

**Amendment 1**

**SECTION I. ACCESS/ACCESS MANAGEMENT (page 4)**

2. Cross access shall be provided to the property to the south as directed by the City of Chesterfield.

BILL NO. 2537 \_\_\_\_\_

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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “M3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 2.045 ACRE TRACT OF LAND LOCATED AT 17670 AND 17680 CHESTERFIELD AIRPORT ROAD EAST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND CHESTERFIELD INDUSTRIAL BOULEVARD. (P.Z. 03-2007 CHESTERFIELD RETAIL CENTER)**

**WHEREAS**, the petitioner, Spirit 40 Group requested an a change in zoning from an “M3” Planned Industrial District to a “PC” Planned Commercial District; and,

**WHEREAS**, the Planning Commission, having considered said request, recommended approval of the request with amendments regarding open space and permitted uses; and,

**WHEREAS**, the City Council, having considered said request, voted to approve the request with an amendment regarding access/access management.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a “PC” Planned Commercial District for a 2.045-acre tract of land located at 17670 and 17680 Chesterfield Airport Road east of the intersection of Chesterfield Airport Road and Chesterfield Industrial Boulevard described as follows:

**LEGAL DESCRIPITON**

Original Lot 1A-2

A tract of land being Lot 1A-2 of “Chesterfield Industrial Lot Split Plat,” A Lot Split of Adjusted Lot 1-A of A Boundary Adjustment Plat of Lots 1-A and 1-B of a Resubdivision of Lot 1 of the Resubdivision of Lot 1 of Chesterfield Industrial Park, in U.S. Survey 1010 Township 45 North-Ranges 3 and 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 353 page 837 of the St. Louis County Records and being more particularly described as:

Beginning at the Northwest corner of said Adjusted Lot 1A-2; said point being also a point in the South line of Chesterfield Airport Road, 100 feet wide; thence Eastwardly along said South line of Chesterfield road North 88 degrees 28 minutes 00 seconds East 96.60 feet to the Northeast corner of said Adjusted Lot 1-A-2; thence Southwardly along the East line of said Adjusted Lot 1A-2, South 04 degrees 10 minutes 43 seconds East 338.45 feet to the Southeast corner of said Adjusted Lot 1A-2; said point being also a point in the North line of Lot 2 of “The Resubdivision of Lot 1 of Chesterfield Industrial Park”, a subdivision according to the plat thereof recorded in Plat Book 200 page 10 of the St. Louis County records; thence

Westwardly along said North line of Lot 2, being also along the South line of said Adjusted Lot 1A-2, South 85 degrees 49 minutes 17 seconds West 96.50 feet to the Southwest corner of said Adjusted Lot 1A-2; thence Northwardly along the West line of said adjusted Lot 1A-2 North 04 degrees 10 minutes 43 seconds West 342.91 feet to the point of beginning and containing 0.754 acres.

#### Original Adjusted Lot 1-B

A tract of land being Adjusted Lot 1-B of 'A Boundary Adjustment Plat of Lots 1-A and 1-B' of A Resubdivision of Lot 1 of the Resubdivision of Lot 1 of Chesterfield Industrial Park in U.S. Survey 1010, Township 45 North—Ranges 3 and 4 East, City of Chesterfield, St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 309 page 5 of the St. Louis County records and being more particularly described as:

Beginning at the Southeast corner of said Adjusted Lot 1-B; said point being also the Northeast corner of Lot 2 of "The Resubdivision of Lot 1 of Chesterfield Industrial Park," a subdivision according the plat thereof recorded in Plat Book 200 page 10 of the St. Louis County records; thence Westwardly along the North line of said Lot 2, South 85 degrees 49 minutes 17 seconds West 168.05 feet to the Southwest corner of said Adjusted Lot 1-B; thence Northwardly along the West line of said Adjusted Lot 1-B North 04 degrees 10 minutes 43 seconds West 338.45 feet to the Northwest corner thereof; said point being also a point in the South line of Chesterfield Airport, 100 feet wide; thence Eastwardly along said South line of Chesterfield Airport Road North 88 degrees 28 minutes 00 seconds East 168.23 feet to the Northeast corner of said Adjusted Lot 1-B; thence Southwardly along the East line of said Adjusted Lot 1-B South 04 degrees 10 minutes 43 seconds East 330.69 feet to the point of beginning and containing 1.291 acres.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and, made a part of.

**Section 3.** The City Council, pursuant to the petition filed by Spirit 40 Group in P.Z. 03-2007, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 26th day of February, 2007, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

**Section 5.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

FIRST READING HELD: \_\_\_\_\_

## ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

### I. SPECIFIC CRITERIA

#### A. PERMITTED USES

1. The uses allowed in this "PC" Planned Commercial District shall be:
  - a. Associate work and storage areas required by a business, firm or service to carry on business operations.
  - b. Barber shops and beauty parlors.
  - c. Bookstores.
  - d. Dry cleaning drop-off and pick up stations.
  - e. Financial institutions.
  - f. Medical and dental offices.
  - g. Offices or office buildings.
  - h. Restaurants, fast food.
  - i. Restaurants, sit down.
  - j. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
  - k. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales, goods and services associated with these uses may be sold or provided directly to the public on the premises.

