

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, ENDORSING AND RATIFYING THE RECOMMENDED CHANGES TO THE STREET NETWORK MAP OF THE TOWN CENTER PLAN, AND AUTHORIZING A CHANGE IN THE ZONING DISTRICT DESIGNATIONS FROM THE C-8 PLANNED COMMERCIAL DISTRICT AND THE R-6A 3,000 SQUARE FOOT RESIDENCE DISTRICT, WITH A PLANNED ENVIRONMENT UNIT (PEU), TO THE AMENDED C-8 PLANNED COMMERCIAL DISTRICT AND THE R-3 10,000 SQUARE FOOT RESIDENCE DISTRICT, WITH A PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT (PRD), FOR A TRACT OF LAND 50.7 ACRES IN SIZE LOCATED ON THE WEST SIDE OF STATE ROUTE 109, NORTH OF MANCHESTER ROAD, TO BE USED FOR NO MORE THAN 132 SINGLE-FAMILY DETACHED DWELLINGS ON INDIVIDUAL LOTS, ASSOCIATED COMMON GROUND SPACES, REQUIRED PUBLIC SPACE AREAS, AND A MINIMUM OF ONE COMMERCIAL OUTLOT FRONTING STATE ROUTE 109.

WHEREAS, this property has been a part of the City’s Town Center Area since 1996 and designated at first for all “Downtown” District activities, but was modified to the “Workplace, Neighborhood General, and Neighborhood Edge” Districts for future land use options, which reflects the changing priorities of the City in terms of future development patterns in this particular area; and

WHEREAS, the initial rezoning of this tract of land occurred in 1988 and was from the NU Non-Urban District to the C-8 Planned Commercial District and R-6A 3,000 square foot Residence District, with a Planned Environment Unit (PEU), to accommodate its use as a 450,000 square foot indoor mall, with nine (9) outlots, including a multiple-family residential area; and

WHEREAS, other uses have been considered on the property, including a Dierbergs Supermarket and a Target Department Store, but none were able to accommodate the Town Center Plan’s requirements relative to design and architectural considerations and the site remained vacant; and

WHEREAS, this situation with these properties (and development) led to other options being considered over the years, which were culminated when the current petitioner submitted a proposal for a Street Network Plan change, a rezoning of the tract of land, and the application of an overlay district to change the land use pattern from commercial to residential, specifically detached, single family dwellings on individual lots; and

WHEREAS, these requests by the current petitioner reflected the longstanding issues with the property from a commercial use standpoint and the City’s intended outcome for it to be a residential area in the future, witnessed by the change and its land use categories with the update the Town Center Plan in 2021; and

WHEREAS, to accomplish this request, the petitioner needed to amend the Street Network Plan of the Town Center Plan, while seeking a change in zoning from the C-8 Planned Commercial District to the R-6A 3,000 square foot Residence District, with a Planned Environment Unit (PEU) to City of Wildwood zoning district designations and overlay components; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on these items on February 6, 2017, where the petitioner presented the request for a residential subdivision that would consist of the proposed one hundred thirty (130) plus single family detached dwellings on individual lots, with one (1) commercial area retained along State Route 109, while offering public space and certain specific steps to manage stormwater runoff and protect downstream properties; and

WHEREAS, at this public hearing, the Planning and Zoning Commission identified a number of considerations regarding this tract of land, specifically compliance to the Town Center Plan's components, the front-entry garage options, tree removal, and infrastructure and utility considerations; and

WHEREAS, with direction from the Planning and Zoning Commission, the petitioner modified the design concept on many occasions to address its concerns in regard to the use of this large tract of land in Town Center Area; and

WHEREAS, this revised concept was reviewed by the Planning and Zoning Commission and determined to be acceptable with the changes that had been made and provided a favorable recommendation regarding the modifications to the Town Center Plan, the rezoning of the property, and application of the special procedures permit (Planned Residential Development Overlay District); and

WHEREAS, these actions of the Planning and Zoning Commission were by votes of 7 to 3 at its meeting held on October 5, 2020; and

WHEREAS, the Letter of Recommendation from the Planning and Zoning Commission was then forwarded to City Council and received on October 26, 2020, where it conducted another public hearing on this matter, and heard from those in attendance regarding these proposals; and

WHEREAS, at the conclusion of the public hearing, the City Council noted the need to further investigate several considerations in regard to stormwater management, downstream impacts from runoff, tree preservation, and overall grading; and

WHEREAS, the City Council then authorized a series of reviews by a consultant team of these considerations, which was conducted over a long period of time, with reports being issued regarding expert observations about the project; and

WHEREAS, with the public hearing held open from October 2020, the matter was readvertised and the hearing was concluded on December 12, 2022, when the City authorized the preparation of legislation for this purpose, being based upon the conclusions of the consultants and commitments by the developer's team of engineering and landscaping professionals; and

WHEREAS, the City Council, through its established authority under Chapter 89 of Missouri Revised Statutes and the Wildwood Charter, believe this action is consistent with good planning practice and will protect the public's health, safety, and general welfare by improving the conditions at this site with its redevelopment under a new owner.

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

Section One. *Town Center Plan.* The amendments to the City's Town Center Plan, specifically its Street Network Plan component, previously adopted by the Planning and Zoning Commission on October 5, 2020, by its action on the Letter of Recommendation on this request, is hereby incorporated herein by reference and on file for view with the City Clerk of the City of Wildwood, Missouri, and endorsed, ratified, and confirmed, as part of the City's Master Plan.

