

ATTACHMENT B - Conditional Use Permit P.Z. 13-06
(Conditional Use Permit Area #1 - Eastern Property)

1. PERMITTED USES

This Amended Conditional Use Permit shall authorize a ski facility, which shall include a maximum of ten (10) ski run areas, a tubing area (as defined in terms of location and extent on the plan dated March 31, 2010), a clubhouse/ski lodge, dining facilities, cocktail lounge, maintenance buildings, wastewater treatment facility (a replacement or new facility shall be a sand-filter type, unless otherwise directed by the Missouri Department of Natural Resources), and related accessory uses and structures, including existing and new parking areas.

- a. The dining and cocktail lounge uses shall be located within the clubhouse/ski lodge building.
- b. All buildings and structures located within the boundaries of the Amended Conditional Use Permit area may be jointly used by the ski facility.
- c. No other facilities or improvements shall be authorized within the boundaries of the Amended Conditional Use Permit.
- d. The tubing facility shall be limited to an area not to exceed 3.5 acres in size and within this defined location a total of ten (10) new light standards and eight (8) portable snow-producing guns shall be authorized (see Condition 2(e) for operating specifications and design requirements for these guns).

2. DEVELOPMENT AREAS AND BUILDING REQUIREMENTS

- a. The clubhouse/ski lodge shall not exceed fifteen thousand (15,000) square feet in gross floor area.
- b. No new building shall exceed two (2) stories in height and the new maintenance structure shall be no greater than fifteen thousand (15,000) square feet in size, excepting the overhang area.
- c. The area of this property that may be utilized for the uses authorized by this permit shall be ninety point two (90.2) acres in size.
- d. The petitioner shall be authorized to maintain the existing number ski lifts in support of the authorized total of ten (10) runs. Along with these lifts and runs, all necessary mechanical equipment shall be allowed as well, which shall be indicated on the Amended Site Development Plan to be submitted to the Planning and Zoning Commission.
- e. The petitioner shall be authorized to have no more than sixty (60) snow producing guns within the boundary of the Amended Conditional Use Permit. Any replacement of an existing, or installation of a new, gun shall employ the latest technology in sound reduction and be placed in locations within the site to minimize the impact of noise on surrounding properties. The location of all new guns shall be indicated on the Amended Site Development Plan submitted to the Planning and Zoning Commission for their review and action. The petitioner shall provide a sound analysis prior to the installation and placement of the authorized eight (8) portable snow-producing guns to the Planning and Zoning Commission for its review and action, as part of the aforementioned Amended Site Development Plan process.

- f. Any new building or structure to be located within the boundaries of this Amended Conditional Use Permit shall be subject to review and action by the City's Architectural Review Board, before zoning authorization for building permits can be granted by the Department of Planning. The design and character, including colors and materials, of any new building or structure shall adhere to the requirements of the Chapter 415.220 Architectural Review Board Requirements of the City of Wildwood Zoning Ordinance.

3. PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the Conditional Use Permit being granted by the City of Wildwood, the developer shall submit to the Planning and Zoning Commission for their review and approval a Site Development Plan or an Amended Site Development Plan. Where due cause is shown by the developer, this time interval may be extended once by the Planning and Zoning Commission in accord with requirements of Chapter 415.500 of the City of Wildwood Zoning Ordinance. Said Site Development Plan or Amended Site Development Plan shall include, but not be limited to, the following information:

- a. Outboundary plat and legal description of the property.
- b. Detailed description of the location of ski runs and lift areas, snow producing guns, and lift and chair placements.
- c. 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.
- d. Existing and proposed contours at vertical intervals of not more than two (2) feet.
- e. Parking calculations for the proposed use.
- f. A Landscape Plan including the location, size, and general type of plant materials to be used in accord with the City of Wildwood's Chapter 410 and accompanying Tree Manual. A registered Landscape Architect shall design and submit said plan.
- g. An inventory indicating the percent of tree canopy to be retained on the site.
- h. Location of all existing and proposed easements.
- i. Location, width, and design details of all private and/or public roadways, parking and drive aisle areas, parking spaces and related lots, and any other infrastructure associated with this site.
- j. All other information not mentioned above, but required on a preliminary plat in accord with Chapter 420.460 of the City of Wildwood's Subdivision and Development Regulations.

