

CITY OF DARDENNE PRAIRIE  
2032 HANLEY ROAD  
DARDENNE PRAIRIE, MO 63368

PLANNING & ZONING COMMISSION  
AGENDA  
JULY 09, 2014  
7:00 P.M.

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**CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Mayor Fogarty  
Alderman Koch  
Commissioners:  
Fine  
King  
Owens  
Collins  
Claspille  
Donahue  
Etzkorn  
Brockmann

**OPEN FORUM**

**PUBLIC HEARING**

1. Amendments to various provisions of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, pertaining to regulations relating to zoning, land use and wireless communication services and infrastructure within the City.

**NEW BUSINESS**

1. Amendments to various provisions of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, pertaining to regulations relating to zoning, land use and wireless communication services and infrastructure within the City.
2. A Record Plat for the proposed "Chestnut Creek" residential subdivision located on the west side of Bates Road approximately 500 feet north of Redhawk Parkway, commonly known as 2507 & 2511 Bates Road from Stock & Associates Consulting Engineers, Inc. and Property Owner Deborah Stock & Michael Parnas, Trustees under the Indenture of Trust of Robert S. Parnas and Developer Pulte Homes of St. Louis, LLC.

**OLD BUSINESS**

1. Review of Bylaws

**APPROVAL OF MINUTES**

Approval of 03-12-14 Minutes

**COMMISSION COMMUNICATIONS**

**ADJOURNMENT**



The City of Dardenne Prairie Planning & Zoning Commission meeting was called to order at 7:13 p.m. The meeting was held at the Dardenne Prairie City Hall located at 2032 Hanley Road.

The meeting was opened with the Pledge of Allegiance.

Present at roll call were Mayor Fogarty, Alderman Kampelman, Commissioners Owens, Claspille, Etkorn, King, Collins and Donahue. Commissioner Fine and Courson were absent. Also present were City Administrator Frank Schoneboom, City Engineer Luke Kehoe and City Attorney John Young.

**OPEN FORUM** – No one present to speak.

**PUBLIC HEARING**

1. A P.U.D. Request - Area Plan for the approximate 17.13 acres of land located on the west side of Bates Road approximately 500 feet north of Redhawk Parkway, commonly known as 2507 & 2511 Bates Road from Applicant Stock & Associates Consulting Engineers, Inc. and Property Owner Deborah Stock & Michael Parnas, Trustees under the Indenture of Trust of Robert S. Parnas and Developer Pulte Homes of St. Louis, LLC.

George Stock was in attendance to present.

The following individuals spoke on the proposal:

Jeff Amelong – 1191 St. Theresa Lane

A motion was made by Mayor Fogarty, Seconded by Chairman Owens to close the Public Hearing. Motion passed unanimously.

**NEW BUSINESS**

1. A P.U.D. Request - Area Plan for the approximate 17.13 acres of land located on the west side of Bates Road approximately 500 feet north of Redhawk Parkway, commonly known as 2507 & 2511 Bates Road from Applicant Stock & Associates Consulting Engineers, Inc. and Property Owner Deborah Stock & Michael Parnas, Trustees under the Indenture of Trust of Robert S. Parnas and Developer Pulte Homes of St. Louis, LLC.

A motion was made by Mayor Fogarty, Seconded by Commissioner Collins to recommend approval with the condition the 2 asterisks be struck from C1.2. Motion passed unanimously.

2. A P.U.D. Request - Final Plan for the approximate 17.13 acres of land located on the west side of Bates Road approximately 500 feet north of Redhawk Parkway, commonly known as 2507 & 2511 Bates Road from Applicant Stock & Associates Consulting Engineers, Inc. and Property Owner Deborah Stock & Michael Parnas, Trustees under the Indenture of Trust of Robert S. Parnas and Developer Pulte Homes of St. Louis, LLC.

A motion was made by Commissioner Etkorn, Seconded by Mayor Fogarty to recommend approval. Motion passed. Alderman Kampelman opposed.

**3. Review of Bylaws**

After a lengthy discussion, a motion was made by Commissioner King, Seconded by Commissioner Collins to table the review of the bylaws. Motion passed unanimously.

**OLD BUSINESS**

**1. RESOLUTION NO. 2014-01**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF DARDENNE PRAIRIE, MISSOURI AMENDING, RESTATING AND ADOPTING THE COMPREHENSIVE PLAN FOR THE CITY OF DARDENNE PRAIRIE, MISSOURI

Mayor Fogarty presented the amended Resolution No. 2014-01.

A motion was made by Chairman Owens, Seconded by Commissioner King to approve the amended Resolution No. 2014-01 as read. Motion passed unanimously.

A motion was made by Commissioner Claspille, Seconded by Commissioner King to adopt Resolution No. 2014-01. Motion passed unanimously.

**APPROVAL OF MINUTES**

Approval of 02-12-14 Minutes

A motion was made by Commissioner Donahue, Seconded by Mayor Fogarty to accept the 02-12-14 minutes. Motion passed unanimously.

**ADJOURNMENT**

A motion was made by Commissioner King, Seconded by Chairman Owens to adjourn the meeting at approximately 9:00 p.m. Motion passed unanimously.

Respectfully submitted,

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Kim Clark, City Clerk

**MEMO**

TO: Dardenne Prairie Planning and Zoning Commission

FROM: Luke R. Kehoe, P.E., CFM, LEED AP  
Kehoe Engineering Company, Inc. (KEC)

DATE: July 1, 2014

SUBJECT: Planning and Zoning Commission Meeting Scheduled for July 9, 2014

Items for consideration at this meeting include:

**PUBLIC HEARINGS:**

1. **Amendments to various provisions of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, pertaining to regulations relating to zoning, land use and wireless communication services and infrastructure within the City.** Amendments to various provisions of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, pertaining to regulations relating to zoning, land use and wireless communication services and infrastructure within the City. This item includes a public hearing regarding the regulation of wireless communications services and infrastructure to comply with the Uniform Wireless Communications Infrastructure Deployment Act (S.B. 650) as amended by House Bill 1454. The enclosed information regarding this item has been compiled by the City Attorney and is provided for your reference.

**NEW ITEMS:**

1. **A Record Plat for the proposed "Chestnut Creek" residential subdivision located on the west side of Bates Road approximately 500 feet north of Redhawk Parkway, commonly known as 2507 & 2511 Bates Road from Stock & Associates Consulting Engineers, Inc. and Property Owner Deborah Stock & Michael Parnas, Trustees under the Indenture of Trust of Robert S. Parnas and Developer Pulte Homes of St. Louis, LLC.** The City received the enclosed Plat Submittal Information sheet and proposed record plat from the developer's engineer on June 6, 2014. Upon review, the enclosed letter was sent to the developer's surveyor on June 16, 2014. On June 30, 2014, the City received the enclosed revised record plat along with the enclosed surveyor's response letter.

**EXISTING ITEMS:**

1. **None.**

**INFORMATION ONLY:**

1. **Missouri Route 364 Phase 3 Project Update.** MoDOT, St. Charles County and the local municipalities have teamed together to allocate \$118.2 million toward building Route 364 Phase 3. The \$118.2 million will be used for purchasing property, utility relocations, design and construction. The project includes building an improved connection from Route 364 Phase 2 at Route 94 and Mid Rivers Mall Drive to I-64/US Route 40/61 at Route N.

MoDOT used a Design-Build contracting process to have contractor teams compete to win the contract. The Missouri Highways and Transportation Commission approved the contract February 6, 2013, awarding the project to the Page Constructors Joint Venture, including Fred Weber Inc., Millstone-Bangert Inc., Kolb Grading with lead designer Parsons Transportation Group.

Page Constructors is designing and building a four lane divided freeway for nine miles from Route 94 at Mid Rivers Mall Drive in St Peters to Interstate 64 in Lake Saint Louis. A corridor map showing new road and interchanges is available at [http://www.modot.org/stlouis/major\\_projects/Route364upgrade.htm](http://www.modot.org/stlouis/major_projects/Route364upgrade.htm)

REVISED SCHEDULE Route 364 Phase 3 construction started in May 2013. There will be construction activity along all nine miles of the project until the new road opens in sections in the fall of 2014. The new road will open in segments in fall 2014 with the entire new road open by the end of October 2014. The entire project will be complete by late November 2014.

UPDATED June 27, 2014

In general working hours are 6:30 a.m. to 5 p.m., Monday through Saturday. Second shifts may occur but will not be very often during the winter months. All work is weather dependent.

Route 94 - The Route 94 bridge girders have been set and crews will be pouring the driving surface in the coming weeks. Pipe work continues between Route 94 and Motherhead Road.

Motherhead Road - The bridge deck and the barrier walls are complete. Crews are continuing to grade the side of the roads and pipe work is starting at Motherhead Court.

Gutermuth Road - Blasting of rock in the area is complete. Crews are still working to remove the blasted rock, which is being used as foundation on other parts of the project.

Crooked Creek - The bridge decks are completed and the roadway surface will be poured in early July.

Dardenne Creek - The bridge supports are complete and girders for the new bridge will be set in the near future.

Tributary B - Crews are working on pouring the surface for the new bridge.

Route K - Girders have been set for the new bridges at Route K. Crews will soon start to put rock foundation down on the ramps at Route K.

Bryan Road - Construction on the bridge walls is completed and crews are working on the roundabout on the exit.

Hanley Road - Slope work is ongoing and work on the walls at the Hanley Road bridge continues.

Henke Road - Crews have started seeding in the area. Foundation work also continues.

Interstate 64 - Rock base is complete on the new ramps. Crews will start seeding and mulching in the area soon and guardrail has gone up along I-64 near the approach to the ramps.

All work is weather dependent.

Enclosures

cc: Board of Aldermen  
Kim Clark, City Clerk  
John Young, City Attorney

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS SECTIONS OF CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE; AND PROVIDING FOR THE REGULATION OF WIRELESS COMMUNICATION SERVICES AND INFRASTRUCTURE WITHIN THE CITY**

**WHEREAS**, pursuant to the Telecommunications Act of 1996 (the "TCA"), 47 U.S.C. § 332(c)(7)(a), "nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities"; and

**WHEREAS**, the TCA "was intended by Congress to foster competition among telecommunications providers, to improve the quality of their services, and to encourage the rollout of new technologies without delay." USCOC of Greater Iowa, Inc. v. Zoning Bd. of Adjustment of the City of Des Moines, 465 F.3d 817, 820 (8<sup>th</sup> Cir. 2006); and

**WHEREAS**, in 2012, the United States Congress enacted the Middle Class Tax Relief and Job Creation Act of 2012, which provides that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." 47 U.S.C. § 1455; and

**WHEREAS**, the Missouri General Assembly passed, and the Governor signed on March 20, 2014, Senate Bill 650, re-enacting the Uniform Wireless Communications Infrastructure Deployment Act (the "Wireless Act"), as amended by House Bill 1454, signed by the Governor on June 23, 2014; and

**WHEREAS**, the Board of Aldermen of the City of Dardenne Prairie recognizes the need for adequate wireless communications services, provided that the wireless support structures and wireless facilities are designed and located to minimize health, safety and aesthetic concerns; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, AS FOLLOWS:**

**SECTION 1.** That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by the addition of the following defined terms:

**SECTION 405.080: DEFINITIONS AND RULES OF CONSTRUCTION**

**ACCESSORY EQUIPMENT:** Any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

**ANTENNA:** Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.



BASE STATION: A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics, and includes a structure that currently supports or houses an antenna, a transceiver, coaxial cables, power supplies, or other associated equipment.