Section Two. *Zoning Action.* The City of Wildwood Zoning Ordinances and Official Zoning District Maps, which are made a part hereof, are hereby, are hereby amended to reflect the change in zoning from the C-8 Planned Commercial District to the R-6A 3,000 square foot Residence District, with a Planned Environment Unit (PEU), to the Amended C-8 Planned Commercial District and the R-3 10,000 square foot Residence District, with a Planned Residential Development Overlay District (PRD), as set forth in this ordinance, for the following described land:

PART OF LOT 1 AND 2 OF DREINHOEFER ESTATE IN SECTION 2, TOWNSHIP 44 NORTH, RANGE 3 EAST OF THE FIFTH PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK I PAGE 63 OF THE ST. LOUIS COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE AT THE INTERSECTION OF THE NORTHERN LINE OF LOT 3 AND THE EASTERN LINE OF LOT 1 OF SAID DREINHOEFER ESTATE; THENCE ALONG SAID EASTERN LINE OF LOT 1 SOUTH 1 DEGREE 17 MINUTES 00 SECONDS WEST, 508.71 FEET TO A POINT ON THE NORTHERN LINE OF MANCHESTER ROAD; THENCE ALONG THE NORTHERN LINE OF MANCHESTER ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1176.00 FEET AND AN ARC LENGTH OF 91.61 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG THE SAID NORTHERN LINE OF MANCHESTER ROAD NORTH 68 DEGREES 49 MINUTES 21 SECONDS, 486.70 FEET TO A FOUND IRON PIPE; THENCE CONTINUING ALONG SAID NORTHERN LINE OF MANCHESTER ROAD NORTH 69 DEGREES 35 MINUTES 25 SECONDS WEST, 322.65 FEET TO FOUND CONCRETE MONUMENT; THENCE DEPARTING FROM SAID NORTHERN LINE OF MANCHESTER ROAD, NORTH 37 DEGREES 57 MINUTES 56 SECONDS EAST, 1954.47 FEET TO A FOUND IRON PIPE IN THE NORTH LINE OF SAID LOT 2 OF DREINHOEFER ESTATE; THENCE ALONG SAID NORTH LINE OF LOT 2, SOUTH 88 DEGREES 33 MINUTES 53 SECONDS EAST, 385.70 FEET TO A FOUND STONE AT THE NORTHWEST CORNER OF TRACT CONVEYED TO FRED NORTH AND WIFE BY DEED RECORDED IN BOOK 2399 PAGE 181; THENCE SOUTH 1 DEGREE 15 MINUTES 05 SECONDS WEST, 83.00 FEET; THENCE SOUTH 64 DEGREES 21 MINUTES 46 SECONDS EAST, 808.09 FEET TO A POINT ON THE WESTERN LINE OF STATE HIGHWAY 109, ACCORDING TO THE GENERAL WARRANTY DEED RECORDED IN DEED BOOK 6567, PAGE 2086 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG THE SAID WESTERN LINE OF HIGHWAY 109 FOR THE FOLLOWING BEARINGS AND DISTANCES; SOUTH 24 DEGREES 26 MINUTES 50 SECONDS WEST, 202.33 FEET; SOUTH 9 DEGREES 57 MINUTES 21 SECONDS WEST, 651.37 FEET; SOUTH

16 DEGREES 31 MINUTES 29 SECONDS, 111.51 FEET; AND SOUTH 13 DEGREES 01 MINUTE 45 SECONDS, 5.53 FEET; THENCE DEPARTING SAID WESTERN LINE OF HIGHWAY 109, NORTH 88 DEGREES 42 MINUTES 11 SECONDS WEST, 588.39 FEET TO A FOUND STONE; THENCE NORTH 89 DEGREES 12 MINUTES 00 SECONDS WEST, 717.81 FEET TO THE POINT OF BEGINNING, CONTAINING 50.65 ACRES, MORE OR LESS.

Section Three. *Conditions.* The zoning authority and approval embodied in this ordinance is granted subject to compliance with the Subdivision and Development Regulations, Zoning Code, and all other City of Wildwood ordinances, rules, and regulations and the conditions of this ordinance, except as, may be modified herein, upon the requirement the development and approved Site Development Plan are carried out in accordance with the recommendation forwarded to the City Council by the Planning and Zoning Commission within the communication dated October 5, 2020, which is incorporated herein by reference as if fully set forth in this ordinance. The zoning authority granted herein is further subject to the following conditions:

1. PERMITTED USES

- a. This Planned Residential Development (P.R.D.) Overlay District shall authorize the maximum development of one hundred thirty-two (132), detached single family dwellings on individual lots, with common ground and public space areas, and all permitted accessory structures normally found in conjunction with the primary use of each of the allowable residential properties. The developer or the eventual Homeowners Association shall have the right to construct a community pool within any designated common ground area, excepting the Village Green. If a community pool is constructed within the boundaries of this Planned Residential Development (PRD) Overlay District, the Site Development Plan (SDP) must be amended in the future and permits obtained from the City of Wildwood and St. Louis County.
- b. An outlot, having direct frontage onto State Route 109 and Main Street, shall be established on the subject site and is authorized for all ‘Workplace’ District permitted activities, as set forth in the Town Center Plan for the same (Regulating Plan). These permitted activities are limited to, however, stores, shops, and open-air markets for retail purposes, service uses, professional and general offices, financial institutions, with drive-through facilities, and restaurants, but without drive-through facilities. This outlot cannot be larger in size than one point eight (1.8) acres in area. Land disturbance associated with this lot shall not be authorized, until an approved Site Development Plan for its use has been reviewed and acted upon by the Planning and Zoning Commission.