4. SITE DEVELOPMENT PLAN/AMENDED SITE DEVELOPMENT PLAN DESIGN CRITERIA

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

Building/Structure, Land Disturbance, and Parking Setbacks

- a. No new building or structure, along with any additional land disturbance, shall be authorized within fifty (50) feet of any property or boundary line of this subject tract of land governed by this Amended Conditional Use Permit or as authorized by the Planning and Zoning Commission on the Site Development Plan. No parking stall, drive aisle, or other vehicular access areas, shall be located within fifty (50) feet of any property or boundary line of this subject tract of land governed by this Amended Conditional Use Permit. Said setbacks shall be landscaped, as approved by the Planning and Zoning Commission on the required Landscape Plan, submitted in conjunction with Amended Site Development Plan.

Access and Roadway Improvements

- b. Access to this ski area shall be from the existing Hidden Valley Drive, which has been improved and constructed in accord with the requirements of St. Louis County (and includes maintenance therein of it by the petitioner). The owner of the ski facility shall be responsible to implement and maintain a traffic control policy to ensure the use of this private roadway for the purposes of this activity is safe and functional. Said policy shall be reviewed by the St. Louis County Police Department - Wildwood Precinct for input. Improvements to Hidden Valley Drive can be required by the City of Wildwood of the owner/developer, if public safety considerations warrant such action, but only after a hearing before the Planning and Zoning Commission and an affirmative finding on their part indicating an overarching need.
- c. Use of any other existing easement currently serving the subject site or the abutting property owned by the petitioner shall be prohibited for the purposes of this ski area operation, except for maintenance and emergency access purposes, as authorized by an existing private agreement recorded on December 18, 1997.

Parking Requirements

- d. Petitioner shall provide a minimum of three hundred sixty-three (363) parking spaces that comply with Chapter 415.340 Off-Street Parking and Loading Requirements - Residential in terms of size, type of material, and location. Parking shall be prohibited along both sides of Hidden Valley Drive. Any changes to parking necessitated by increased activity approved herein shall require revision to the Amended Site Development Plan for the property containing such improvements. All new parking areas may be constructed of a dust-proof material, as approved by the City's Department of Public Works, and not be required to install curb stops (along perimeter of the lot) and islands, with plantings therein. No more than 1,296 new parking spaces shall be allowed within the boundaries of this Amended Conditional Use Permit and said stalls may be developed in a minimum of two (2) phases.

Landscape Requirements - Specific

- e. Landscaping shall adhere to all requirements of Chapter 410 of the City's Municipal Code and its accompanying Tree Manual, including the submittal of a Tree Preservation Plan in conjunction with the Site Development Plan. The areas of existing vegetation within the Amended Conditional Use Permit 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. These areas shall be indicated on the Amended 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 Chapter 410 Tree Preservation and Restoration Code.
- f. All new landscaping materials shall meet the following criteria: Deciduous Trees - two and one-half (2½) inch minimum caliper; Evergreen Trees - Six (6) feet minimum height; and Shrubs- twenty-four (24) inch minimum height.
- g. All stormwater facilities shall be appropriately landscaped and comply with the Chapter 410 of the City of Wildwood's Codified Ordinances and its accompanying Tree Manual. Wetlands plantings must be used at appropriate locations within the basins themselves as directed by the Department of Public Works.

Additionally, the eastern boundary on the new parking area shall be landscaped in accordance with Chapter 410 of the City of Wildwood's Codified Ordinances, but, minimally, shall include a pattern of eastern red cedars placed on thirty (30) foot centers.

Signs

- h. No new business signs shall be erected within the boundaries of this Amended Conditional Use Permit. Directional signs shall be authorized per Chapter 415.410 Sign Regulations for the NU Non-Urban Residence District for the purposes of this facility.
- i. The location of all signage shall be as approved on the Amended Site Development Plan by the Planning and Zoning Commission.

Lighting Requirements

- j. The location of all lighting standards shall be as approved on the Amended Site Development Plan. No new on-site illumination source within the new parking lot area shall exceed thirty (30) feet in height or be so situated that light is cast directly on adjoining properties. All ski area lighting shall be no greater than twenty-eight (28) feet in overall height. Illumination levels shall comply with the provisions of the City of Wildwood's Zoning Ordinance, Chapter 415.450 "Outdoor Lighting Requirements." A Lighting Study shall be submitted in conjunction with the Site Development Plan or Amended Site Development Plan indicating compliance to these requirements. The location of all light standards and their design and appearance shall be approved by the Planning and Zoning Commission on the Site Development Plan or Amended Site Development Plan.

Miscellaneous Conditions

- k. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 512.4 "Physically Handicapped and Aged" of the City of Wildwood Building Code, as amended.
- l. Hours of any future 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.
- m. First-aid facilities shall be provided within the permit limits.
- n. All outdoor trash areas shall be enclosed by a six (6) foot tall sight proof fence or wall that must be approved by the Planning and Zoning Commission on the Site Development Plan or Amended Site Development Plan.