CAMOUFLAGED: Any wireless support structure that is designed to blend into the surrounding environment. Examples include wireless support structures which are made to look like trees, light poles, or flag poles.

COLLOCATION: The placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities.

ELECTRICAL TRANSMISSION TOWER: An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

ELIGIBLE FACILITIES REQUEST: Any request for modification of an existing structure or base station that involves:

- (a) collocation, as defined herein;
- (b) removal of accessory equipment; or
- (c) replacement of wireless facilities.

EQUIPMENT COMPOUND: An area surrounding or near a wireless support structure within which are located wireless facilities.

EXISTING STRUCTURE: A structure that exists at the time a request to place wireless facilities on a structure is filed with the City Engineer. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with Chapters 500 and 505 of the Municipal Code of the City of Dardenne Prairie and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.

MOBILE STATION: A radio-communication station capable of being moved and which ordinarily does move.

REPLACEMENT: Includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the pre-existing wireless facilities or wireless support structures.

SMART CODE: the SmartCode adopted on July 18, 2007, and pursuant to Ordinance No. 1175 of the City of Dardenne Prairie, Missouri, as amended.

SUBSTANTIAL MODIFICATION: The mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

(a) Increases the existing vertical height of the structure by:

- a. More than ten percent; or



b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or

(b) Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);

(c) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or

(d) Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty (1,250) square feet.

UTILITY: Any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services.

UTILITY POLE: A structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

WATER TOWER: A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

WIRELESS COMMUNICATIONS SERVICE: Includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 U.S.C. § 301.

WIRELESS FACILITY: The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services.

WIRELESS SUPPORT STRUCTURE: A structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

**SECTION 2.** That subsection C.17 of Section 405.180 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended to read as follows:

**SECTION 405.180: "C-1" LOCAL COMMERCIAL DISTRICT**

*C. Conditional Uses.*

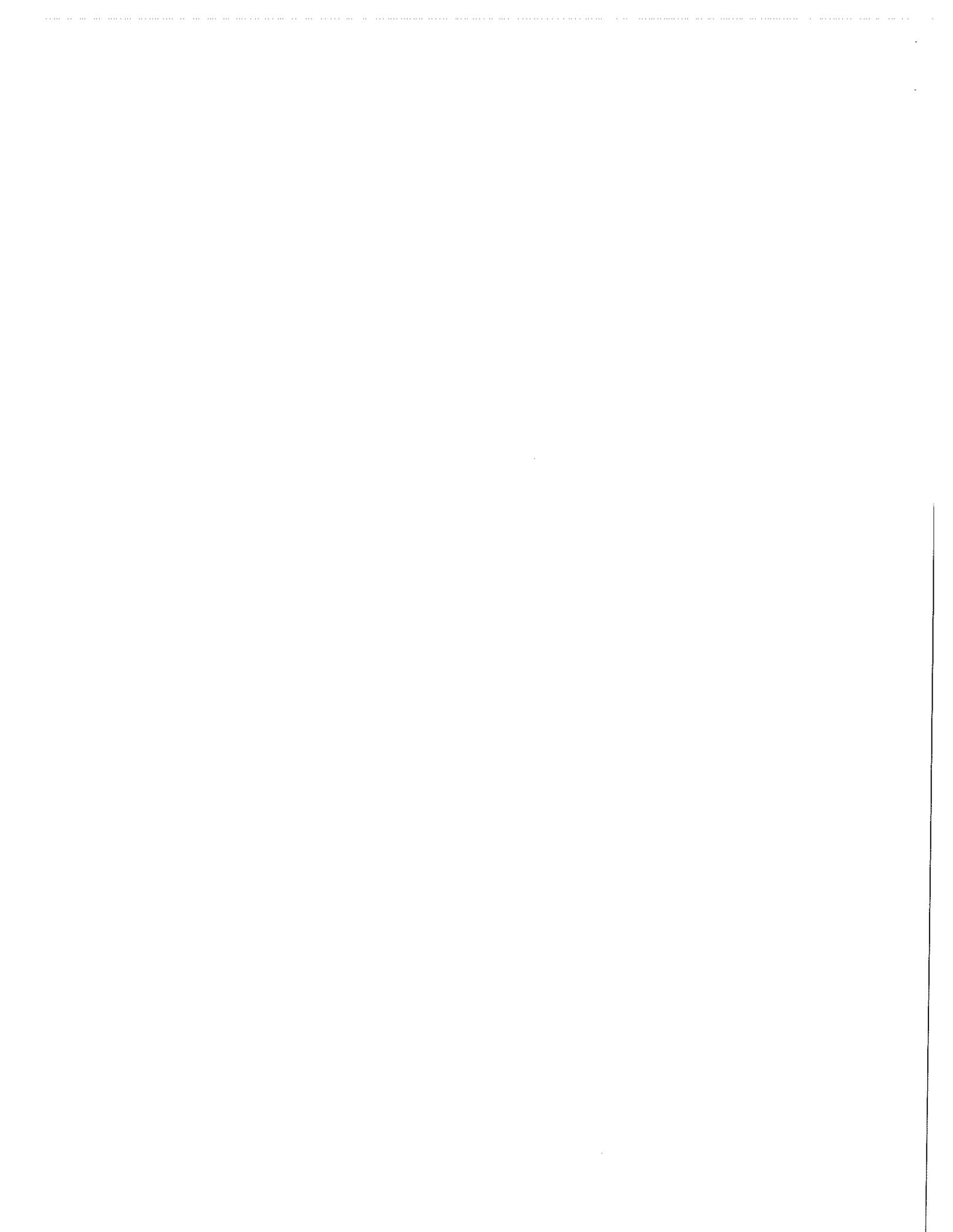
17. ~~Commercial telecommunication towers and antennas.~~

17. Wireless support structures and wireless facilities.

**SECTION 3.** That subsection C.25 of Section 405.190 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended to read as follows:

**SECTION 405.190: "C-2" GENERAL COMMERCIAL DISTRICT**

*C. Conditional Uses.*



~~25. Commercial telecommunication towers and antennas.~~

25. Wireless support structures and wireless facilities.

**SECTION 4.** That subsection C. 7 of Section 405.200 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended to read as follows:

**SECTION 405.200: "I-1" LIGHT INDUSTRIAL DISTRICT**

C. *Conditional Uses.*

~~7. Commercial telecommunication towers and antennas.~~

7. Wireless support structures and wireless facilities.

**SECTION 5.** That subsection C.5 of Section 405.210 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended to read as follows:

**SECTION 405.210: "HTCD" HIGH TECH CORRIDOR DISTRICT**

C. *Secondary Uses.* The following secondary activities, which support or are adjunct to the primary activities, are permitted subject to the development and performance standards set forth herein. Such activities shall be limited to thirty percent (30%) of the park:

~~5. Receiving and transmitting antennas and communication towers that are accessory to permitted development CU.~~

5. Wireless support structures and wireless facilities.

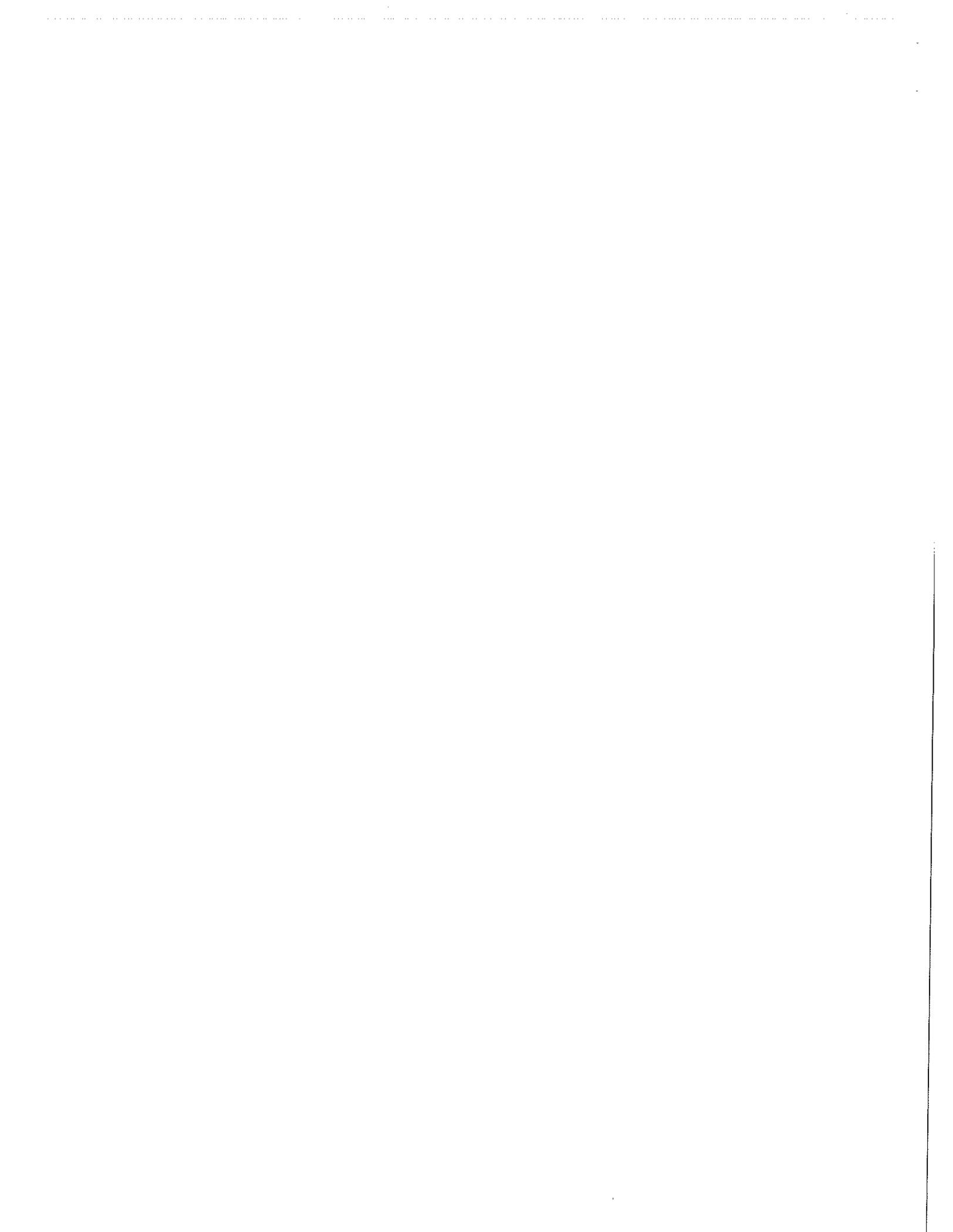
**SECTION 6.** That Section 405.390 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby deleted in its entirety, and replaced, in lieu thereof, with a new Section 405.390, which shall read as follows:

**SECTION 405.390: HEIGHT EXCEPTIONS**

A. *Public And Semi-Public Buildings.* In any zoning district, public or semi-public buildings, such as hospitals, churches, sanitariums or schools, either public or private, there permitted, may erect to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards which shall increase one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established in the regulations of the district in which such buildings are situated.