2. LOT SIZES, DEPTHS, AND BUILDING REQUIREMENTS

- a. Each detached dwelling unit to be constructed within this planned residential subdivision shall be located on an individual lot of record and, collectively, all such parcels of ground shall have an average distance of no less than sixty-five (65) feet in width at its respective front building line, with a corresponding depth of no less than an average of one hundred forty-five (145) feet, which shall be as approved by the Planning and Zoning Commission on the Site Development Plan. Additionally, any lot having frontage onto Main Street, along with direct residential access to same, shall be required to have a minimum distance of seventy (70) feet in width at its respective front building line.
- i. Individual dwelling placement on each of the allowable lots shall be undertaken in coordination with the Planning and Zoning Commission and the Department of Planning

- to replicate the “Prefurbia” approach, so as no two (2) dwellings shall be in line on any set of abutting lot areas.
- ii. All dwellings, whether on the same side of the street, opposite each other on a common frontage, or occupying any of the four (4) common corners of an intersection, shall minimally meet the petitioner’s non-monotony policy. Issues arising for interpretation of the same that may occur will be considered and acted upon by the City’s Architectural Review Board (ARB) to guarantee an engaging streetscape.
 - b. All detached single family dwellings shall have a minimum finish floor elevation of their front porches of eighteen (18) inches in height above the adjoining sidewalk grade. All dwelling units shall have a front porch, which must extend across a portion of each of them, facing the frontage line, at a minimum depth of no less than five point five (5.5) feet. No building facade shall show more than four (4) corners to the frontage line or as approved by the Architectural Review Board (ARB) on the required elevations.
 - c. No building and/or structure shall be more than two (2) stories above final grade, as measured from the front building line on any individual lot.
 - d. Direct residential drive access from front-facing garages shall be allowed for all permitted lots within this development to the system of public, internal streets. Garage door(s) on each dwelling unit may extend beyond an-imaginary line, which is formed by an extension of the front elevation of the dwelling (including the front porch) parallel to the lot’s frontage. Individual garage doors shall not be greater than twenty (20) feet in width and must be carriage types, including windows, and incorporate other architectural treatments, as determined by the City’s Architectural Review Board (ARB) to be appropriate, to lessen their prominence within the visual corridor formed by these interior streets within the development, unless a suitable alternative design is provided for these openings. The developer shall provide a minimum of two (2) options that incorporate these requirements to the Planning and Zoning Commission for its consideration, as part of the Site Development Plan review and action process, regarding the front of the garages that further reduces their prominence from the abutting street view. Architectural type shingle selections shall be required on all residential units of a minimum thirty (30) year standard.
 - e. The first story, interior clear height for all single family dwellings shall be not less than nine (9) feet.
 - f. Detached single family dwelling units, which face the frontage line, but also places the side of the building along another right-of-way, shall be designed to incorporate the elements of the front facade along that portion of the structure. The placement and design of these units shall be approved by the Planning and Zoning Commission on the Site Development Plan and the elevations of these units by the Architectural Review Board (ARB).
 - g. The proposed architectural design, character, and style of all buildings and dwelling units shall adhere to the City of Wildwood’s Town Center Architectural Guidelines, Neighborhood Design Standards, and any other applicable requirements of the Town Center Plan, excepting no vinyl siding shall be allowed on any dwelling unit within the boundaries of this Planned Residential Development Overlay District (PRD). All materials used on any facade of a residential unit shall be either brick, stone, fiber cement siding and backer board, or some combination, as noted above. Comparable materials may be considered to this list, but not vinyl siding. Approval of the required design shall be by the Architectural Review Board (ARB). Minimally, all buildings shall maintain a consistent theme throughout the boundaries of this Planned Residential Development Overlay District (PRD) in terms of materials, colors, and styles, which shall generally represent

the petitioner's 'Lifestyle Series,' as submitted to the City and memorialized, as part of the Planning and Zoning Commission's Letter of Recommendation, excepting Montego Model, and any variation to that set of elevations for the same.

- h. The overall area of this Planned Residential Development Overlay District (PRD) shall be no less than fifty (50) acres.

3. PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the P.R.D. Overlay District approval by the City Council, and prior to any site disturbance, the developer shall submit to the Planning and Zoning Commission for their review and approval a Site Development Plan. Where due cause is shown by the developer, time intervals may be extended once by the Planning and Zoning Commission in accord with requirements of Section 420.060 of the City of Wildwood 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. A typical lot diagram, indicating all site design information such as, but not limited to, right-of-way width, improvement dimensions and locations, setbacks, and building placement.
- c. The location and size of all parking areas, pavement widths, and right-of-way dedications of all internal roadway improvements and drives.
- d. A general plan indicating setback lines along the perimeter of the subject tract of land and surrounding property lines and related improvements within four hundred (400) feet of this site's boundaries.
- e. Location of all roadways adjacent to the property, including required roadway right-of-way dedication and pavement widening with existing and proposed improvements, 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 two (2) 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 sewer facilities.
- i. Parking and density calculations.
- j. Conceptual location and size of common ground areas.
- k. A typical section of the proposed road indicating the placement and design of required streetscape improvements.
- l. A Landscape Plan including, but not limited to, the location, size, and general type of plant materials to be used in accord with the City of Wildwood's Ordinance 410 and accompanying Tree Manual.
- m. An inventory of the percent of tree canopy or individual trees to be retained on the site.
- n. Location of all existing and proposed easements.
- o. All other information not mentioned above, but required on a preliminary plat in accord with Section 420.060 of the City of Wildwood Subdivision and Development Regulations.