Sewage Treatment Plant - Replacement or New

- o. A minimum four (4) foot high, sight-proof, chain link fence shall be installed around the perimeter of the area where the centralized sewage treatment facility is to be located on the site. This fence shall be constructed with a black vinyl coating, including support structures as well. Wood slating may be incorporated in its design. The Planning and Zoning Commission shall approve the location of this fence on the Site Development Plan or Amended Site Development Plan.

- p. Mechanical equipment associated with the operation of this facility shall be adequately screened and soundproofed to reduce noise associated with its operation over any given hour at the boundaries of the Conditional Use Permit.
- q. Mechanical systems shall be equipped with alarm systems, which will notify operators of any malfunctions or system failures and an emergency power source to provide for its operation in an event of a power failure. Minimally, the alarm shall be wired to directly notify the operator or maintenance contractor of the failure or shutdown. In the event of a system failure, operators shall meet all emergency procedures, as established by the Missouri Department of Natural Resources and the City of Wildwood.
- r. The proposed access roadway and maneuvering area will be a maximum of twelve (12) feet in width and paved. The remaining area within the perimeter of the fence not paved shall be surfaced in an appropriate dust-proof material, as determined and approved by the City of Wildwood's Department of Public Works.
- s. The developer shall provide a copy of a signed "pump and haul" agreement, whereby failure of the plant would implement a discharge shutdown; waste would be transported to an approved Metropolitan St. Louis Sewer District facility for disposal.
- t. The operator shall submit monthly inspection reports to the Missouri Department of Natural Resources and the City of Wildwood indicating adherence to all applicable standards established for the maintenance and operation of these types of facilities (tertiary treatment level). This report must include a lab analysis of plant discharge samples (pH, BOD, TSS, fecal coliform) obtained and analyzed by a licensed, accredited laboratory.
- u. Operators of this facility shall provide verification of licensing with the Missouri Department of Natural Resources in the form of an approved Operating License. Along with this licensing requirement, the petitioner shall provide to the City of Wildwood a bond or cash deposit in the amount of five thousand (\$5,000.00) to guarantee the upkeep of this facility, per Section 510.090 of the City of Wildwood's Municipal Code. This bond or cash deposit shall be in place during the operation of the wastewater treatment facility.
- v. At any point in the future, the petitioner will be required to close this treatment plant when public sanitary sewer service is available to this site by the Metropolitan St. Louis Sewer District or other comparable public district/agency. De-commissioning of the plant shall be the responsibility of the owner/developer and completed according to Missouri Department of Natural Resources and Metropolitan St. Louis Sewer District standards.
- w. The petitioner shall be required to employ a maintenance contractor that has offices or facilities within a fifty (50) mile radius of the subject site. Verification shall be provided in the form of the signed contract with the location of the office/facility clearly noted.
- x. The location of any replacement or new centralized treatment facility shall be approved by the Planning and Zoning Commission on the Site Development Plan or Amended Site Development Plan.

5. VERIFICATIONS PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN/AMENDED SITE DEVELOPMENT PLAN

Prior to approval of Site Development Plan or Amended 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 Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.
 - 1) The developer is required to provide adequate stormwater systems in accordance with the City of Wildwood standards.
 - 2) All stormwater shall be discharged at an adequate natural discharge point.
 - 3) Detention of differential runoff of stormwater shall be required and be approved by the Department of Public Works. Said detention shall be provided in the form of permanent retention or other appropriate low-impact facilities. These facilities shall be completed and be operational, prior to the use of Phase I parking lot addition, and the issuance of Final Occupancy and Use Permits for new improvements on the site.

Natural Resource Protection Standard Plans

- b. Provide a copy of the Natural Resource Protection Plan indicating all areas of the site, which are to be designated as protected and not developable. This copy of this map shall be reviewed and signed by a qualified soil scientist, who completed the analysis, and a statement indicating compliance with all the requirements of Chapter 420.200 of the City of Wildwood's Subdivision and Development Regulations. This plan shall be required, if any additional land disturbance is planned or occurs on the subject site (based upon the effective date of this Amended Conditional Use Permit).

Stormwater Pollution Prevention Plan

- c. Submit a Stormwater Pollution Prevention Plan, as part of the Site Development Plan review process, indicating compliance to Federal, State, and local requirements regarding the management of stormwater runoff to prevent siltation and erosion, both on-site and upon downstream properties (if land disturbance is planned).