B. *Structural Projections.* Chimneys, cooling towers, elevator head houses, fire towers, grain elevator, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, ~~telecommunication,~~ radio and television towers or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy are not subject to the height limitations contained in the district regulations, except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than fifteen percent (15%) except as indicated below.

C. Structural projections exceeding the above height limitations shall be considered as conditional uses and shall be processed in accordance with Article VI of this Chapter, except in no event shall a ~~communication tower,~~ radio aerial or television antenna support extend more than twenty-five (25) feet above the ridge of a roof in any residential district.



**SECTION 7.** That subsection 4 of Section 405.480 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby deleted in its entirety, and replaced, in lieu thereof, with a new subsection 4 of Section 405.480, which shall read as follows:

**SECTION 405.480: ADDITIONAL DEVELOPMENT REQUIREMENTS OF CERTAIN USES**

4. ~~RESERVED. Telecommunication towers.~~ In addition to and as an integral part of development

~~, the following provisions shall apply:~~

~~a. The tower shall no more than two hundred (200) feet in height.~~

~~b. No two (2) towers shall be located within one (1) mile of each other. The distance shall be calculated from the center of the base of the tower.~~

~~c. No tower shall be situated within five hundred (500) feet of any residential structure. The minimum standard setback from all adjoining property boundaries shall be equal to one (1) foot of setback for each foot of tower height.~~

~~d. A determination has been made, acceptable to the City, that there are no other more suitable sites within a one (1) mile radius of the proposed tower site.~~

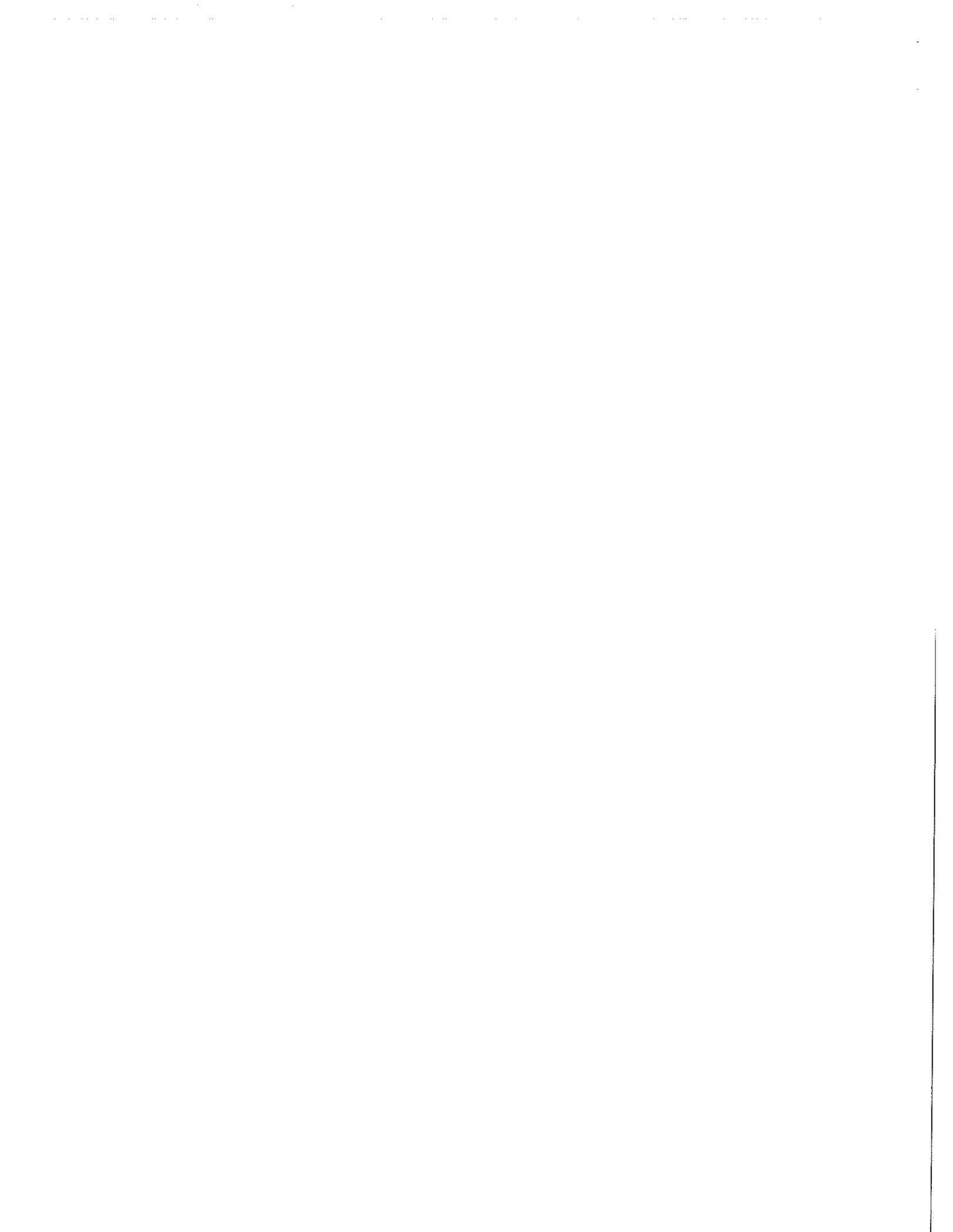
~~e. If tower is constructed, it shall be three (3) times the capacity of intended use in order that secondary users could lease the balance of the tower capacity at a reasonable rate. Secondary users shall be responsible for securing necessary permits, including a Conditional Use Permit.~~

~~f. The design of the tower compound shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.~~

~~g. All owners and lessees of communication towers and the real estate upon which they are situated shall, at the request of the City, allow the City to mount and operate a functioning communicating antenna on the tower for City purposes and shall allow the City reasonable access to the tower for such purpose.~~

~~h. The construction, maintenance and operation of such towers and tower compound shall comply with all Federal, State and City regulations. In addition, the Board of Aldermen may impose reasonable restrictions and conditions to the issuance of any such Conditional Use Permit.~~

~~i. Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of single tower, this provision shall not become effective until all users cease operations.~~



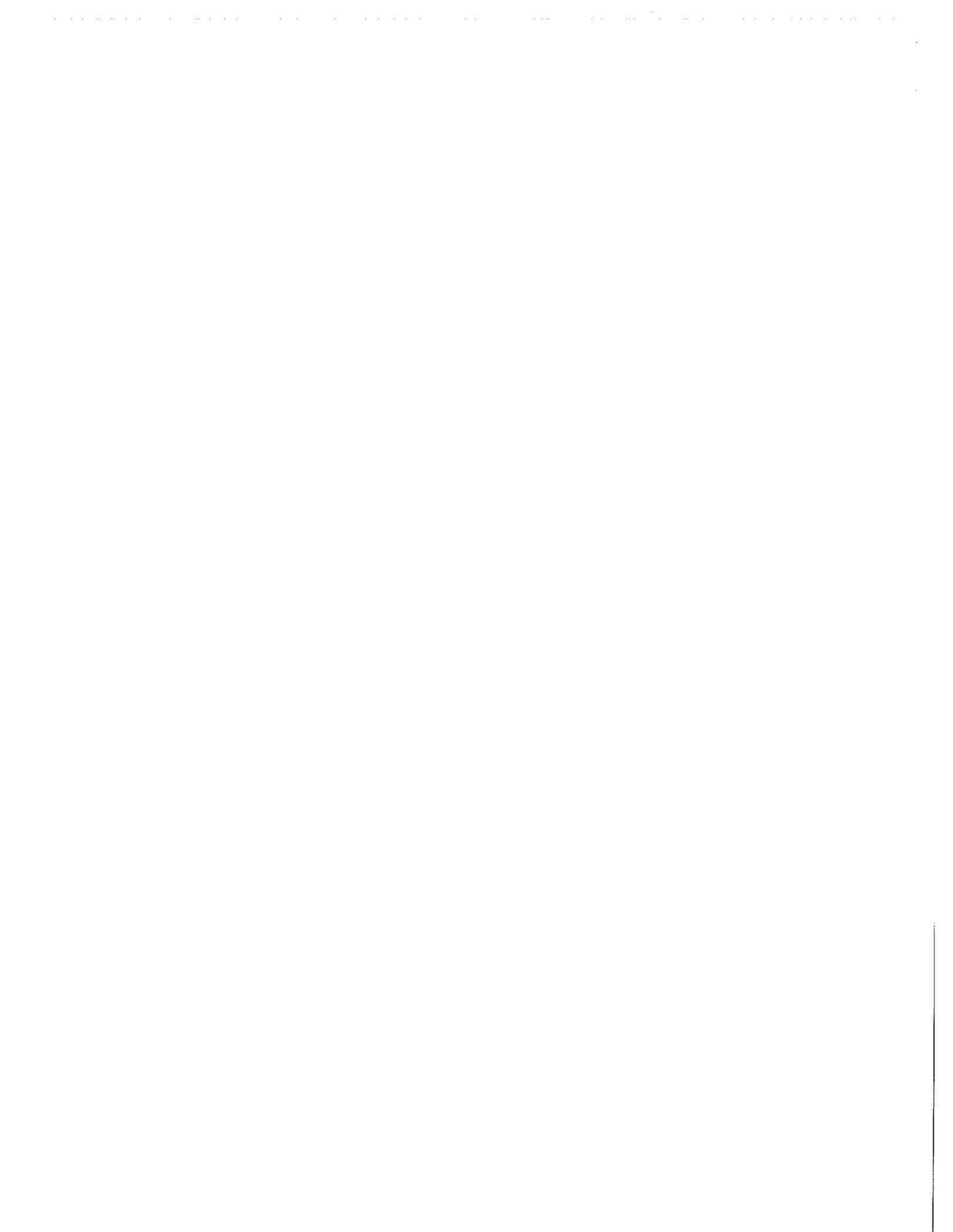
**SECTION 8.** That Article VI of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by enacting a new Section 405.481, which shall read as follows:

**SECTION 405.481:      CONDITIONAL USE PERMITS FOR NEW WIRELESS SUPPORT STRUCTURES OR A SUBSTANTIAL MODIFICATION OF A WIRELESS SUPPORT STRUCTURE**

A.   Notwithstanding the provisions of this Article VI of Chapter 405 to the contrary, an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure shall be subject to the provisions of this Section.