If the Planning and Zoning Commission determines, through its standard review processes, the Site Development Plan cannot be acted upon due to non-compliance to the site-specific ordinance, the Zoning Ordinance, or other land use regulations applicable to this type of subdivision, as interpreted by it, then the Street Network changes, the rezoning of the subject site, and the application of the Planned Residential Development Overlay District (PRD) shall not remain effective thereafter and the City must initiate the revocation process described in the Zoning Ordinance for this type of circumstance.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

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

Build-To Lines - Residential

- a. Any building or structure, other than boundary and/or retaining walls, fences, detention facilities, and/or light standards, shall adhere to the following build-to lines, as specified in the Town Center Plan's Neighborhood Design Standards:
 - i. Twenty-five (25) feet from any right-of-way line.
 - ii. Five (5) feet for any side yard setback distance from any property line associated with a lot that is fifty (50) feet in width or less, while a six (6) foot setback distance shall be required for all other side yard areas, excepting lots that abut the perimeter of the Planned Residential Development Overlay District (PRD). Perimeter lots shall have a side yard setback distance of ten (10) feet.
 - iii. Fifteen (15) feet for all rear yard areas, excepting lots that abut the perimeter of the Planned Residential Development Overlay District (PRD), which shall be no less than thirty (30) feet.

Parking Setbacks – Residential

- b. All parking stalls or loading spaces, excluding points of ingress or egress for the detached dwelling units, shall comply with the required front yard setback distance from the edge of public right-of-way. Driveway widths serving these required parking spaces, specifically between the edge of the public right-of-way and the front building line, shall be as approved by the Planning and Zoning Commission on the Site Development Plan, but be minimized in their respective distances to the greatest extent possible.

Access and Roadway Improvements

- c. Establish and dedicate the required amount of right-of-way and/or easements along this property's State Route 109 frontage to the Missouri Department of Transportation (MoDOT) for public roadway purposes, which shall accommodate the ultimate design for the installation of any future roadway, multiple-use trail, pedestrian facility, and related item, along with any other improvements that may be required therein. Any new improvements to State Route 109 shall conform to the requirements of the Missouri Department of Transportation (MoDOT) and the City of Wildwood's Street Specifications of the Town Center Plan, as directed and approved by the State of Missouri and the City of Wildwood's Department of Public Works. All streetscape requirements (street trees, lights, signs, waste receptacles, benches, sidewalks/trails, and other items consisting of approved materials) shall be installed by the developer, as specified by the City of Wildwood's Town Center Plan within the right-of-way of State Route 109 and directed by the Department of Public Works.
- d. Establish and dedicate a minimum thirty (30) foot wide, land area for public rights-of-way purposes to the City of Wildwood, Missouri for the installation of a minimum thirty (30) foot wide Main Street within the site, which shall adhere to the Town Center Plan's Street Specifications and the Streetscape Design Requirements, as directed by the Department of Public Works, and approved by the Planning and Zoning Commission on the Site Development Plan. Thereafter this dedication, the developer shall be responsible for the construction of said Main Street within the dedicated public right-of-way area of Main Street. All streetscape requirements

(street trees, lights, signs, waste receptacles, benches, and other items consisting of approved materials) shall be installed by the developer, as specified by the City of Wildwood's Town Center Plan within the right-of-way of Main Street and as directed by the Department of Public Works.

- i. Abutting both sides of this land dedication area for public right-of-way purposes, being to the City of Wildwood, Missouri, the developer shall establish, for perpetuity, two (2), twenty (20) foot wide easement zones for the purposes of stormwater management facilities, roadway improvements, maintenance activities, landscaping installations and care, and sewer, sidewalk, and utility installations, and all other appropriate City uses.
 - ii. These easement areas, as set forth in Condition 4. (d.)i. of this ordinance, shall be dedicated for perpetuity to the City of Wildwood, Missouri and all pertinent utility companies for public use forever. However, excepting the public facilities of the City of Wildwood, Missouri and the pertinent utilities, all care, maintenance, and upkeep of the required stormwater facilities located within, and a part of, these easement areas shall be the sole and forever responsibility of the Homeowners Association of this residential subdivision.
- e. Complete the necessary dedication of land area and easements within this subject site for public right-of-way and other purposes associated with the internal network of streets. These dedications for public rights-of-way and easement areas shall be used for the construction by the developer of a network of internal residential streets for service to the authorized lots. Specifically, the developer shall establish and dedicate a minimum twenty-six (26) foot wide, land area for public rights-of-way purposes to the City of Wildwood, Missouri for the installation of a minimum twenty-six (26) foot wide system of internal Town Center Area streets within the site, which shall adhere to the Town Center Plan's Street Specifications and the Streetscape Design Requirements, as directed by the Department of Public Works, and approved by the Planning and Zoning Commission on the Site Development Plan. Thereafter this dedication, the developer shall be responsible for the construction of said Town Center Area internal streets within the dedicated public right-of-way area of these public rights-of-way areas. All streetscape requirements (street trees, lights, signs, waste receptacles, benches, and other items consisting of approved materials) shall be installed by the developer, as specified by the City of Wildwood's Town Center Plan within the right-of-way of Main Street and as directed by the Department of Public Works.
 - i. Abutting both sides of this land dedication area for public right-of-way purposes, being to the City of Wildwood, Missouri, the developer shall establish, for perpetuity, two (2), twenty-two (22) foot wide easement zones for the purposes of stormwater management facilities, roadway improvements, maintenance activities, landscaping installations and care, and sewer, sidewalk, and utility installations, and all other appropriate City uses.
 - ii. These easement areas, as set forth in Condition 4. (e.)i. of this ordinance, shall be dedicated for perpetuity to the City of Wildwood, Missouri and all pertinent utility companies for public use forever. However, excepting the public facilities of the City of Wildwood, Missouri and the pertinent utilities, all care, maintenance, and upkeep of the required stormwater facilities located within, and a part of, these easement areas shall be the sole and forever responsibility of the Homeowners Association of this residential subdivision.
- f. Dedicate the required amount of right-of-way and/or easements along this property's Manchester Road frontage to the City of Wildwood, Missouri for public roadway purposes and the future

