

The Planning and Zoning Committee recommended by a vote of 3-0 that the following change is made to the Attachment A:

AMENDMENT 1

Section B. 3. OUTDOOR STORAGE AND DISPLAY AREAS, page 1.

- b. Outdoor storage or display of equipment shall be at locations depicted on the Site Development Plan and approved by the Planning Commission. No more than six (6) **new or current model** vehicles will be permitted to be displayed during business hours only.

BILL NO. 2538

ORDINANCE NO. _____

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 1372 TO ALLOW FOR AN INCREASE IN BUILDING HEIGHT, FOR A 3.00 ACRE TRACT OF LAND IN A "C-8" PLANNED COMMERCIAL DISTRICT LOCATED ON THE NORTH SIDE OF NORTH OUTER 40 ROAD, WEST OF BOONES CROSSING AT 17501 NORTH OUTER 40 ROAD (P.Z. 08-2007 Chesterfield Valley Power Sports)

WHEREAS, the petitioner, John Williams, has requested an ordinance amendment to allow for a two story building for this 3.00 acre tract of land located north of North Outer 40 Road and West of Boones Crossing; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the ordinance amendment request; and,

WHEREAS, the City Council upon review of said request, recommended approval with an amendment to the outdoor display of vehicles.

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 The City of Chesterfield Ordinance Number 1372 is hereby repealed and those conditions therein are incorporated into the Attachment A, which is attached hereto and made a part hereof for Chesterfield Valley Power Sports.

Legal Description

A tract of land being Lot 1 of Koester Acres, City of Chesterfield , St. Louis County, Missouri, as per plat recorded in Plat Book 207 Page 1 of the St. Louis County Records, Township 45 North, Range 4 East of the Fifth Principal Meridian, said tract being more particularly described as follows:

Beginning at a point on the Northern right-of-way line of Interstate Highways 4061, said point being 185.00 feet perpendicularly distant North of Station 200 +30, thence along said right-of-way line, North 71 degrees 07 degrees 07 minutes 58 seconds West 16.45 feet to appoint being the Southeast corner of a tract conveyed to Save Gasoline by deed recorded in Book 3480 Page 473 of the St. Charles County Records, thence leaving said right-of-way line along the Northwest corner of Lot 1, thence along the North line of said Lot 1, South 89 degrees 26 minutes 00 seconds East 305.79 feet to the Northeast corner of said Lot 1, being on the West line of a tract convey red to Peter Willi by deed recorded in Book 2159 Page 462 of the St. Louis County Records, thence along said West line, South 00 degrees 34 minutes 00 seconds West 441.69 feet to a point on the aforesaid right-of-way line of Interstate 40-61, thence along said right-of-way line North 84 degrees 06 minutes 40 seconds

West 291.42 feet to the Point of Beginning and containing 3.00 acres as per calculations by Bax Engineering Company, Inc., during August, 1997.

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 hereof.

Section 3. The City Council, pursuant to the request filed by John Williams, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted, 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 "C8" Planned Commercial District shall be the sales and service of new and used motorcycles, motor scooters, all-terrain vehicles, personal watercraft boats, jet boats and trailers.

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

1. BUILDING REQUIREMENTS

- a. A maximum of two (2) structures/buildings shall be permitted in this development.
- b. A minimum thirty percent (30%) openspace requirement is required for this site.

2. HEIGHT

- a. No building shall exceed two (2) stories in height.

3. OUTDOOR STORAGE AND DISPLAY AREAS

- a. A paved storage area shall be permitted in the southeast portion of the site, which shall maintain a fifty (50) foot setback from the southern property line, ten (10) feet from the eastern property line.
- b. Outdoor storage or display of equipment shall be at locations depicted on the Site Development Plan and approved by the Planning Commission. No more than six (6) vehicles will be permitted to be displayed during business hours only.
- c. Sight-proof fencing and/landscaping shall be located between the buildings, which shall be a minimum of six (6) feet in height at the time of installation. Sight-proof fencing shall be as approved by the Planning Commission on the Site Development Plan.

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. Fifty (50) feet from the right-of-way of North Outer Forty Road.
- b. Ten (10) feet from the eastern property line.
- c. Fifty (50) feet from the western property line.
- d. Forty (40) feet from the northern property line, unless further required by the Chesterfield Levee District.

2. PARKING SETBACKS

No parking stall, loading space except points of ingress or egress, will be located within the following setbacks:

- a. Fifty (50) feet from the right-of-way of North Outer Forty Road.
- b. Thirty (30) feet from the northern property line, unless further required by the Chesterfield Levee District.
- c. Forty five (45) feet from the eastern property line.
- d. Forty five (45) feet from the western property lines.

3. No internal driveway, or roadway, except points of ingress or egress will be located within the following setbacks:

- a. Twenty (20) feet from the western property line.

D. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. No construction related parking shall be permitted within the North Outer Forty Road right-of-way.
- 3. Provide adequate temporary off-street parking for construction employees. Parking on non surface areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. LANDSCAPE AND TREE REQUIREMENTS

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

F. SIGN REQUIREMENTS

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield for sight distance considerations prior to installation or construction.
2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.
3. One free standing business sign shall be permitted on North Outer Forty Road. If said sign is taller than six (6) feet in height, said sign shall be a minimum of twenty five (25) feet from the right-of-way of North Outer Forty Road.
4. No advertising signs shall be permitted.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. No light standard shall exceed twenty-four (24) feet in height.

