

**AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, APPROVING A CHANGE IN ZONING FROM THE NU NON-URBAN RESIDENCE DISTRICT TO THE R-3 RESIDENCE DISTRICT FOR A ONE AND FOUR-TENTHS (1.4) ACRE TRACT OF LAND THAT IS LOCATED ON THE SOUTHEAST CORNER OF MANCHESTER ROAD AND CENTER AVENUE - P. Z. 1-16 Old Towne Parc, Mike Whalen, Whalen Custom Homes, Inc. (Ward Eight)**

**WHEREAS**, Whalen Custom Homes, Inc. (the "Petitioner") is the owner under contract of a certain four (4) lots generally located on the southeast corner of Manchester Road and Center Avenue, and consisting of approximately one and four-tenths (1.4) acres, more particularly described herein (the "Property"); and

**WHEREAS**, the Property is owned by Keith and Judith Gegg (the "Owners"); and

**WHEREAS**, the Petitioner submitted a Petition for change of zoning (the "Petition") requesting the rezoning of the Property, which is located within the Town Center Area; and

**WHEREAS**, the Petitioner specifically requested that the Property be rezoned from the current designation of NU Non-Urban Residence District to the R-3 Residence District, which would allow the requested four (4) lots located on the Property, all being approximately fourteen thousand (14,000) square feet in size; and

**WHEREAS**, the Planning and Zoning Commission considered the Petition on June 6, 2016 and a discussion was held about a range of considerations and issues, including the compliance of the subdivision's design to the Town Center Plan, roadway improvements to Center Avenue, access to Manchester Road by one (1) of the four (4) lots, and architectural issues relating to the dwellings, particularly garage access; and

**WHEREAS**, after consideration of this matter and responding to the Department of Planning's report, the Planning and Zoning Commission recommended approval of the Petition requesting the change in zoning from the NU Non-Urban Residence District to the R-3 Residence District, the specifics of such approval and recommendation being set forth in the recommendation of the Planning and Zoning Commission submitted to the City Council dated August 1, 2016, and regarding **P. Z. 1-16 Old Towne Parc, Mike Whalen, Whalen Custom Homes, Inc.**, a copy of which is on file in the office of the City Clerk and incorporated by reference herein; and

**WHEREAS**, the City Council held a public hearing to consider the amendment on August 8, 2016, at which interested persons were offered an opportunity to speak; and

**WHEREAS**, at the City Council meeting on August 8, 2016 its members directed the Department of Planning to prepare draft legislation for consideration by the City Council consistent with the Planning and Zoning Commission's recommendation.

**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 1.4 +/- acre 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 1.4 +/- acre tract of land from NU Non-Urban Residence District to the R-3 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:

*All of Lots 10, 11, and 12 of "Grover Heights", a subdivision recorded in Plat Book 20, Page 35, St. Louis County records, and all the land of Keith and Judie Gegg, as recorded in Deed Book 18632, Page 219, St. Louis County records, all being in Section 12, Township 44 North, Range 3 East, St. Louis County, Missouri, and being more particularly described as follows: **Beginning** at an iron rod set at the northwesterly corner of the aforesaid Lot 12, at the intersection of the easterly line of Center Avenue (30 feet wide) and the southerly line of Manchester Road (60 feet wide); thence along said southerly line North 89 degrees 47 minutes 29 seconds East 149.77 feet to an iron rod set at the northeasterly corner of the aforesaid Lot 10; thence along the easterly line of said Lot 10 and along the easterly line of the aforesaid land of Gegg South 00 degrees 33 minutes 53 seconds West 399.57 feet to the northerly line of the land of Mark J. Behrend and Helene T. Behrend, as recorded in Deed Book 16935, Page 1916, St. Louis County records; thence along said northerly line South 89 degrees 45 minutes 31 seconds West 149.77 feet to the aforesaid easterly line of Center Avenue; thence along said easterly line North 00 degrees 33 minutes 53 seconds East 399.65 feet to the **point of beginning** of this description and containing 59,843 square feet (1.374 acres), more or less. SUBJECT TO all easements, conditions and restrictions of record, if any.*

**Section Two.** The zoning authority and approval embodied in this ordinance is granted subject to compliance with the Subdivision and Development Regulations, Zoning Ordinance, and all other City of Wildwood ordinances, rules, and regulations, as may be amended from time to time, and the conditions of this ordinance, except as may be modified herein.

**Section Three.** This ordinance shall be in full force and effect on and after its passage and approval.

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

This Bill was passed and approved this 12 day of September, 2016, by the City Council of the City of Wildwood, Missouri, after having been read by title, or in full, two (2) times prior to its passage.



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Presiding Officer

**ATTEST:**



\_\_\_\_\_  
Elizabeth Weiss, City Clerk



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The Honorable James R. Bowlin, Mayor

**ATTEST:**



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Elizabeth Weiss, City Clerk