construction of required roadway improvements, which includes a roundabout. ~~A~~ The construction of a future roundabout, and related channelization islands and other improvements necessary therein, shall not be required of the developer, but the dedication of right-of-way and the provision of a Special Escrow to the City of Wildwood for the future installation of one-half (½) of it, shall be made at the time of the Record Plat. The amount of this required Special Escrow shall be as determined by the Department of Public Works, as part of the City's review of the subdivision's Improvement Plans. This escrow amount, as determined by the City of Wildwood, if not utilized for the installation of the roundabout shall be refunded to the developer, or holder of the Letter of Credit, whichever is applicable, within five (5) years of its establishment. Other identified and necessary improvements to Manchester Road shall be required of the developer, as part of this project, which will include turn lanes, stormwater facilities, pedestrian improvements, and street trees, lights, and signage, conforming to all of the requirements of the City of Wildwood's Street Specifications of the Town Center Plan, as directed and approved by the City of Wildwood's Department of Public Works. All streetscape requirements (street trees, lights, signs, waste receptacles, benches, and other items consisting of approved materials) shall be installed by the developer, as specified by the City of Wildwood's Town Center Plan within the right-of-way of Manchester Road and directed by the Department of Public Works, as part of the authorization of improvements and dwellings on this subject site.

- g. Dedicate the necessary and prescribed easement area for multiple-use trail purposes to accommodate the extension of it from Hawthorne Village Parkway through the subject site to the proposed pedestrian network therein, of which shall adhere to the Town Center Plan's Street Specifications and the Streetscape Design Requirements, as directed by the Department of Public Works and approved by the Planning and Zoning Commission on the Site Development Plan. The multiple-use trail extension, in association with Hawthorne Village Parkway, shall not be the responsibility of the developer of this site in terms of its construction or escrow.
- h. Any planned traffic island/cul-de-sac shall be designed and constructed by the developer of this residential subdivision in accordance with City of Wildwood standards, and as directed by the Department of Public Works. The Planning and Zoning Commission, on the Site Development Plan, shall approve the final design of all traffic calming improvements, which shall be inclusive of pedestrian safety measures within the Main Street right-of-way area. These pedestrian safety measures can include, but not be limited to, speed tables, raised crosswalks, with special lighting and signage components, landscaped medians, and other measures, as necessary.

Miscellaneous Roadway Requirements

- i. Installation of landscaping and ornamental entrance monument or identification signage, if proposed, shall be reviewed by the Department of Public Works for sight distance considerations and approved prior to its installation or construction. All signage shall be located in an easement to the benefit of the Homeowners Association or common ground.
- j. If required sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to vertical alignment and other off-site improvements, may be required to provide the required sight distance as directed by the Department of Public Works.
- k. Construction access shall be limited to and from State Route 109 and Manchester Road during the development of this site.

- l. Sidewalks shall be required on all public and private streets and provide for a continuous and logical layout of this pedestrian network. Design and construction requirements for all sidewalks within the entire development shall be as established in the Street Specifications and Streetscape Elements of the Town Center Plan. Approval of their location, design, and material shall be by the Planning and Zoning Commission, as part of the Site Development Plan review process. However, no sidewalk shall be less than six (6) feet in width.
- m. 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 contributions. 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 roadway improvements. The City of Wildwood will assist, where applicable, with the discussions on said utility requirements, so as to minimize delays and costs to the developer. Any decision in this regard shall be acted upon by the City Council, if funding is associated with such.
- n. All internal streets, access drives, or lanes, whether public or private, shall comply with the Streetscape Requirements of the Town Center Plan in terms of improvements, such as drive lane widths, sidewalks, stormwater drainage facilities, garden walls, street trees and lights, and pedestrian furniture. If certain streets, drives, or lanes are to be private, an easement shall be provided to the City granting public use of them for pedestrian and vehicular purposes. These easements shall be granted at the time of the Record Plat approval by the City Council.

Parking Requirements - Residential

- o. Parking spaces shall be provided as required by the Town Center Plan's Neighborhood Design Standards and Section 415.340 Off-Street Parking and Loading Requirements of the City of Wildwood Zoning Ordinance for the R-3 10,000 square foot Residence District.

Landscape Requirements - Specific

- p. Landscaping shall adhere to all requirements of Chapter 410 Tree Preservation and Restoration Code of the City of Wildwood, and its accompanying Tree Manual, including the submittal of a Tree Stand Delineation and Tree Preservation Plans, in conjunction with the Site Development Plan. Grand Trees, as defined by this Chapter, shall be a priority in terms of their preservation and no such designated tree can be removed from the project site's boundaries (see Condition 4w.).
- q. All streets, roads, and lanes shall be appropriately landscaped as required by the Streetscape Design Requirements of the Town Center Plan and approved by the Planning and Zoning Commission on the Site Development Plan. The installation of required plantings, as approved by the Planning and Zoning Commission on the Landscape Plan, which will be situated along the site's State Route 109 and Manchester Road frontages shall be the first to be installed by the developer, i.e. as soon as grading work is completed to the stage to allow such. Determination of this level of completion of grading for the installation of plantings shall be per the Planning and Zoning Commission.
- r. The areas of existing vegetation within the P.R.D. Overlay District boundaries identified as to be retained shall be marked on the site prior to the commencement of any disturbance in accord with the City of Wildwood's Chapter 410 Tree Preservation and Restoration Code. These areas shall be indicated on the Site Development Plan submitted to the City of Wildwood for Planning and

Zoning Commission review and approval. Existing mature tree canopy shall be preserved in accordance with the requirements of City of Wildwood's Ordinance 410 Tree Preservation and Restoration Code.