- i. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
  2. The above uses in the "PC" District shall be restricted as follows:
    - a. Drive-thru facilities for any of the above permitted uses shall be prohibited.

**B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS**

1. BUILDING REQUIREMENTS

- a. A minimum of forty percent (40%) openspace is required for this development.

**C. SETBACKS**

1. STRUCTURE SETBACKS

No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. One hundred forty (140) feet from the right-of-way of Chesterfield Airport Road on the northern boundary of the "PC" District.
  - b. Thirty-five (35) feet from the eastern boundary of the "PC" District.
  - c. Eighty (80) feet from the southern boundary of the "PC" District.
  - d. Thirty (30) feet from the western boundary of the "PC" District.

2. PARKING SETBACKS

- a. No parking stall or loading space, except points of ingress or egress, will be located within the following setbacks:
    - i. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
    - ii. Thirty-five (35) feet from the eastern boundary of the "PC" District.

- iii. Forty (40) feet from the southern boundary of the "PC" District.
- iv. Fifteen (15) feet from the western boundary of the "PC" District.
- b. No internal roadways or drives will be located within the following setbacks:
  - i. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
  - ii. Fifteen (15) feet from all other property lines.

#### **D. PARKING AND LOADING REQUIREMENTS**

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. Construction Parking
  - a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
  - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
  - c. No construction related parking shall be permitted within any street right-of-way.
- 3. Parking lots shall not be used as streets.

#### **E. LANDSCAPE AND TREE REQUIREMENTS**

The developer shall adhere to the Tree Manual of the City of Chesterfield Code.

#### **F. SIGN REQUIREMENTS**

- 1. Sign package submittal materials shall be required for this development. All sign packages shall be reviewed and approved by the City of Chesterfield Planning Commission.

2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.

**G. LIGHT REQUIREMENTS**

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

**H. ARCHITECTURAL**

1. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

**I. ACCESS/ACCESS MANAGEMENT**

Access to this development shall be from Chesterfield Industrial Boulevard via the existing driveway easement on Lot 1A-1 of Chesterfield Industrial Park subdivision as recorded in Plat Book 278, Page 12. No direct access to Chesterfield Airport Road shall be permitted.

**J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. No gate installation will be permitted on public right-of-way.



2. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along Chesterfield Airport Road. The sidewalk shall connect to the sidewalk constructed with the adjacent development to the east and extend across the lot to the west to Chesterfield Industrial Boulevard. The sidewalk shall be located within a six (6) foot wide sidewalk, maintenance and utility easement as directed by the City of Chesterfield.

**K. POWER OF REVIEW**

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the site plan. The City Council will then take appropriate action relative to the proposal.

**L. STORMWATER**

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. Detention/retention and other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty (60%) percent of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.
3. The Chesterfield Valley Master Storm Water Plan indicates a ten (10) foot wide flat bottom ditch with 4:1 side slopes shall be constructed near the east property line of this site and that drainage from this site is to be directed to the south. The developer shall be responsible for construction of the required storm water improvements and coordination with the owners of the properties affected by construction of the required improvements.

The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the Director of Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting

any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Director of Public Works determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.

4. Provide a Chesterfield Valley Storm Water Easement along the east property line to accommodate the construction of the Chesterfield Valley Master Storm Water Plan channel in that area, and depict the channel on the Site Development Plan and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.
5. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.

**M. SANITARY SEWER**

1. Private sewer lines and laterals cannot cross property lines. Extension of public sewer lines will be necessary to serve this site and proper easements shall be required.
2. Treatment may be required at this site for water quality per MSD February 2006 guidelines.

**N. MISCELLANEOUS**

1. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
2. Prior to the issuance of an occupancy permit, the Chesterfield Valley Master Storm Water Plan channel on site and to the south shall be graded as necessary to provide positive drainage for this site.

**II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS**

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

**III. COMMENCEMENT OF CONSTRUCTION**

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

**IV. GENERAL CRITERIA**

**A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

The Site Development Plan shall adhere to the above criteria and to the following:

- 1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
- 2. Outboundary plat and legal description of the property.
- 3. Density Calculations.

4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within one hundred and fifty (150) feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within one hundred and fifty (150) feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending one hundred and fifty (150) feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.

19. Provide a lighting plan in accordance with the City of Chesterfield Code.
20. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
21. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
22. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Spirit of St. Louis Airport.
23. Compliance with Sky Exposure Plane.

## V. CHESTERFIELD VALLEY TRUST FUND

### Roads

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the Saint Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed based on the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$2.07/sq. ft. of building space
Office	\$1.44/sq. ft. of building space
Industrial	\$4,986.59/acre

If types of development proposed differ from those listed, rates shall be provided by the St. Louis County Department of Highways and Traffic.

Credits for roadway improvements required will be awarded as directed by Saint Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development shall be retained in the appropriate Trust Fund.

Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

### Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$654.66 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan by the St. Louis Department of Highways and Traffic. Funds shall be payable to the "Treasurer, St. Louis County".

#### Stormwater

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,077.15 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasurer, St. Louis County."

#### Sanitary Sewer

This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750.00 per acre.

The sanitary sewer contributions within Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2008 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

## **VII. ENFORCEMENT**

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.