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

1. Access to this development shall be from North Outer Forty Road as directed by the Missouri Department of Transportation and the Department of Public Works.
2. No direct access will be granted to Interstate 64, U.S. Highway 40/61.
3. Provide cross access easements and temporary slope construction licenses or other appropriate legal instruments or agreements guaranteeing permanent access between this site and adjacent properties as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

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 Missouri Department of Transportation. No gate installation will be permitted on public right-of-way.
2. If a gate is installed on a street in this development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.
3. Trust fund contributions shall be deposited with St. Louis County through standard escrow procedure prior to the issuance of building permits. The trust fund contribution shall be deposited with St. Louis County in the form of a cash escrow.
4. Any improvements within MoDOT's right-of-way will require permit. The entrance geometrics and drainage design shall be in accordance with MoDOT standards.
5. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right-of-way.

K. MONARCH-CHESTERFIELD LEVEE DISTRICT

1. The Monarch-Chesterfield Levee District retains a Permanent Underseepage Berm Easement for the area covered by the seepage berm. Any use or improvements proposed within the Permanent Underseepage Berm Easement are subject to Protective Restrictions.
2. Improvements to the site shall not be permitted if they hinder the flood protection system operation and maintenance.
3. Parking and roadway areas may be permitted when designed to accommodate all seepage forces and flows.
4. Temporary storage may be possible subject to review and approval from the Monarch Chesterfield Levee District and the City of Chesterfield.

L. 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.

M. 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%) 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-foot (10) flat bottom ditch with 3:1 side slopes is to be constructed along the south property line of this site. In the event that the ultimate required improvements cannot be constructed concurrently with this development, the developer shall provide interim drainage facilities that provide positive drainage.
4. Provide a Chesterfield Valley Storm Water Easement along the south property line to accommodate the Chesterfield Valley Master Storm Water Plan improvements in that area, and depict the improvements on the Site Development Plan and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.
5. All storm water shall be discharged at an adequate natural discharge point by means of bleeder ditches and/or construction of portions of the main channel as outlined in the Chesterfield Valley Master Drainage Plan or by other means that may be approved by the City of Chesterfield. This may require extensive off-site storm sewer ditch work and appropriate easements.
6. All drainage detention storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.
7. Certification will be required from the City of Chesterfield that stormwater will be controlled as required by the Chesterfield Valley Master Facility Plan.

N. GEOTECHNICAL REPORT.

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

O. 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. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
3. The Underseepage Berm Area is subject to the following restrictions:
 - a. No use that would alter, diminish, damage or interfere with the Monarch-Chesterfield Levee or the Underseepage Berm Area is permitted.
 - b. No excavation, penetration, or exploration hole which extends below the surface of the Underseepage Berm Area by more than one (1) foot is permitted. Material shall not be removed from the Underseepage Berm Area.
 - c. Additional fill over and above the surface of the Underseepage Berm Area is permissible at any time.
 - d. Subject to obtaining a permit as required below, the following uses are generally permitted in the Underseepage Berm Area: farming, parking lots, and roadways.
 - e. Requests to construct any improvements or to use the Underseepage Berm Area for any purpose, including those uses provided for in paragraph 4 above, shall be subject to review and approval of the Monarch-Chesterfield Levee District prior to initiating construction of the proposed improvements or use of the Underseepage Berm Area, which approval shall not be unreasonably withheld. Prior to initiating any construction of the proposed improvements or use of the Underseepage Berm Area, the applicant must receive written approval of the request. Upon receipt of the request to construct any improvements or to use the Underseepage Berm Area, the Monarch-Chesterfield Levee District shall forward said request to the U.S. Army Corps of Engineers (the "Corps") for review and comment.

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 (1) additional year.

IV. GENERAL CRITERIA

A. Site Development Plans.

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

- 1. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch-Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

2. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
3. Outboundary plat and legal description of the property.
4. Density Calculations.
5. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
6. Provide open space percentage for overall development including separate percentage for each lot on the plan.
7. Provide Floor Area Ratio (F.A.R.).
8. A note indicating all utilities will be installed underground.
9. A note indicating signage approval is separate process.
10. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
11. Specific structure and parking setbacks along all roadways and property lines.
12. Indicate location of all existing and proposed freestanding monument signs.
13. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
14. Floodplain boundaries.
15. Depict existing and proposed improvements within 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.
16. Depict all existing and proposed easements and rights-of-way within one hundred fifty (150) feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
17. Indicate the location of proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.

18. Depict existing and proposed contours at intervals of not more than two (2) foot, and extending one hundred fifty (150) feet beyond the limits of the site as directed.
19. Address trees and landscaping in accordance with the City of Chesterfield Code.
20. Provide a lighting plan in accordance with the City of Chesterfield Code.
21. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
22. 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.
23. Compliance with Sky Exposure Plane.

V. CHESTERFIELD VALLEY TRUST FUND

The developer shall be required to contribute to the 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:

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

(Parking spaces as required by the City of Chesterfield Code.)

If types of development proposed differ from those listed, rates shall be provided by the Saint 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.

The roadway improvement contribution shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, Saint Louis County".

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 construction the primary water line serving the Chesterfield Valley area.

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

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 Saint Louis County and the Metropolitan Saint 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 Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, Saint Louis County".

Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek Impact Fee.

The sanitary sewer contribution within Chesterfield Valley area shall be deposited with the Metropolitan Saint 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 Saint Louis County Department of Highways and Traffic.

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

VI. RECORDING

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. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Prior to any Special Use Permit being issued by St. Louis County Department of Highways and Traffic, a special cash escrow, or a special escrow supported by an Irrevocable Letter of Credit, must be established with this Department to guarantee completion of the required roadway improvements.

VIII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

- A. Prior to the issuance of foundation or building permits, all approvals from all applicable agencies and the Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.
- B. Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the Missouri Department of Transportation, St. Louis County Department of Highways and Traffic, Monarch-Chesterfield Levee District and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

IX. 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.