- s. Landscaping within the defined common ground areas shall comply with Chapter 410 Tree Preservation and Restoration Code requirements and accompanying Tree Manual. The Planning and Zoning Commission, on the Site Development Plan, shall approve the planting pattern. Amenities, such as benches, lights, and walking paths shall be installed in the open space area of the residential development by the developer of these one hundred thirty-two (132) dwelling units.
- t. The developer shall provide a minimum ten (10) foot wide, landscape buffer strip, within a perpetual easement dedicated to the Homeowners Association for its maintenance and care, along the portion of the ~~entire~~ western boundary of the site bordering the AT&T Work Center, including upon individual rear lot areas, for plantings, as reviewed and acted upon by the Planning and Zoning Commission.
- u. A Landscape Architect shall sign and submit all plans for review and approval for this development.
- v. All grand trees, as defined by the Chapter 410 Tree Preservation and Restoration Code, shall be preserved on this site and protected in accordance with the recommendations of the City's Landscape Architect during the entirety of the construction phase in association with the subject site.

Signs - Residential

- w. Signs for this P.R.D. Overlay District shall be erected in accordance with the Town Center Plan Architectural Guidelines and Section 415.410 Sign Regulations of the City of Wildwood Zoning Ordinance for the R-3 10,000 square foot Residence District.
- x. The location of all signage shall be as approved on the Site Development Plan by the Planning and Zoning Commission. Signage not located on common ground must be erected within an easement.

Lighting Requirements

- y. The location of all lighting standards shall be as approved on the Site Development Plan. No on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties. Illumination levels for all lighting shall comply with the provisions of the City of Wildwood's Zoning Code, Section 415.450 "Outdoor Lighting Requirements." A Lighting Study shall be submitted in conjunction with the Site Development Plan indicating compliance to these requirements. The Planning and Zoning Commission shall approve the location, design, and appearance of all light standards and fixtures as part of the Site Development Plan review process.

Miscellaneous Conditions

- z. The design, color, material, and location of all garden and screen walls or fences, if planned or required, shall be consistent with the requirements of the Town Center Plan's Architectural

Guidelines and be shown on the Site Development Plan for review and action by the Planning and Zoning Commission and the Architectural Review Board (ARB).

- aa. Improvements associated with public infrastructure, such as roadways, sidewalks, and access points, shall comply with general design principles that will provide for safe and efficient movement of traffic in and around these sites and improve overall circulation in the area. These improvements shall be reviewed and approved by the Department of Public Works.
- bb. Hours of construction and grading activity shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. No development (grading and construction) activity shall be authorized on Sundays.
- cc. All retaining walls exceeding three (3) feet in height per section or crossing individual property lines shall be constructed of an appropriate inter-locking concrete block system. Walls crossing property lines shall be located in a maintenance easement. The design, color, material, and location of all walls shall be consistent with the requirements of the Town Center Plan's Architectural Guidelines and be shown on the Site Development Plan for review and action by the Planning and Zoning Commission.
- dd. The location of all utility easements for proposed service to this development shall be as approved by the Planning and Zoning Commission on the Site Development Plan. All utilities installed to serve this site shall be placed underground, including any existing overhead lines located on the subject property.
- ee. Grading of the site shall be completed in a minimum of five (5) phases, with no single phase of land disturbance to be greater than eighteen (18) acres in overall size or as approved on the Phased Grading Plan. The phases and locations of the grading associated with the subject site shall be indicated on the required Site Development Plan and reviewed and acted upon by the Planning and Zoning Commission thereon. All grading requirements and designs shall also be reviewed and acted upon by the Department of Public Works, before any permit is issued for such activity.
- ff. The developer shall provide a preliminary grading plan that focuses only on how the phases of grading will initially be planned. This preliminary plan should address how the existing woodlands along the edges of the property, and its respective frontages, will be preserved or how these same locations will be first graded, then landscaping, per an approved plan, installed, so as, in either instance, buffers are established along the roadways that shield the grading activity that is underway within the interior of the site.

5. TRAFFIC GENERATION ASSESSMENT FEE

The developer shall contribute to the West Area Traffic Generation Assessment Trust Fund established by Section 140.210 of the City of Wildwood's Revised Codes. This assessment must be paid in full at the time of the first Zoning Authorization for any building or structure or when the individual issuances of building permits for the authorized lots are approved. This contribution shall not exceed the amount established by multiplying the number of parking spaces provided by the following rate:

<i>Type of Development</i>	<i>Required Contribution</i>
Single Family Dwelling (detached)	\$1,271.72/Parking Space
General Office	\$777.11/Parking Space

General Retail	\$2,331.45/Parking Space
Medical Offices	\$2,331.45/Parking Space
High-Turnover, Sit Down Restaurant	\$2,331.45/Parking Space
Bank	\$4,663.07/Parking Space
Loading Space	\$3,815.12/Parking Space

(Parking space is defined by Section 415.280 of the City of Wildwood Zoning Code.)

If type of development proposed differs than those listed, rates shall be provided by the Department of Public Works.

As this development is located within a Trust Fund area established by the City of Wildwood, any portion of the traffic generation assessment contribution, which remains, following completion of roadway improvements required by the development shall be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2022, 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 City of Wildwood Department of Public Works.