B.   *Filing Of Application And Fees.*

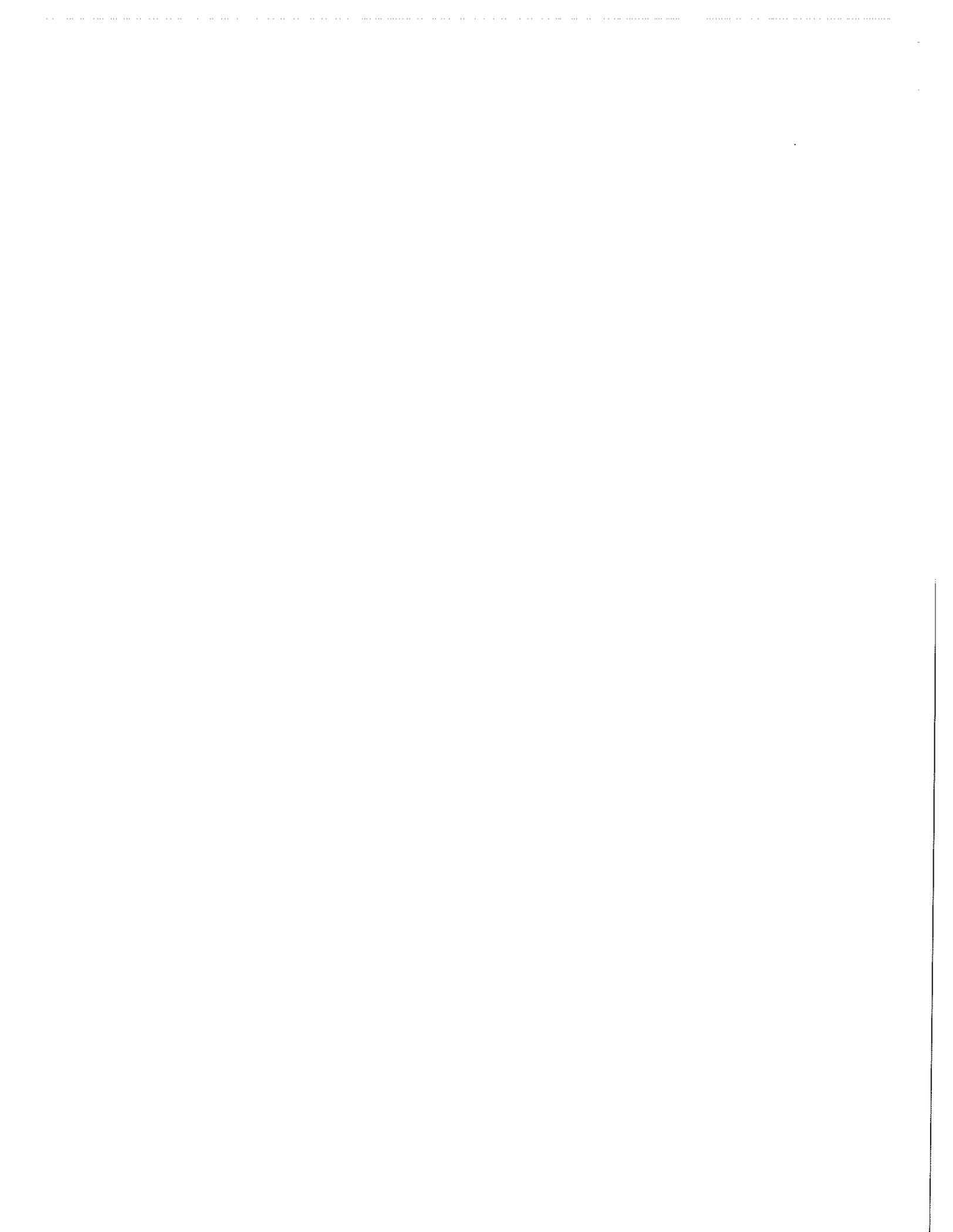
1.   An application for any conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be made on an application form provided by the City Engineer. Each application shall be filed with the City Engineer and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the City Engineer. The application shall be accompanied by the fee set forth in the fee schedule, as provided by Section 405.965 of the Municipal Code of the City of Dardenne Prairie, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.
2.   An application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be submitted to the City Engineer and shall contain or be submitted concurrently with the following information:
  - a.   A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
  - b.   A scaled map of such property, correlated with the legal description and clearly showing the property's location;
  - c.   The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
  - d.   A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;
  - e.   Date of filing with the City Engineer;
  - f.   The present zoning, proposed change of zoning, if any, and proposed use of such property;
  - g.   The names and mailing addresses of property owners with property within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property(ies) to be affected;



- h. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the applicant(s) are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;
- i. Site Plan--See Article XIII (unless deemed unnecessary by the City Engineer);
- j. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties to demonstrate if the wireless support structure is harmonious with the appearance and character of the neighborhood;
- k. Documentation evaluating how the wireless support structure will be landscaped or how views of the wireless support structure will be screened;
- l. The type of wireless facilities, infrastructure or technology to be used by the applicant; and
- m. Solely with respect to an application for a new wireless support structure, a statement by the applicant that it conducted an analysis of available collocation opportunities on existing wireless support structures within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.

C. Procedure.

- 1. Hearing and consideration by the Planning and Zoning Commission. Within sixty (60) calendar days of receiving an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the City Engineer, the Planning and Zoning Commission shall:
  - a. Conduct a hearing and review the application in light of its conformity with this Section:
    - i. An application is deemed to be complete unless the City Engineer notifies the applicant in writing, within thirty (30) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.
    - ii. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of thirty (30) calendar days, the application shall be reviewed and processed, by both the Planning and Zoning Commission and the Board of Aldermen, within one hundred twenty (120) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred twenty (120) calendar day deadline for the City to review the application, make the final decision, and advise the



applicant in writing of its final decision, shall be extended by the same period of time.

b. ~~Make findings of fact as to~~Determine whether or not the standards described in this Section have been met by the applicant. The burden of proof shall be on the applicant to prove that such standards have been met by the applicant. Thereafter, the Planning and Zoning Commission shall either:

i. Postpone consideration of the application because the application is incomplete;

ii. Recommend approval of the application to the Board of Aldermen;

iii. Recommend approval of the application with conditions to the Board of Aldermen; or

iv. Recommended denial of the application to the Board of Aldermen.

c. If the Planning and Zoning Commission fails to act on an application for a special use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within its sixty (60) calendar day review period, or within such additional time as may be mutually agreed to by an applicant and the City Engineer, the Planning and Zoning Commission shall be deemed to have recommended approval of the application to the Board of Aldermen.

2. *Notice of hearings.* Notices for hearings required under this Section shall be handled the same as a zoning amendment as described in Article XV of this Chapter.

3. *Hearing and consideration by the Board of Aldermen.* Upon receipt of a recommendation from the Planning and Zoning Commission, and after providing notice pursuant to this Section, within one hundred twenty (120) calendar days of the Planning and Zoning Commission's receipt of an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the City Engineer, the Board of Aldermen shall conduct a hearing, on the record, on the application and it shall:

a. Review the application in light of its conformity with this Section;

b. Make its final decision to approve or disapprove the application; and

c. Advise the applicant in writing of its final decision.

4. The special use permit under consideration by the Board of Aldermen shall be in the form of an ordinance. Such ordinance shall include findings of fact as well as such terms, conditions, safeguards and restrictions upon the special use as deemed necessary by the Board of Aldermen.

5. If the Board of Aldermen fails to act on an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within the one hundred twenty (120) calendar day review period, or within such additional time as may be mutually agreed to by an applicant and the City Engineer, the application shall be deemed approved.



D. Standards. When deciding whether to approve or deny a conditional use permit for a wireless support structure or substantial modification of a wireless support structure, the Planning and Zoning Commission and the Board of Aldermen, shall consider the following:

1. Whether the proposed conditional use complies with all applicable provisions of the Municipal Code of the City of Dardenne Prairie, including intensity of use regulations, setback regulations and use limitations;
2. Whether the proposed conditional use will contribute to and promote the general, welfare, health, safety and convenience of the public;
- 1.3. Whether the application meets the following requirements:

a. ~~The tower~~ A wireless support structure shall ~~no more than~~not exceed two hundred (200) feet in height.

b. No ~~two (2)~~ wireless support structure towers shall be located within one (1) mile of each otherthousand five hundred (1,500) feet of another wireless support structure. The distance shall be calculated from the center of the base of the ~~each~~ wireless support structure tower.

c. A wireless support structure shall be located at least two hundred (200) feet from any residential structure. The distance between a wireless support structure and the boundaries of the property on which the wireless support structure lies shall be a distance equal to or exceeding one hundred percent (100%) of the wireless support structure's height.~~No tower shall be situated within five hundred (500) feet of any residential structure. The minimum standard setback from all adjoining property boundaries shall be equal to one (1) foot of setback for each foot of tower height.~~

d. No more than three (3) wireless support structures shall be constructed on any single lot.

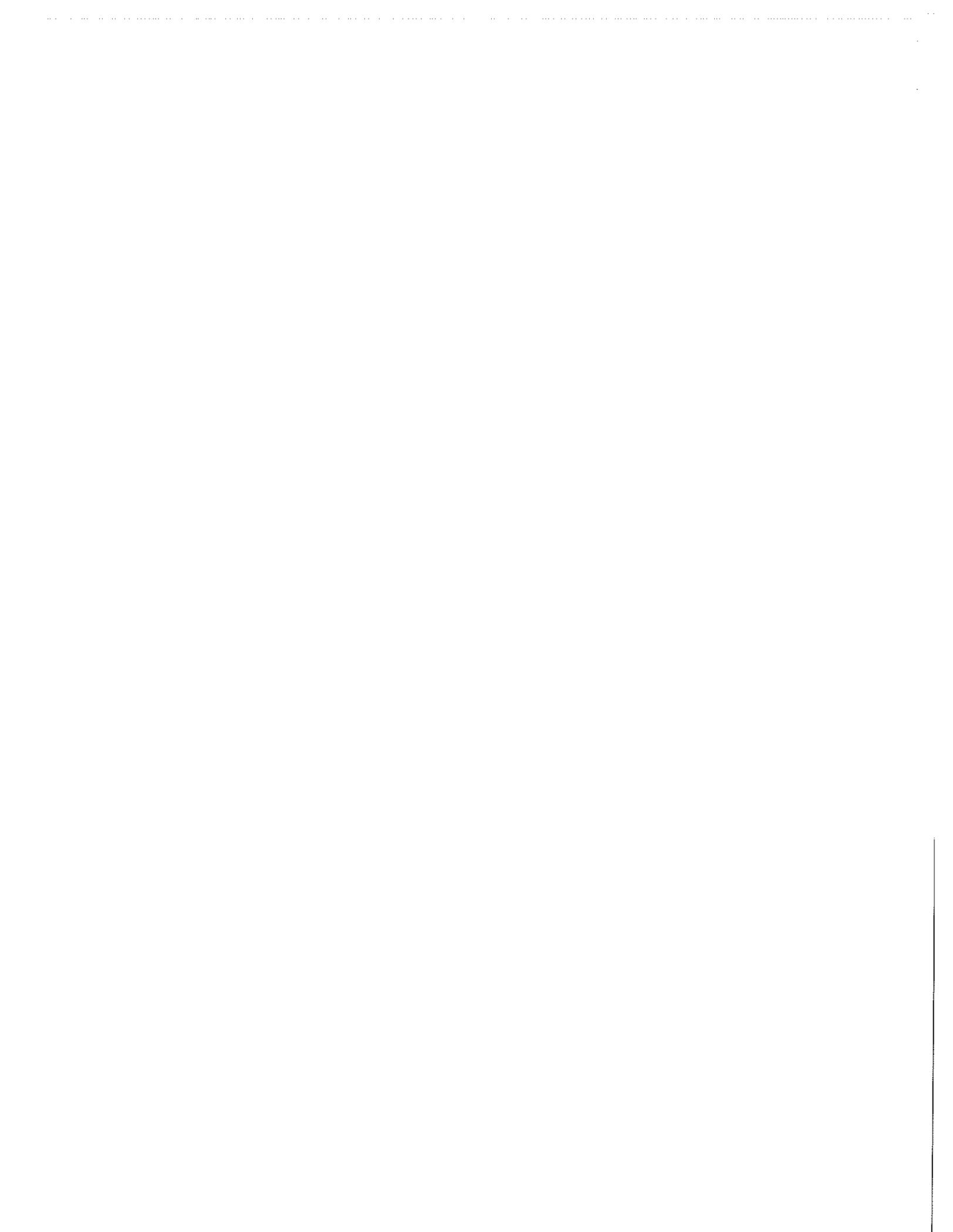
B. ~~d. A determination has been made, acceptable to the City, that there are no other more suitable sites within a one (1) mile radius of the proposed tower site.~~

e. All wireless support structures shall be constructed to allow for co-location by at least ~~three (3) additional providers of wireless communication services.~~ If tower is constructed, it shall be three (3) additional providers of wireless communication services. times the capacity of intended use in order that secondary users could lease the balance of the tower capacity at a reasonable rate. Secondary users shall be responsible for securing necessary permits, including a Conditional Use Permit.

f. The design of the wireless support structure, wireless facilities, base station, and equipment tower compound shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the wireless support structure, wireless facilities, base station, and equipment compound tower facilities within the surrounding natural setting and built environment buildings.

g. Landscaping and/or sight-proof fencing shall be required around the base of all wireless support structures, wireless facilities, base stations, and equipment compounds.

h. Antennas shall be painted or treated to match the wireless support structure to which they are attached. Antennas shall not extend higher than five (5) feet



above the wireless support structure unless authorized in a conditional use permit or by variance.