6. RECORDING

Within sixty (60) days of approval of the Site Development Plan or Amended Site Development Plan by the Planning and Zoning Commission, a copy of the legal description and conditions of the permit shall be recorded with the St. Louis County Recorder of Deeds.

7. 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, the St. Louis County Police Department - Wildwood Precinct and the Missouri Department of Natural Resources must be received by the Department of Planning.

- b. Provide verification to the Department of Planning of a plan approved by the Missouri Department of Natural Resource indicating adequate provision of wastewater services.
- c. Provide verification of approval by the Department of Public Works of the location of all roadway and access improvements.

8. 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 and must comply with the Stormwater Pollution Prevention Plan for this development (SWPPP). The developer shall be solely responsible for obtaining any temporary slope and construction licenses needed to address the installation of public and private improvements on this site that require the use of adjoining parcels of ground that are not under their ownership or control. A demolition permit is required for the removal of the existing dwelling and related structures.
- c. 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.
- d. 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.
- e. Failure to comply with any or all of the conditions of this permit shall be adequate cause for revocation of permits by the issuing City of Wildwood Departments or Commissions.
- f. The Zoning Enforcement Officer of the City of Wildwood, Missouri, shall enforce the conditions of this permit in accord with Site Development Plans approved by the Planning and Zoning Commission and the Department of Planning.
- g. Any other applicable zoning, subdivision, or other regulations or requirements of the City, whether in effect at the granting of this permit or as may be hereinafter adopted, shall further apply to the development of this property as authorized by this Conditional Use Permit, 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.
- h. This zoning approval is conditioned on compliance with the Zoning Ordinance, Subdivision and Development Regulations, 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 Conditional Use Permit, except where this permit has expressly modified such regulations by reference to the applicable provision authorizing such modification.
- i. No outdoor incineration of materials, trash, rubbish, or other items shall be permitted.

- j. Any transfer of ownership or lease of property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth and included in the approved Site Development Plan or Amended Site Development Plan for the property. A copy of the above conditions shall be furnished by the owner or petitioner to the operator(s), owner(s), or manager(s), including successive operator(s), owner(s), or manager(s), who shall forward to the Department of Planning an acknowledgement that he or she has read and understood each of the conditions and agrees to comply therewith.
- k. The uses permitted herein shall be operated in conformance with the performance standards contained in Chapter 415.250 Zoning Performance Standard Regulations of the City of Wildwood Zoning Ordinance as they related to noise pollution and other similar environmental conditions.

9. PUBLIC SPACE REQUIREMENTS

- a. Developer shall not be required to dedicate and construct improved public space in conformance with or otherwise satisfying the requirements of the City's Public Space Ordinance, Chapter 415.260 of the City of Wildwood's Zoning Ordinance, if any new parking spaces are constructed or added to the site, after the effective date of the original Amended Conditional Use Permit (March 13, 2007). The City Council accepts the findings of the Public Space Study adopted therein and has determined the compliance with the Public Space Requirements is not applicable in this case, given the intent of the property owner to create a conservation easement on a portion of the site, which will address the impact of this specific development on public space needs in a manner and amount that is equal to less than an amount that is roughly proportional to the actual or anticipated impact, and the nature and benefit derived from a use of this type.

Editor's Note: New conditions are indicated by bolded, underlined text.

Boundary Description Conditional Use Permit #1

A tract of land being part of the East half of the Southwest Quarter, Section 23, Township 44 North, Range 3 East, and being part of a tract conveyed to Hidden Valley Golf and Ski, Inc. by Deed Book 15721 page 1662, and a tract conveyed to Hidden Valley Golf & Ski, Inc. by Deed Book 12508 page 1856 of the St. Louis County Land Records, St. Louis County, Missouri and being described as follows;

Commencing at the Southwest corner of Section 23, Township 44 North, Range 3 East of the Fifth Principal Meridian, said point also being the Southwest corner of a tract conveyed to Hidden Valley Golf and Ski, Inc. by Deed Book 15721 page 1662 of the aforementioned land records; thence South 89 degrees 37 minutes 00 seconds East along the South line of said Section a distance of 1947.66 feet to a point; thence leaving said South line North 01 degree 24 minutes 20 seconds East a distance of 600.00 feet to the point of beginning of the tract being described; thence North 01 degrees 24 minutes 20 seconds East a distance of 400.00 feet to a point; thence North 00 degrees 00 minutes 00 seconds East a distance of 1000.00 feet to a point; thence North 90 degrees 00 minutes 00 seconds East a distance of 900.00 feet to a point; thence South 53 degrees 49 minutes 07 seconds East a distance of 487.28 feet to a point; thence North 36 degrees 10 minutes 53 seconds East a distance of 415.00 feet to a point; thence South 53 degrees 49 minutes 07 seconds East a distance of 560.17 feet to a point; thence South 21 degrees 00 minutes 00 seconds West a distance of 1527.69 feet to a point; thence North 89 degrees 37 minutes 00 seconds West a distance of 760.17 feet to a point; thence North 01 degrees 24 minutes 20 seconds East a distance of 300.05 feet to a point; thence North 89 degrees 37 minutes 00 seconds West a distance of 700.00 feet to the point of beginning and containing 61.11 acres more or less.

