

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AUTHORIZING A CHANGE IN THE ZONING DISTRICT DESIGNATION OF A 0.72 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF EATHERTON ROAD NORTH OF ITS INTERSECTION WITH CRESTVIEW DRIVE, FROM THE NU NON-URBAN RESIDENCE DISTRICT TO THE R-3 10,000 SQUARE FOOT RESIDENCE DISTRICT

WHEREAS, Stacey Byrne is the owner of this legal lot of record that is located on the east side of Eatherton Road, north of Crestview Drive; and

WHEREAS, the property owner would like to address a non-conformity of the property, which is also located within the Town Center Area, in terms of its size and current zoning district designation, such being for its potential future development and/or subdivision; and

WHEREAS, the property owner submitted a petition for a change in the site's zoning district classification, which requested the current NU Non-Urban Residence District be modified to the R-3 10,000 square foot Residence District, given it is located within the Town Center Area, and designated "Neighborhood General" District, under the Regulating Plan of the Town Center Plan; and

WHEREAS, the Planning and Zoning Commission held a public hearing on July 18, 2022 and heard testimony from the Department of Planning and Parks and the property owner on this matter, which included the items relating to the compliance of the lot's design to the Town Center Plan, public space requirements, and architectural guidelines associated with any future development of the subject parcel of ground; and

WHEREAS, after this public hearing, the Department of Planning and Parks prepared an Information Report supporting the change in zoning of this property, citing such would address the non-conformity of the lot, in terms of its current size and zoning district designation; and

WHEREAS, the Department's Information Report also noted petitioner's requested R-3 10,000 square foot Residence District, if allowed, would be supported by the recently adopted change to the Town Center Regulating Plan, which designated the property as "Neighborhood General" District, and meet the minimum requirements, standards, and guidelines associated with such; and

WHEREAS, the Planning and Zoning Commission unanimously approved the Department's recommendation and, on November 7, 2022, completed its Letter of Recommendation reflecting its support for this action; and

WHEREAS, the Commission's support of this change in the property's zoning district

designation, and associated potential future development of the subject lot, was also premised on the establishment of an area for the purposes of future improvements to Eatherton Road, either via right-of-way dedication or easement, along the site's frontage onto it; and

WHEREAS, the City Council received the Letter of Recommendation from the Planning and Zoning Commission and held a public hearing on the matter at its December 12, 2022 meeting and heard testimony in regard to this change in zoning within the Town Center Area and, at the conclusion of this discussion, directed the Department of Planning and Parks to prepare the necessary legislation to complete this process; and

WHEREAS, the City Council was supportive of this action based upon the rationales outlined in the Planning and Zoning Commission's Letter of Recommendation, particularly such being consistent with the Town Center Plan and the required right-of-way dedication or easement for future improvements to Eatherton Road; and

WHEREAS, this action is consistent with the responsibility of the City Council to promote and protect the public's health, safety, and general welfare in all actions relating to zoning.

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

Section One. 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 rezoning of a certain 31,651 +/- square foot tract of land, more particularly described below, first before the Planning and Zoning Commission and then the City Council of the City of Wildwood, Missouri, and approval is hereby granted to rezone such 31,651 square foot tract of land from NU Non-Urban Residence District to the R-3 10,000 square foot Residence District, pursuant to the Municipal Code of the City of Wildwood, Missouri, and the City of Wildwood's Zoning Ordinance and Official Zoning District Maps of the City of Wildwood, Missouri, all made a part hereof and incorporated by reference herein, are hereby amended consistent with this Section One for the property described here:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 44 NORTH, RANGE 3 EAST, ST. LOUIS COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEAST LINE OF EATHERTON ROAD AND THE SOUTHERN LINE OF PROPERTY CONVEYED TO THADDAEUS L. AND BARBARA L. ETTERS ACCORDING TO THE INSTRUMENT RECORDED IN BOOK 23020 PAGE 808 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS FROM WHICH AN IRON ROD BEARS SOUTH 70 DEGREES 44 MINUTES 06 SECONDS EAST; THENCE, ALONG SAID SOUTHERN LINE NORTH 70 DEGREES 44 MINUTES 6 SECONDS EAST, 198.10 FEET TO AN IRON ROD ON THE

WESTERN LINE OF PROPERTY CONVEYED TO NORMA R. REDEKER ACCORDING TO THE INSTRUMENT RECORDED IN BOOK 7299 PAGE 1342 OF SAID RECORDS OF ST. LOUIS COUNTY; THENCE ALONG SAID WESTERN LINE AND A NORTHWESTERN LINE OF SAID PROPERTY, SOUTH 01 DEGREE 50 MINUTES 26 SECONDS WEST, 250.12 FEET TO AN IRON PIPE; THENCE SOUTH 69 DEGREES 48 MINUTES 6 SECONDS WEST, 72.65 FEET TO A POINT ON THE AFOREMENTIONED EATHERTON ROAD FROM WHICH A PK NAIL BEARS SOUTH 69 DEGREES 48 MINUTES 06 SECONDS WEST, 12.02 FEET; THENCE ALONG SAID NORTHEASTERN LINE, NORTH 27 DEGREES 50 MINUTES 50 SECONDS WEST, 237.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 31,651 SQUARE FEET OR 0.72 ACRES, MORE OR LESS.

Section Two. Nothing contained herein 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, unless expressly set forth herein.

Section Three. 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 invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section Four. 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 _____, 2023, 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:

ATTEST:

City Clerk

City Clerk