The Planning and Zoning Commission does support the crediting of these fees to the developer for use for the purposes of completing the required roundabout construction on Manchester Road. The granting of these credits is at the sole discretion of the City Council. However, such construction of the roundabout is not a requirement of this development.

6. VERIFICATIONS PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN

Prior to approval of the Site Development Plan, the developer shall provide the following:

Stormwater Improvements

- a. Submit to the Planning and Zoning Commission an engineering plan approved by the City of Wildwood Department of Public Works and the Metropolitan St. Louis Sewer District showing that adequate handling of the stormwater drainage of the site is provided.
 - i. The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood and the Metropolitan St. Louis Sewer District standards, while ensuring the minimum amount of runoff from a range of storm events is contained within the boundaries of this Planned Residential Development Overlay District (PRD).
 - ii. All stormwater shall be discharged at an adequate natural discharge point.
 - iii. Retention/detention of differential runoff of stormwater shall be required. Stormwater management shall be provided in permanent retention/detention facilities, such as ponds or other acceptable alternatives. These retention/detention facilities shall be completed and in operation prior to the issuance of building permits for an approved dwelling unit, except display lots.
 - iv. All proposed retention/detention facilities and related stormwater improvements shall be located in a common ground area and ensure perpetual maintenance to the Homeowners Association to be created at the time of platting of this development.
 - v. The developer of this site shall be solely responsible to provide the necessary mechanisms, as part of the Site Development Plan/Improvement Plan process, to implement “best management practices” for stormwater management and the construction of related facilities. Minimally,

- these practices/facilities should include rain gardens, vegetative swales, and other options to substantially reduce the amount of stormwater leaving the subject site.
- vi. The developer shall provide adequate detention and/or hydrologic calculations for review and approval of all stormwater that will encroach on City of Wildwood/Missouri Department of Transportation (MoDOT) rights-of-way.
 - vii. A letter of credit will be required by the City of Wildwood to cover any downstream damage to abutting or adjacent properties, common ground areas, or drainageways caused by the developers' use of this subject site (land/disturbance/grading/construction activities, etc.), which shall be used for the restoration of damaged areas to their pre-development condition, if the developers fail to meet their responsibilities in this regard. The amount of this letter of credit and the establishment of the process for creating an accurate baseline condition for the existing downstream facilities shall be at the discretion of the City of Wildwood Department of Public Works, in conjunction with input from the petitioner's engineer, and finally acted upon by the Planning and Zoning Commission.
 - viii. A cash deposit shall be made by the developer of this site in the name of the future Homeowners Association of this subdivision, which shall initially be held by the City of Wildwood, Missouri, until such time the residents hold a majority of positions on the Board of Trustees, then to be dispersed to it for use, all being subject to and compliant with the required maintenance agreement between the Homeowners Association and the Metropolitan St. Louis Sewer District (MSD) for said upkeep of these facilities. The amount of this cash deposit shall be a total of three (3) years of estimated maintenance, which is an amount of forty-five thousand dollars (\$45,000.00). Thereafter, the Homeowners Association of this residential subdivision shall then be subject to a three (3) year review cycle by the Planning and Zoning Commission to ensure the stormwater improvements are being maintained, in accordance with all standards and requirements that have been set forth for the same, and the required reserve fund remains solvent and adequately invested to ensure long-term maintenance and care of these stormwater management facilities. A development agreement specifying this process, and all associated components, with complete detail, shall be required to be entered into by the developer first and then the Homeowners Association thereafter. The form and content of this development agreement shall meet the intent of ensuring functioning stormwater improvements and be reviewed and acted upon relative to its form by the City Attorney, before submittal to City Council for its action.

Geotechnical Report

- b. Provide a Geotechnical Report covering development and grading required by improvements involved with this site, as directed by the Department of Public Works. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions which are susceptible to rapid erosion, landslide, and/or creep. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. The development and construction plans shall be designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification the proposed construction will be completed in accordance with the grading and soils requirements and conditions contained in the report.

Stormwater Pollution Prevention Plan

- c. Submit a Stormwater Pollution Prevention Plan, as part of the Site Development Plan review process, indicating compliance to all Federal, State, and local requirements regarding the

management of stormwater runoff to prevent siltation and erosion, while preserving water quality, both upon the site and on downstream properties.

Environmental Assessment – Phase One

- d. The developer shall provide to the Planning and Zoning Commission, as part of the Site Development Plan submittal package, a Phase I Environmental Assessment Report of the property, which indicates its current condition relative to its past utilization by other owners. Determination regarding any required mediation shall be identified and completed, prior to the approval of the Record Plat and before the occupancy of any residential unit, all being in accordance with State and federal standards and guidelines, as set forth by the United States Environmental Protection Agency (EPA) and the Missouri Department of Natural Resources (MDNR), for any determined contaminant exceeding a residential cleanup standard/guideline, with the cost borne for such by the developer and not the City of Wildwood.

Floodplain Study and Plans

- e. The developer shall provide a floodplain/wetlands study to the Department of Public Works indicating compliance to the requirements of the City of Wildwood, the U.S. Army Corps of Engineers, and the Federal Emergency Management Agency (FEMA) regarding disturbance or development in the protected waterways and floodplain areas. This study shall minimally provide information relating to disturbance of any protected area and be reviewed and acted upon by the Department of Public Works, as part of the Site Development Plan submittal process.

