

AMENDED BILL NO. 31
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNSET HILLS, MISSOURI, PROVIDING FOR THE APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR 10.41 ACRES, MORE OR LESS, LOCATED AT 13270 MAPLE DRIVE, SUNSET HILLS, MISSOURI, OWNED BY ABM HOLDINGS, LLC AND MATTERS RELATED THERETO, AS PER APPLICATION P-23-21

WHEREAS, an application for preliminary development plan was received from Whalen Custom Homes, Inc. as agent of the property owner ABM Holdings, LLC (collectively, the Applicant”), for approval of a preliminary development plan for certain real property containing 10.41 acres, more or less, legally described in Exhibit “A” of this Ordinance, and having an address of 13270 Maple Drive, Sunset Hills, Missouri (the “Property”); and

WHEREAS, in conjunction with Application P-23-21, the Applicant originally submitted a Preliminary Development Plan entitled “Vistas at Stone Castle” showing the proposed area of development (hereinafter the “Original Preliminary Development Plan”); and

WHEREAS, said application was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, public notice of a meeting of the Planning and Zoning Commission upon said application was posted according to law and ordinance; and

WHEREAS, meetings were held before the Planning and Zoning Commission on November 3, 2021, and February 2, 2022, upon said petition; and

WHEREAS, the Planning and Zoning Commission submitted its report recommending approval of the Original Preliminary Development Plan to the Board of Aldermen; and

WHEREAS, subsequent to the review and recommendation of the Planning and Zoning Commission, the Applicant has conducted town hall meetings with neighboring residents to obtain input from the neighboring residents, and as a result of such meetings and in conjunction with Application P-23-21, the Applicant has submitted an Amended Preliminary Development Plan dated February 8, 2022, and entitled “Vistas at Stone Castle” showing the proposed area of development which is attached hereto as Exhibit B and incorporated herein by reference (hereinafter the “Amended Preliminary Development Plan”); and

WHEREAS, the Amended Preliminary Development Plan reduces the total number of developable lots from 11 to 10, but otherwise is substantially similar to the Original Preliminary Development Plan that was reviewed by the Planning and Zoning Commission and which the Planning and Zoning Commission has recommended for approval; and

WHEREAS, a public hearing was scheduled before the Board of Aldermen on December 14, 2021, in accordance with the Zoning Regulations, Appendix B of the Code of Ordinances, and said public hearing was left open for further public comment on February 8, 2022; and

WHEREAS, the Board of Aldermen of the City of Sunset Hills, Missouri (the “Board”), after careful and due deliberation, has concluded that the proposed Amended Preliminary Development Plan for the Property is appropriate, that the request is consistent with existing and planned future land use in the area, and that approval of such Amended Preliminary Development Plan would be in the interests of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Amended Preliminary Development Plan dated February 8, 2022, and designated P-23-21 submitted by Whalen Custom Homes, Inc. for the property at 13270 Maple Drive, Sunset Hills, Missouri, is hereby approved, subject to the following conditions:

- A. Home Elevation examples similar in size, scope, and architectural characteristics of the anticipated custom homes to be constructed must be submitted with the Final Development Plan.
- B. The Final Development Plan shall be subject to review and approval by the Fenton Fire Protection District.
- C. St. Louis County must provide addresses for the Final Development Plan.
- D. The homes constructed on Lots 1, 2, 3 and 4, where the rear elevations will be visible to residents on Maple Drive, shall have rear masonry facades.
- E. There shall be a 50 foot landscape buffer surrounding the outside boundary of Proposed Lots 1-9 and there shall be a 50 foot rear yard landscape buffer and 20 foot side yard landscape buffer surrounding the outside boundary of Proposed Lot 10. These landscape buffers shall not be subject to modification by the homeowners for any reason other than general maintenance, or health, safety and welfare of the neighboring residents. Such landscape buffer shall be shown on the final development plan and the record plat, and shall be referenced in the subdivision indentures.
- F. The common ground along Maple Drive immediately to the southwest of the entrance to the Property which is currently bare shall be landscaped with appropriate plantings consistent with common ground found elsewhere in Tapawingo. Developer to also provide landscape plan with Final Development Plan.
- G. An appropriate water runoff mitigation system (interceptor swale) shall be shown on the final improvement plans to be constructed along the border of the Property facing the Tapawingo Place Subdivision to divert stormwater runoff to a location to be determined and approved by the Metropolitan St. Louis Sewer District.
- H. Construction Access to the Property shall be via Gary Player Drive to Maple Drive. Except in an emergency, no construction access to the Property shall be permitted on Pagada Parkway.
- I. The Applicant shall enter into one or more agreements with the Home Owners Associations for Tapawingo Place, Tapawingo on the Green and the Manors at Tapawingo prior to approval of the record plat to provide for payment of a negotiated amount to the affected HOAs for potential damage, wear and tear to the private streets used by the construction equipment and providing for the Applicant to indemnify the affected HOA's for damages caused during construction, and providing for payment on an ongoing basis by the HOA for the Vistas at Stone Castle Subdivision for potential damage, wear and tear to the private streets of the Tapawingo Place, Tapawingo on the Green and the Manors at Tapawingo caused by the increased traffic to the Property. A pre-construction survey of existing street

conditions shall be provided by the developer to establish a baseline of street conditions to be referenced in case of a claim of damage.

- J. The Applicant shall comply with all applicable codes and regulations regarding any blasting or excavation in the development of the Property. The Applicant has been advised that it is responsible for any damage caused to neighboring homes as a result of any blasting or excavation on the Property.
- K. Prior to the issuance of the final development plan, Applicant shall provide to the City a detailed analysis of the carriage house upon the Property identifying the work that will be performed by Applicant. Any and all such work shall be in compliance with all applicable building regulations.
- L. Applicant shall work diligently to complete construction of all ten homes in a timely fashion. Applicant shall provide the City with timely updates regarding any material delays in completion of the subdivision. All lots of the proposed subdivision that are not under active construction of a home shall be seeded, mowed and maintained as green space.
- M. Whenever possible, all loading and unloading of equipment and materials for development of the Property shall occur on the Property and not on Maple Drive.
- N. Due to the proximity to existing homes, no outside music shall be permitted during construction and no unreasonable disturbances by workers shall be permitted.
- O. All dumpsters and construction equipment, including construction trailers, must be maintained on site, and not on Maple Drive
- P. All construction work shall only be performed within the approved construction hours established in the Code of Ordinances.
- Q. All portable toilets for construction workers must be shielded from view and shall be regularly cleaned and maintained.

Section 2. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this _____ day of March, 2022

MAYOR

APPROVED this _____ day of March, 2022

MAYOR

ATTEST: _____
CITY CLERK/CITY ADMINISTRATOR