

ORDINANCE NO. 2266

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE PROPERTY AT 13270 MAPLE DRIVE.

WHEREAS, Whalen Custom Homes, Inc. (the “Petitioner”) has petitioned the City for approval of a Final Development Plan (the “Petition”) for the property at 13270 Maple Drive (the “Property”); and

WHEREAS, the Property is currently zoned PD-R Planned Development Residential and consists of 10.34 acres; and

WHEREAS, Ordinance 2236 approved a Preliminary Development Plan with conditions for ten (10) proposed detached, single family residential lots; and

WHEREAS, per case P-22-22, on October 5, 2022, the Petitioner applied for and received Planning and Zoning Commission approval for Improvement Plans; and

WHEREAS, on October 5, 2022, the Planning and Zoning Commission reviewed the Petition, and after considering the same, the Commission voted unanimously to approve the Petition understanding that pending and binding conditions are contained in Ordinance 2236 for Preliminary Development Plan approval; and

WHEREAS, on November 8, 2022, the Board of Aldermen held a duly noticed public hearing, in accordance with the Zoning Regulations, to hear comment regarding the Petition; and

WHEREAS, subject to certain conditions for the approval of the Preliminary Development Plan and as amended for approval of the Final Development Plan, the Board of Aldermen finds the Final Development Plan is in substantial compliance with the preliminary development plan and it is in the best interest to approve the Petition.

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 Final Site Development Plan for the Vistas at Stone Castle, which a reduced copy is attached hereto as Exhibit 1 for ease of reference with the official copy on file with the City, 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 natural state buffer surrounding the outside boundary of Proposed Lots 1-9 and there shall be a 50-foot rear natural state buffer and 20-foot side yard natural state buffer surrounding the outside boundary of Proposed Lot 10. These 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 natural state buffer shall be shown on the Final Development Plan and 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 the Final Development Plan.
- G. Developer agrees to provide an escrow, not to exceed \$20,000.00, for an appropriate water runoff mitigation system (interceptor swale) to be constructed along the border of the Property facing the Tapawingo Place Subdivision. As agreed by the developer and acceptable to the City, the specific location will be determined by the residents of Tapawingo Place and is subject to approval 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 HOAs 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 Tapawingo Place, Tapawingo on the Green and 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. The City shall not sign off on the Final Plat until these agreements are submitted to the City.
- 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.
- R. A land subdivision bond be posted or they must enter into an escrow agreement in accordance with the provisions hereafter set forth. The land subdivision bond or escrow agreement shall be prepared and executed on forms satisfactory to the Commission and shall be submitted to the Commission for approval. Said forms shall be approved by the City attorney or special counsel prior to being sent to the Commission.
- S. The developer is required to either have a trust indenture or statement on the record plat establishing the method for providing continuous maintenance of streets and storm sewers. A subdivision restriction agreement authorizing assessment of the property owners in the subdivision for the supervision, maintenance, construction and reconstruction of street paving, storm drainage facilities, sanitary facilitation, streetlights, sidewalks, common ground and recreational equipment shall be established and added before the recording of the Final Development Plan.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED this 13th day of December, 2022

Patricia A. Julius
MAYOR

APPROVED this 13th day of December, 2022

Patricia A. Julius
MAYOR

ATTEST:



[Signature]
CITY CLERK/CITY ADMINISTRATOR