Archeological Inventory

- f. The archeological assets of this subject site, such as remnants of buildings, structures, or other improvements, shall be cataloged, photographed, and preserved, if possible, by a professional/firm with expertise in this field. This survey shall meet generally accepted industry practices and procedures for the delineation of areas, assets, and other considerations to guarantee that these features are catalogued, recorded, and addressed before any land disturbance can occur on the site. The City of Wildwood's Historic Preservation Commission shall approve the professional/firm chosen by the developer of this project to conduct this assessment and survey, before any of this related activity occurs on the site.

7. RECORDING

Within ninety (90) days of approval of the Site Development Plan by the Planning and Zoning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

8. VERIFICATION PRIOR TO PERMITS

Notification to Department of Planning

- a. Subsequent to approval of the Site Development Plan and prior to issuance of any grading, foundation, or building permit, all approvals from the Department of Public Works (Wildwood), the Missouri Department of Transportation (MoDOT), the Metro West Fire Protection District, the Missouri Department of Natural Resources (MDNR), and the Metropolitan St. Louis Sewer District (MSD) must be received by the Department of Planning.

- b. Prior to the issuance of a foundation or building permit for any lot, which adjoins the common ground area and/or detention, basin, written certification from a Professional Engineer which verifies these areas are graded in accordance with the approved plans, must be received by the Department of Planning.

Roadway Improvements

- c. Roadway improvements must be completed prior to the issuance of building permits in excess of twenty (20) percent of the total authorized units. The Manchester Road off-site improvements may be credited against the overall Traffic Generation Assessment Fee (TGA) charge associated with these allowable residential units, if authorized by the City Council. Any delays in utility company relocation and adjustments will not constitute a cause to allow occupancy prior to completion of roadway improvements.

Land Subdivision

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

Indentures

- e. 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 415.470 and 415.510 of the City of Wildwood Zoning Code.

Escrow Requirements

- f. All improvement and landscaping costs shall be submitted to the City of Wildwood through the standard subdivision escrow procedures.

Improvement Plans

- g. The developer of this residential subdivision shall provide to the City Improvement Plans indicating construction details relative to public and private infrastructure associated with its development. Said plans will be used to calculate escrow requirements for these identified improvements.

Sanitary Sewage System

- h. The developer shall provide verification from the Metropolitan St. Louis Sewer District that public sewer service has been provided to this site. Verification shall be in a form acceptable to the City of Wildwood. The developer shall be responsible to pay, as a single lump sum, any remaining fee/assessment associated with the Neighborhood Improvement District's establishment for sanitary sewers constructed and serving this site.

Potable Water Service

- i. The developer shall provide verification from the Missouri American Water Company (MOAM) that service to this subdivision can be provided at acceptable levels relative to the density of the project and not cause service issues to other households served by the same.

Internet Service

- j. The developer shall provide verification the site is served by high-speed internet access meeting the minimum levels of service of twenty-five (25) Mbps for downloads and ten (10) Mbps uploads. Verification of such shall be in the form of a signed affidavit indicating the providers and speeds.

9. GENERAL DEVELOPMENT CONDITIONS

- a. 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.
- b. A grading permit is required prior to any grading on the site. Interim stormwater drainage control in the form of siltation control measures is required.
- c. A copy of the most recently approved Site Development Plan for this P.R.D. Overlay District development shall be prominently displayed at all times in all sales offices for this development.
- d. The petitioner 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.
- e. 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 or Sudan Grasses, shall be utilized to retard erosion.
- f. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City of Wildwood Departments or Commissions.
- g. The Zoning Enforcement Officer of the City of Wildwood, Missouri, shall enforce the conditions of this ordinance in accord with Site Development Plans approved by the Planning and Zoning Commission and the Department of Planning.
- h. Any other applicable zoning, subdivision, or other regulations or requirements of the City, whether in effect at the adoption of this ordinance or as may be hereinafter adopted, shall further apply to the development of this property as authorized by this Planned Residential Development Overlay District Ordinance (PRD), except as may be provided by law. Nothing herein shall be deemed a waiver of any subdivision, zoning or other development regulation of the City whether by implication or reference.
- i. This zoning approval is conditioned on compliance with the Zoning Code, Subdivision Code, and all applicable laws of the City. Such additional regulations are supplemental to the requirements herein and no modification of any applicable regulations shall result from this Planned Residential Development Overlay District (PRD) ordinance, except where this ordinance has expressly modified such regulations by reference to the applicable provision authorizing such modification.

10. PUBLIC SPACE REQUIREMENTS

- a. Developer shall construct improved public space in conformance with or otherwise satisfying the requirements of the City’s Public Space Ordinance, Chapter 415.260 and 415.270 of the City of Wildwood’s Zoning Ordinance. The City Council accepts the findings of the Public Space Study adopted therein and determines the compliance with the Public Space Ordinance provisions will address the impact of this specific development on public space needs in a manner and amount that is equal to or less than an amount that is roughly proportional to the actual or anticipated impact. The installation of required public space improvements shall be as required by the applicable ordinances, but shall be completed prior to issuance of any occupancy (temporary or final) permit authorized by this ordinance. Unless otherwise approved pursuant to the procedures set forth in the Public Space Ordinance, the public space attributable to this development, based upon the number of authorized dwelling units at a rate of 1,742.4 square feet per new single family dwelling, is 229,996.8 square feet in total (5.28 acres).
 - i. The proposed Public Space Plan shall not be less than five (5) acres in overall size. The design and amenities associated with this plan shall substantially comply with the representations that have been submitted/shown on the Preliminary Development Plan starting with the date of July 14, 2020, with its final design subjected to review and action by the Planning and Zoning Commission and City Council, as part of the Site Development Plan process. Said Public Space Plan must be completed and acted upon by the Planning and Zoning Commission, prior to any final action on the Site Development Plan by the same.

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 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