Subject to Easements, Restrictions, and Covenants of Record if any.

Boundary Description Proposed Added Area "A" to Conditional Use Permit #1

A tract of land being part of the East half of the Southwest Quarter, and part of the West half of the Southeast Quarter of Section 23, Township 44 North, Range 3 East, and being part of a tract conveyed to Hidden Valley Golf and Ski, Inc. by Deed Book 15721 page 1662, and a tract conveyed to Hidden Valley Golf & Ski, Inc. by Deed Book 12508 page 1856 of the St. Louis County Land Records, St. Louis County, Missouri and being described as follows;

Commencing at the Southwest corner of Section 23, Township 44 North, Range 3 East of the Fifth Principal Meridian, said point also being the Southwest corner of a tract conveyed to Hidden Valley Golf and Ski, Inc. by Deed Book 15721 page 1662 of the aforementioned land records; thence South 89 degrees 37 minutes 00 seconds East along the South line of said Section a distance of 1947.66 feet to the point of beginning of the tract being described; thence North 01 degree 24 minutes 20 seconds East a distance of 600.00 feet to a point in the North line of a tract conveyed to Hidden Valley Golf & Ski, Inc. by Deed Book 12508 page 1856 of said land records; thence South 89 degrees 37 minutes 00 seconds East along the North line of said tract a distance of 700.00 feet to a point; thence leaving said North line South 01 degrees 24 minutes 20 seconds West a distance of 600.00 feet to a point in the South line of a tract conveyed to Hidden Valley Golf and Ski, Inc. said point being in the South Line of Section 23 as previously mentioned; thence North 89 degrees 37 minutes 00 seconds West along the South line of said Section a distance of 700.00 feet to the place of beginning and containing 9.64 acres more or less.

Subject to Easements, Restrictions, and Covenants of Record if any.

**Boundary Description
Proposed Added Area "B" to
Conditional Use Permit #1**

A tract of land being part of the East half of the Southwest Quarter, and part of the West half of the Southeast Quarter of Section 23, Township 44 North, Range 3 East, and being part of a tract conveyed to Hidden Valley Golf Course Inc by Deed Book 7622 page 1847 of the St. Louis County Land Records, St. Louis County, Missouri and being described as follows;

Commencing at the Southwest corner of Section 23, Township 44 North, Range 3 East of the Fifth Principal Meridian, said point also being the Southwest corner of a tract conveyed to Hidden Valley Golf and Ski, Inc. by Deed Book 15721 page 1662 of the aforementioned land records; thence South 89 degrees 37 minutes 00 seconds East along the South line of said Section a distance of 1947.66 feet to a point; thence leaving said South line North 01 degree 24 minutes 20 seconds East a distance of 1000.00 feet to a point; thence North 00 degrees 00 minutes 00 seconds East a distance of 1000.00 feet to a point said point being the point of beginning of the tract being described; thence North 90 degrees 00 minutes 00 seconds East a distance of 900.00 feet to a point; thence South 53 degrees 49 minutes 07 seconds East a distance of 487.28 feet to a point; thence North 36 degrees 10 minutes 53 seconds East a distance of 415.00 feet to a point; thence South 53 degrees 49 minutes 07 seconds East a distance of 560.17 feet to a point; thence North 21 degrees 00 minutes 00 seconds East a distance of 280.05 feet to a point said point being on the east line of a tract conveyed to Hidden Valley Golf Course Inc. by Deed Book 7622 page 1847 of said land records; thence North 00 degrees 42 minutes 00 seconds East a distance of 355.78 feet to a point; thence leaving said east line South 89 degrees 50 minutes 00 seconds West a distance of 2095.16 feet to a point; thence South 00 degrees 00 minutes 00 seconds West a distance of 327.73 feet to the point of beginning and containing 19.45 acres more or less.

Subject to Easements, Restrictions, and Covenants of Record if any.