~~C. g. All owners and lessees of communication towers and the real estate upon which they are situated shall, at the request of the City, allow the City to mount and operate a functioning communicating antenna on the tower for City purposes and shall allow the City reasonable access to the tower for such purpose.~~

i. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties, shall be considered when determining if the wireless support structure, or substantial modification of a wireless support structure, is harmonious with the appearance and character of the properties surrounding the wireless support structure;

j. The Planning and Zoning Commission, or the Board of Aldermen, may require that the wireless support structure be camouflaged if a determination is made that camouflaging the wireless support structure is necessary to preserve the appearance and character of the properties surrounding the wireless support structure;

k. The construction, maintenance and operation of such wireless support structurestowers and equipment tower-compound shall comply with all Federal, State and City regulations. In addition, the Board of Aldermen may impose reasonable restrictions and conditions to the issuance of any such Conditional Use Permit.

l. Any wireless support structure, wireless facility, base station or equipment compound tower that is no longer in use for its originalany wireless communications servicepurpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete wireless support structure, wireless facilities or equipment compoundtower and accessory structures. In the case of multiple operators sharing use of single tower; this provision shall not become effective until all users cease operations.

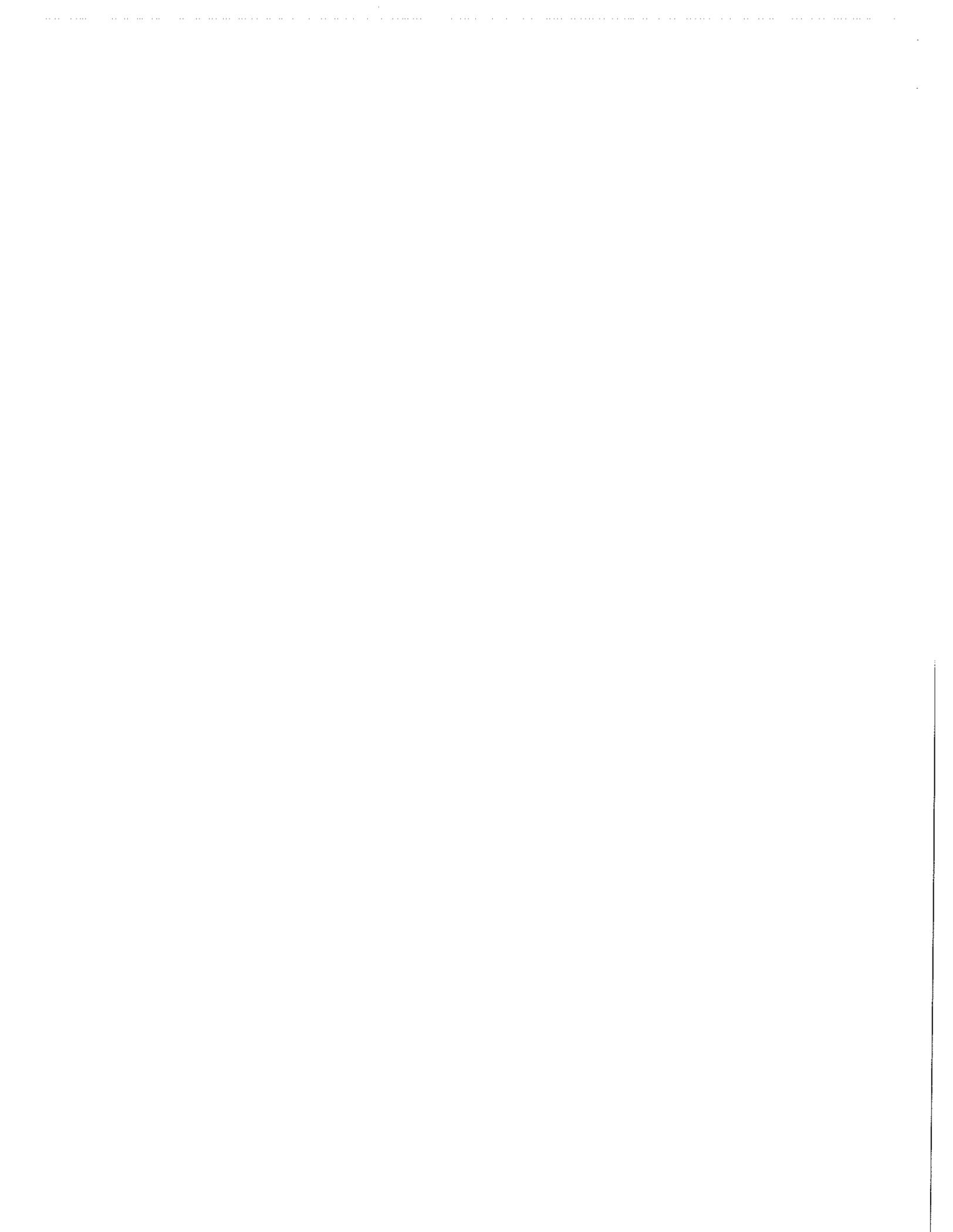
4. Whether denial of the conditional use permit will prohibit or have the effect of prohibiting the provision of personal wireless services under 47 U.S.C. § 332(C)(7)(B)(i)(II); and

5. Any other relevant impact of the proposed use.

E. Judicial Review. A party aggrieved by the final action of the Board of Aldermen, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.

F. The following definitions shall apply in interpretation and enforcement of Sections 405.481, 405.482, and 405.940:

APPLICANT: Any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.



APPLICATION: A request submitted by an applicant to the City to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for an eligible facilities request.

BUILDING PERMIT: A permit issued by the City Engineer prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to be performed by the applicant wireless communication services satisfies the applicable building code.

G. Notwithstanding any provision of the SmartCode to the contrary, the provisions of Sections 405.481, 405.482, and 405.940 apply to all Transect Zones within the City. Wherever the term "wireless transmitter" is used in the SmartCode, it shall mean "wireless support structure." Notwithstanding the foregoing, review of applications to construct a new wireless support structure, for a substantial modification of a wireless support structure, or for an eligible facilities request for a modification of an existing wireless support structure or base station that is not a substantial modification of such wireless support structure or base station, shall be in accordance with the warrant procedures of the SmartCode.

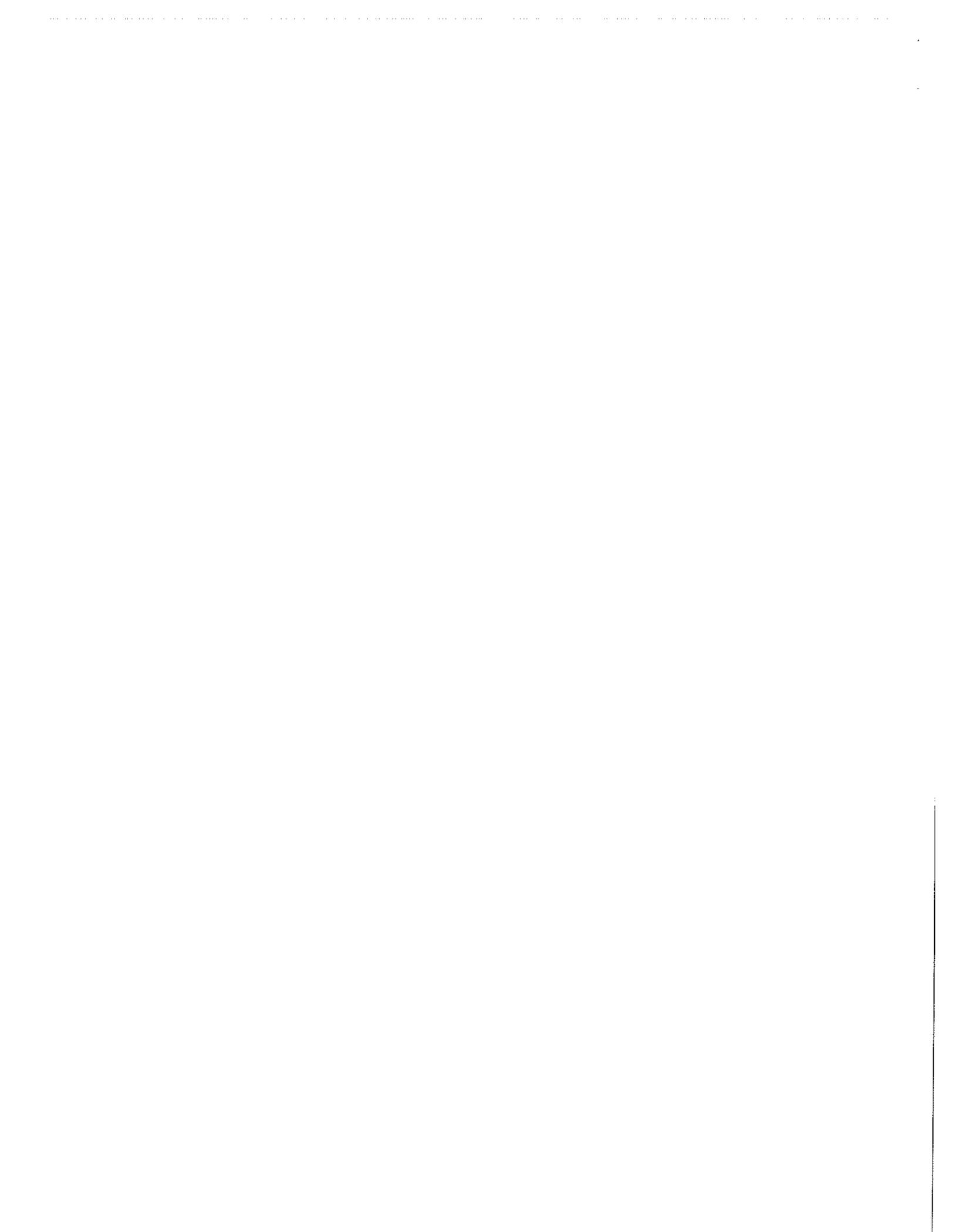
**SECTION 9.** That Article VI of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by enacting a new Section 405.482, which shall read as follows:

**SECTION 405.482: WIRELESS FACILITIES PERMIT**

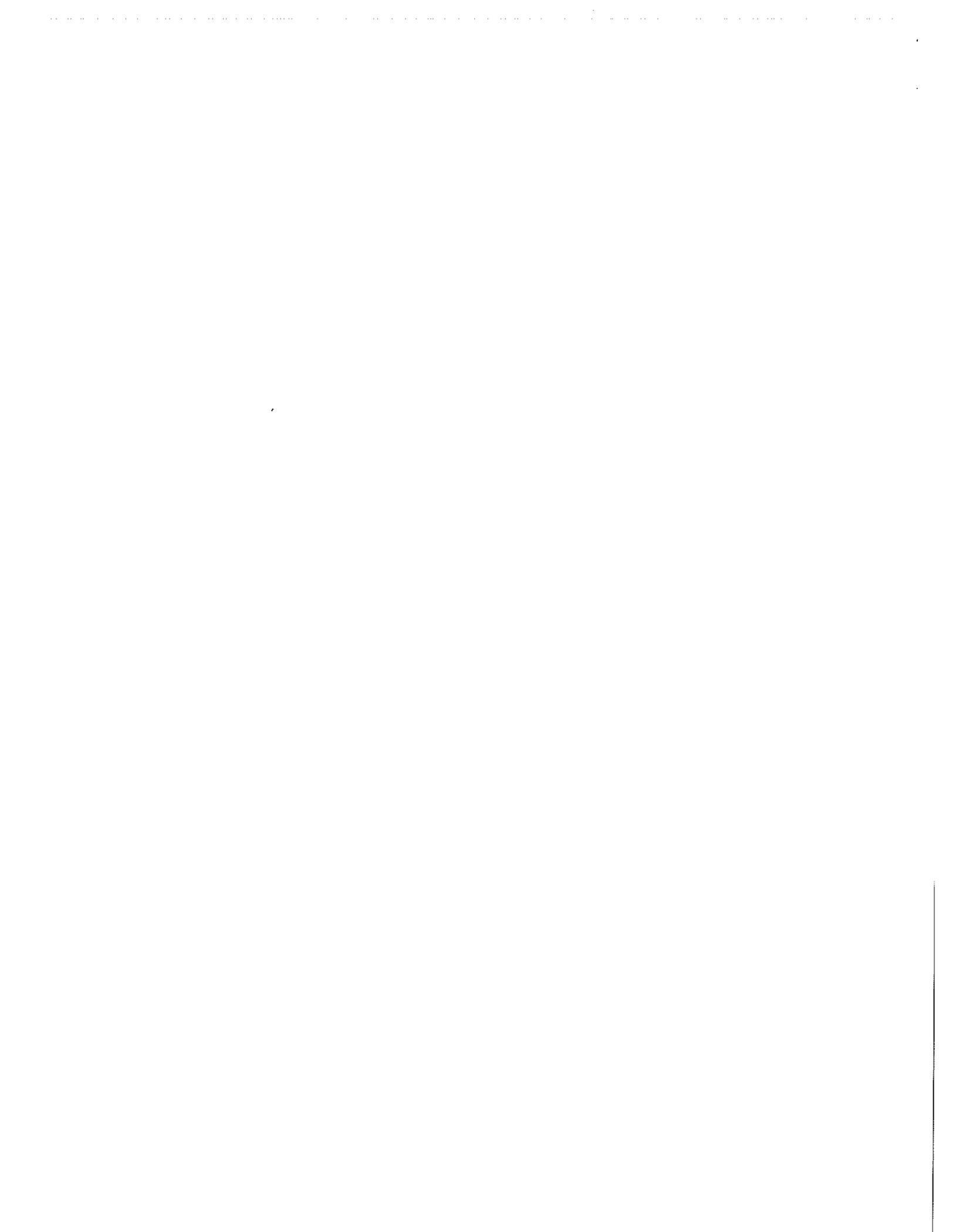
A. Intent And Purpose. Any person making an eligible facilities request for a modification of an existing wireless support structure or base station that is not a substantial modification of such wireless support structure or base station must apply to the City Engineer for a Wireless Facilities Permit. An application for a Wireless Facilities Permit shall be made on an application form provided by the City Engineer. The application shall be accompanied by the fee set forth in the fee schedule, as provided by Section 405.965 of the Municipal Code of the City of Dardenne Prairie, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant. The City Engineer may not deny, and shall approve, such Wireless Facilities Permits.

B. Procedure. All applications for a Wireless Facilities Permit shall comply with the procedures set forth in this Subsection B.

1. An applicant for a Wireless Facilities Permit shall submit the application and all attachments to the City Engineer.
2. Each application shall include the following:
  - a. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
  - b. A scaled map of such property, correlated with the legal description and clearly showing the property's location;



- c. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
  - d. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;
  - e. Date of filing with the City Engineer;
  - f. The present zoning, proposed change of zoning, if any, and proposed use of such property;
  - g. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the applicant(s) are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;
  - h. Site Plan--See Article XIII (unless deemed unnecessary by the City Engineer); and
  - i. The type of wireless facilities or technology to be used by the applicant.
3. Applications for a Wireless Facilities Permit are not subject to the City's zoning or land use requirements, including design or placement requirements, or public hearing review.
4. Within forty-five (45) calendar days of receiving an application for a Wireless Facilities Permit, the City Engineer shall:
- a. Review the application in light of its conformity with Chapters 505 and 510 of the Municipal Code of the City of Dardenne Prairie, recognized industry standards for structural safety, capacity, reliability, and engineering, and consistency with Sections 67.5090 to 67.5103, RSMo., and Sections 405.481 and 405.482 of this Chapter.
    - i. An application is deemed to be complete unless the City Engineer notifies the applicant in writing, within fifteen (15) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.
    - ii. Upon receipt of a timely written notice that an application is deficient, an applicant may take fifteen (15) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of fifteen (15) calendar days, the application shall be reviewed and processed within forty-five (45) calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen (15) calendar days to cure the specific deficiencies, the forty-five (45) calendar day deadline for the City to review the application shall be extended by the same period of time.
    - iii. The Administrative Officer may impose conditions on the Wireless Facilities Permit to insure that the application conforms with building



permit requirements in Title V of the Municipal Code of the City of St. Peters, Chapter 510 of the Municipal Code of the City of St. Peters, recognized industry standards for structural safety, capacity, reliability, and engineering, and is consistent with Sections 67.5090 to 67.5103, RSMo.

- b. Make its final decision to approve or disapprove the application; and
  - c. Advise the applicant in writing of its final decision.
5. If the City Engineer fails to act on an application for a Wireless Facilities Permit within the forty-five (45) calendar day review period specified in Subsection 5 of this Section, the application shall be deemed approved.
- 4.—7. A party aggrieved by the final action of the City Engineer, either by the City Engineer affirmatively denying an application under the provisions of this section or by the City Engineer's inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.

**SECTION 10.** That Section 405.940 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby deleted in its entirety, and replaced, in lieu thereof, with a new Section 405.940, which shall read as follows:

**SECTION 405.940: VARIANCE FOR WIRELESS SUPPORT STRUCTURES OR WIRELESS FACILITIES**

**A. A Request for a Variance.**

1. When an applicant requests some variation in the requirements of Chapter 405 of the Municipal Code of the City of Dardenne Prairie to construct a new wireless support structure or for a substantial modification of a wireless support structure, and where the strict application of Chapter 405 would involve undue hardship, the applicant may request a variance pursuant to this Section 405.940.

2. In reviewing requested variance under this Section 405.940, the Board of Adjustment may consider, but is not limited to, the following questions:

(a) Does the hardship result from the strict application of these regulations?

(b) Is the hardship suffered by the property in question?

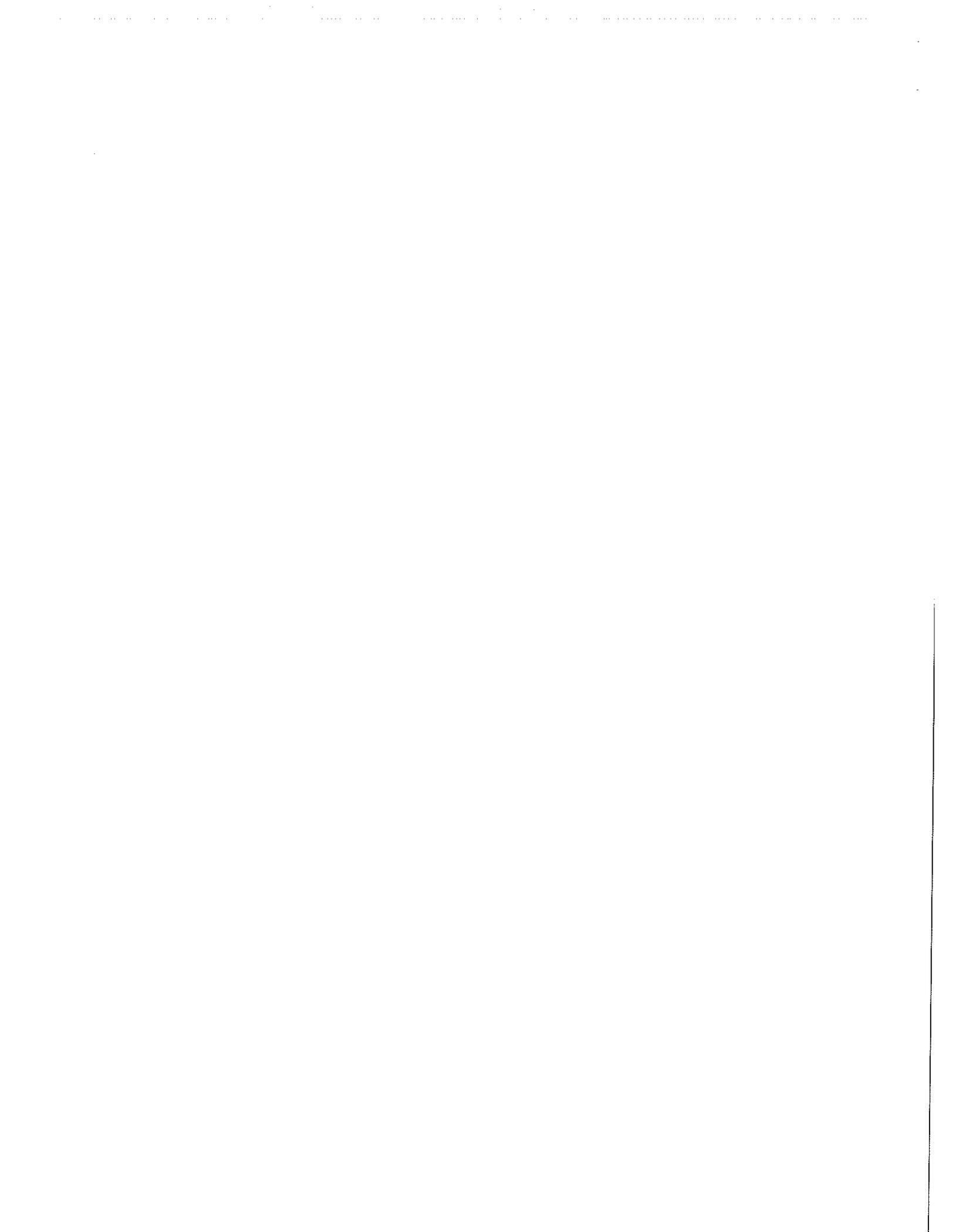
(c) Is the hardship the result of the applicant's own action?

