.00 shall be maintained in its full amount, regardless of required expenditures, for a period of no less than ten (10) years. Any reimbursement to this original amount shall be the responsibility of the developer, the Homeowners Association, or both, depending on when the

- development is completed and all officer positions are residents of the subdivision. The Commission believes these standards are a reasonable and prudent method to ensure on-going maintenance of the systems.
- c. The location of all drainfields required in association with these individual systems must adhere to the principles of the Natural Resource Protection Standards, as applied to this property. Therefore, areas shown as preserved cannot be disturbed for the installation of said drainfields.
 - d. The allowance for individual systems is also premised on the property owner providing a script that states any further subdivision of any of the lots would require the installation of a centralized wastewater treatment plant to serve all homesites. To accomplish this requirement, the developer would be obligated to provide the following items:
 - i. A note shall be added to the plat and language to the subdivision's Trust Indenture for this subject development enjoining all lot owners to participate in the installation of a centralized treatment of wastewater effluent, if a thirteenth (13th) lot is ever sought.
 - ii. An area must be set aside within the subdivision for the future location of the packaged treatment facility, if needed.
 - iii. An easement(s) shall be established, as part of the right-of-way of the proposed roadway, and upon individual lots, for the connection of individual systems to the centralized facility. These easements should be designed to accommodate future connections to the plant, if needed.
 - iv. A requirement for the design of these dwellings to anticipate such a connection and that all interior plumbing and the individual household treatment systems be planned in this manner.
 - v. A provision shall be addressed on the plat relative to the abandonment of the individual household treatment systems, if ever the number of lots within this subdivision should exceed twelve (12) in total, and their removal or closure according to St. Louis County and City of Wildwood standards.

Section Four. 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 any manner connected with the subject matter hereof.

Section Five. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, 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 valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section Six. This Resolution shall be effective upon its passage and approval by the City Council

of the City of Wildwood.

Passed and resolved by the Council of the City of Wildwood this _____ day of _____, 2023.

CITY OF WILDWOOD

BY: _____
James R. Bowlin, Mayor

ATTEST:

City Clerk