(d) Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?

(e) If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

(f) If denial of the variance will prohibit or have the effect of prohibiting the provision of personal wireless services under 47 U.S.C. § 332(C)(7)(B)(i)(II)?

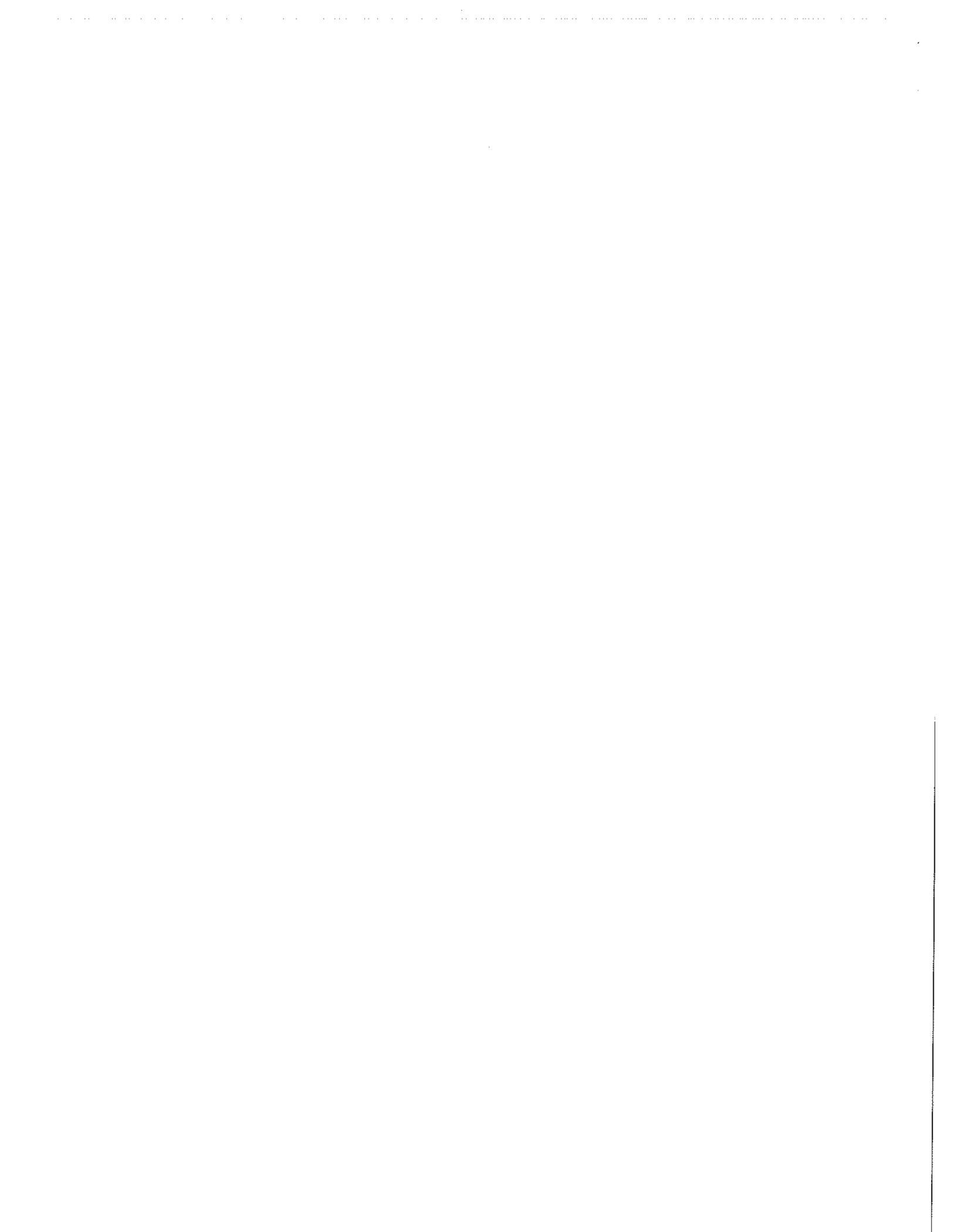
**B. New Wireless Support Structure or Substantial Modification of a Wireless Support Structure.** An application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be made on an application form provided by the City Clerk. Each application shall be filed with the City Clerk and shall be



accompanied by the data prescribed on the form and any additional information deemed necessary by the Board of Adjustment. The application shall be accompanied by the fee set forth in the fee schedule, as provided by Section 405.930 of the Municipal Code of the City of Dardenne Prairie, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.

1. An application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be submitted to the City Clerk and shall contain or be submitted concurrently with the following information:

- a. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
- b. A scaled map of such property, correlated with the legal description and clearly showing the property's location;
- c. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
- d. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;
- e. Date of filing with the Board of Adjustment;
- f. The present zoning, proposed change of zoning, if any, and proposed use of such property;
- g. The names and mailing addresses of property owners with property within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property(ies) to be affected;
- h. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the applicant(s) are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;
- i. Site Plan--See Article XIII (unless deemed unnecessary by the Board of Adjustment);
- j. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties to demonstrate if the wireless support structure is harmonious with the appearance and character of the neighborhood;
- k. Documentation evaluating how the wireless support structure will be landscaped or how views of the wireless support structure will be screened;
- l. The type of wireless facilities, infrastructure or technology to be used by the applicant; and



- m. Solely with respect to an application for a new wireless support structure, a statement by the applicant that it conducted an analysis of available collocation opportunities on existing wireless support structures within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.

C. Procedure.

- 1. Within one hundred twenty (120) calendar days of receiving an application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the Board of Adjustment, the Board of Adjustment shall:
    - a. Review the application in light of its conformity with this Section 405.940;
      - i. An application is deemed to be complete unless the City Clerk notifies the applicant in writing, within thirty (30) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.
      - ii. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of thirty (30) calendar days, the application shall be reviewed and processed by the Board of Adjustment within one hundred twenty (120) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred twenty (120) calendar day deadline for the Board of Adjustment to review the application, make the final decision, and advise the applicant in writing of its final decision, shall be extended by the same period of time.
    - b. Make its final decision to approve or disapprove the application;
    - c. Make findings of fact as to whether or not the standards described in this Section 405.940 have been met by the applicant. The burden of proof shall be on the applicant to prove that such standards have been met by the applicant. Thereafter, the Board of Adjustment shall either:
      - iii. Postpone consideration of the application because the application is incomplete;
      - iv. Approve the application;
      - v. Approve the application with conditions; or
      - vi. Deny the application.
  - and
  - d. Advise the applicant in writing of its final decision.
- 4-2. If the Board of Adjustment fails to act on an application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support



structure, within the one hundred twenty (120) calendar day review period, or within such additional time as may be mutually agreed to by an applicant and the Board of Adjustment, the application shall be deemed approved.

**SECTION 11. Severability Clause:** 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 Board of Aldermen 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.

**SECTION 12. Effective Date:** This Ordinance shall be in full force and take effect from and after its final passage and approval.

**SECTION 13. Savings Clause:** 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.

Read two times, passed, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
As Presiding Officer and as Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



DARDENNE



PRAIRIE

www.DardennePrairie.org

City Engineer  
Phone 636.978.6008  
Fax 636.898.0923  
Engineer@DardennePrairie.org

City Hall  
2032 Hanley Road  
Dardenne Prairie, MO 63368  
Phone 636.561.1718  
Fax 636.625.0077

June 30, 2014

Daniel Ehlmann, P.L.S., Vice-President  
Stock & Associates Consulting Engineers, Inc.  
257 Chesterfield Business Parkway  
St. Louis, Missouri 63005

Subject: Record Plat – 2<sup>nd</sup> Review  
Proposed "Chestnut Creek" Residential Subdivision  
2507 & 2511 Bates Road  
Dardenne Prairie Project No. 971470

Dear Mr. Ehlmann:

The subject revised record plat received by the City on June 30, 2014, has been reviewed. The review fee has been received by the City. The following items need to be addressed.

1. The 1-foot wide sidewalk easement must be dedicated to the City of Dardenne Prairie, Missouri for public use forever.
2. After the improvement plans have been approved and all inspection fees paid, but before approval of the record subdivision plat, the developer shall guarantee the completion of improvements required by the approved subdivision plans and guarantee maintenance of such improvements as required by City Code. The developer shall post a lender's or escrow agreement insuring or guaranteeing the improvements of the site per the approved site improvement construction plans. The lender's or escrow agreement shall be the same as set out in Section 410.130 of the City Code. Deposits required by City Code may be in the form of cash or letter of credit. Copies of the City's standard Deposit (escrow) Agreements are available on the City's website.
3. Twenty-three copies of any proposed architectural control, covenants and deed restrictions (indicating how they are going to be administered) have not yet been provided to the City.

This record plat will be considered by the Dardenne Prairie Planning and Zoning Commission at their meeting that is scheduled to begin at 7:00 p.m. on July 9, 2014, and by the Board of Aldermen at their meeting that is scheduled to begin 7:00 p.m. on July 16, 2014. *Please plan to address the above items at these meetings.*

If you have any questions, please feel free to contact me.

Sincerely,  
KEHOE ENGINEERING COMPANY, INC.

Luke R. Kehoe, P.E., CFM, LEED AP  
City Engineer

cc: Pamela Fogarty, Mayor  
Dave Kampelman, President of the Board of Aldermen  
Kim Clark, City Clerk  
Planning and Zoning Commission  
Board of Aldermen  
BJ Keane, Pulte Homes of St. Louis





RECEIVED JUN 06 2014 City of Dardenne Prairie

MAILED JUN 06 2014

BY: MH/7900/\$1, DSJ.50 cc

Stock No. 211-4794

City Hall 2032 Hanley Road Dardenne Prairie, MO 63368 Phone 636.561.1718 Fax 636.625.0077

PLAT SUBMITTAL INFORMATION

CITY OF DARDENNE PRAIRIE, MISSOURI www.DardennePrairie.org

Designer or Surveyor: Stock & Associates Consulting Engineers, Inc. Company Name Daniel M. Ehlmann, P.L.S., Vice President-Surveying Printed Name, Title 257 Chesterfield Business Parkway Street Address Chesterfield, Missouri 63005 City/State/Zip Code (636) 530-9100 (636) 530-9130 Telephone daniel.ehlmann@stockassoc.com Facsimile Email Address

OWNER (attach additional): (See attached) Printed Name Printed Name Street Address City/State/Zip Code Telephone Facsimile Email Address Contract Purchaser/Developer: Pulte Homes of St. Louis Company Name Benjamin J. Keane, P.E., Land Development Manager Printed Name, Title 17107 Chesterfield Airport Road, Suite 120 Street Address Chesterfield, Missouri 63005 City/State/Zip Code (636) 537-7164 (636) 537-9952 Telephone Facsimile benjamin.keane@pultegroup.com Email Address

PARCEL ADDRESS: 2507 and 2511 Bates Road

PARCEL ID Number(s): 2-113B-1669-00-0004.0000000, 2-113B-1669-00-004.1000000

EXISTING ZONING: R-1D with P.U.D.

LAND USE TYPE (Residential / Commercial / Industrial / Mixed): Residential

TYPE OF PLAT: Record Plat NO. UNITS: 49 Lots (Preliminary / Final / Lot Split / Consolidation / Re-Subdivision / Record Plat/ Display House)

PLAT REVIEW FEE SUBMITTED:

RECEIVED  
JUN 06 2014

City of  
Dardenne Prairie

**Please Note:**

- No subdivision plat or replat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the City Clerk is endorsed thereon. No lot shall be sold for such subdivision plat or replat until it has been approved by the above and approved by the City Engineer and filed for record in the office of the Recorder of Deeds of St. Charles County, Missouri.
- Approval of a Display House Plat is the procedure necessary for the construction of a display house prior to the recording of the record subdivision plat.

All permanent structures shall be located on an approved subdivided lot by means of a record plat within one (1) year of the display house plat approval or such longer period as may be permitted by the City Engineer. If the record plat is not approved and recorded at the St. Charles County Recorder of Deeds office within the one (1) year period referred to above, the then owner shall remove or cause to be removed all structures from the property. Failure of the then owner to remove all structures from the property with ten (10) days of the end of the one (1) year period referred to above shall constitute a violation of the Municipal Code.

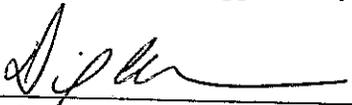
- After the improvement plans have been approved and all inspection fees paid, but before approval of the record subdivision plat, the developer shall guarantee the completion of improvements required by the approved improvement plans ("required improvements") and guarantee maintenance of such improvements as required by the Municipal Code.

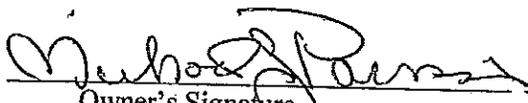
CHECKLIST TO COMPLETE THIS APPLICATION

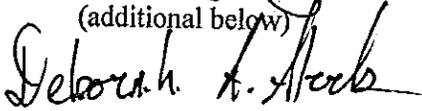
Two (2) folded copies of the plat are provided.  
*Additional copies will be requested upon review by the City Engineer.*

The plat review fee is provided with this application.

\*\*\*Before signing this application, make sure all items above are completed\*\*\*

  
\_\_\_\_\_  
Designer or Surveyor's Signature      6/05/14  
Date

  
\_\_\_\_\_  
Owner's Signature      6-5-14  
(additional below)      Date

  
\_\_\_\_\_  
Deborah A. Arab      6-5-14  
Date

**NOTE: By affixing signatures to this form, the signers hereby verify that: they have reviewed the applicable platting regulations; they are familiar with the specific requirements relative to this submission; and they take full responsibility for this plat. The above signatures further indicate that the information provided on this form and on any additional data attached hereto is true, complete, and accurate.**

**STOCK & ASSOCIATES**  
**Consulting Engineers, Inc.**

RECEIVED  
JUN 08 2014  
City of  
Dardenne Prairie

June 2, 2014

**RE: Owner Information**

Deborah A. Stock – Trustee of the Robert S. Parnas Trust  
12829 Topping Place Drive  
St. Louis, MO 63131  
PH: 636-328-7638  
Email: [debstock@stockassoc.com](mailto:debstock@stockassoc.com)

Michael J. Parnas – Trustee of the Robert S. Parnas Trust  
17731 Drummer Lane  
St. Louis, MO 63005  
PH: 314-369-1551  
Email: [mparnas@mparnaslaw.com](mailto:mparnas@mparnaslaw.com)



**STOCK & ASSOCIATES**  
**Consulting Engineers, Inc.**

June 30, 2014

City of Dardenne Prairie  
2032 Hanley Road  
Dardenne Prairie, MO 63368

Attention: Mr. Luke Kehoe,

Re: Chestnut Creek  
(Stock Project No. 211-4794)

Dear Mr. Kehoe:

In response to your comments dated June 16, 2014 regarding the Subdivision Plat submitted to you on June 6, 2014 a copy of which is attached, we offer the following:

1. Provide a plat for subdivision creating the proposed land division including right-of-way dedication, a City-access easement to and around the detention basin for inspections and, if necessary, permanent sight distance easements for consideration by the Planning and Zoning Commission and Board of Aldermen. *Copies of the plat attached.*
2. Provide the description of and book/page of all existing easements on the site. *Existing easements shown.*
3. Provide easements granted to the City for "access and inspection of the storm water control facilities" in and around the proposed storm basins. *Access to storm water control facilities provide via access easements and common ground. See dedication language in the owner script paragraph seven.*
4. Replace the City Clerk certification block on Sheet 2. *Revised on the plat.*
5. After the improvement plans have been approved and all inspection fees paid, but before approval of the record subdivision plat, the developer shall guarantee the completion of improvements required by the approved improvement plans and guarantee maintenance of such improvements as required by City Code. The developer shall post a lender's or escrow agreement insuring or guaranteeing the improvements of the site per the approved site improvement construction plans. The lender's or escrow agreement shall be the same as set out in Section 410.130 of the City Code. Deposits required by City Code may be in the form of cash or letter of credit. Copies of the City's standard Deposit (escrow) Agreements are available on the City's website. *Forth coming.*
6. Label all public streets as such. *Streets noted as public on the plat.*

7. Include the following information in the plat:

Sufficient permanent and distinguished monuments shall be accurately placed throughout the subdivision so that street alignment may be traced with accuracy. The location of such monuments shall be indicated on the final plat and shall be placed in accordance with the following requirements:

- a. Street points. Monuments shall be set at the intersection of all streets and the beginning and end of all curves along the street centerlines.
- b. Curb marks. Curbs shall be permanently marked at the beginning and end of all curves and at the prolongation of all lot sidelines.

*Survey monuments to be set are shown on sheet 1 and addressed in paragraph 5 in the owner script.*

8. This plat does not include the 1-foot wide sidewalk easement shown on Sheet C2.2 of the P.U.D. Final Plan. *Easement added to the plat on page 1 and to the owner script on page 2*

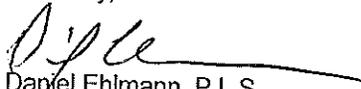
9. Please verify that all easements necessary for the development of this site area included in this final plat.

- a. Utility easements, where required, shall be at least ten (10) feet wide (five (5) feet on each side of the lot line) along rear, front and side lot lines. Easements of adequate width shall be provided for open drainage channels, where required. Easements five (5) feet in width may be allowed for underground cable installations. *Utility easements provided as requested by the various utility companies.*

10. Provide a letter indicating how the above items have been addressed. *Provided*

Should you have any questions or comments, please contact the undersigned.

Sincerely,



Darjel Ehlmann, P.L.S.  
Vice-President Surveying

CC: George M. Stock, P.E., President



City Engineer  
Phone 636.978.6008  
Fax 636.898.0923  
Engineer@DardennePrairie.org

City Hall  
2032 Hanley Road  
Dardenne Prairie, MO 63368  
Phone 636.561.1718  
Fax 636.625.0077

June 16, 2014

Daniel Ehlmann, P.L.S., Vice-President  
Stock & Associates Consulting Engineers, Inc.  
257 Chesterfield Business Parkway  
St. Louis, Missouri 63005

Subject: Record Plat – 1<sup>st</sup> Review  
Proposed "Chestnut Creek" Residential Subdivision  
2507 & 2511 Bates Road  
Dardenne Prairie Project No. 971470

Dear Mr. Ehlmann:

The subject record plat received by the City on June 6, 2014, has been reviewed. The review fee has been received by the City. The following items need to be addressed.

1. Provide a plat for subdivision creating the proposed land division including right-of-way dedication, a City-access easement to and around the detention basin for inspections and, if necessary, permanent sight distance easements for consideration by the Planning and Zoning Commission and Board of Aldermen.
2. Provide the description of and book/page of all existing easements on the site.
3. Provide easements granted to the City for "access and inspection of the storm water control facilities" in and around the proposed storm basins.
4. Replace the City Clerk certification block on Sheet 2 with the following text:

This is to certify that this plat has been approved by the city of Dardenne Prairie by Ordinance No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

_____	_____
Planning & Zoning Commission	City Engineer
_____	_____
Sign Name Here	Sign Name Here
_____	_____
Mayor	City Clerk
_____	_____
Sign Name Here	Sign Name Here

5. After the improvement plans have been approved and all inspection fees paid, but before approval of the record subdivision plat, the developer shall guarantee the completion of improvements required by the approved improvement plans and guarantee maintenance of such improvements as required by City Code. The developer shall post a lender's or escrow agreement insuring or guaranteeing the improvements of the site per the approved site improvement construction plans. The lender's or escrow agreement shall be the same as set out in Section 410.130 of the City Code. Deposits

Subject: Record Plat – 1st Review  
Proposed “Chestnut Creek” Residential Subdivision  
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required by City Code may be in the form of cash or letter of credit. Copies of the City’s standard Deposit (escrow) Agreements are available on the City’s website.

6. Label all public streets as such.
7. Include the following information in the plat:

Sufficient permanent and distinguished monuments shall be accurately placed throughout the subdivision so that street alignment may be traced with accuracy. The location of such monuments shall be indicated on the final plat and shall be placed in accordance with the following requirements:

- a. Street points. Monuments shall be set at the intersection of all streets and the beginning and end of all curves along the street centerlines.
  - b. Curb marks. Curbs shall be permanently marked at the beginning and end of all curves and at the prolongation of all lot sidelines.
8. This plat does not include the 1-foot wide sidewalk easement shown on Sheet C2.2 of the P.U.D. Final Plan.
  9. Please verify that all easements necessary for the development of this site area included in this final plat.
    - a. Utility easements, where required, shall be at least ten (10) feet wide (five (5) feet on each side of the lot line) along rear, front and side lot lines. Easements of adequate width shall be provided for open drainage channels, where required. Easements five (5) feet in width may be allowed for underground cable installations.
  10. Provide a letter indicating how the above items have been addressed.

One (1) half-scale and twenty-three (23) full-size *folded* copies of the revised record plat addressing the comments above plus twenty-three copies of any proposed architectural control, covenants and deed restrictions (indicating how they are going to be administered) are needed by June 30, 2014, for this plat to be considered by the Planning and Zoning Commission at their meeting that is scheduled to begin at 7:00 p.m. on July 9, 2014, and by the Board of Aldermen at their meeting that is scheduled to begin 7:00 p.m. on July 16, 2014.

If you have any questions, please feel free to contact me.

Sincerely,  
KEHOE ENGINEERING COMPANY, INC.



Luke R. Kehoe, P.E., CFM, LEED AP  
City Engineer

- cc: Pamela Fogarty, Mayor  
Dave Kampelman, President of the Board of Aldermen  
Kim Clark, City Clerk  
BJ Keane, Pulte Homes of St. Louis