

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2129 TO ALLOW FOR AN AMENDMENT TO THE BUILDING, PARKING/LOADING SPACE AND PARKING STRUCTURE SETBACKS IN A “PC” PLANNED COMMERCIAL DISTRICT FOR A 8.48 ACRE TRACT OF LAND LOCATED ON NORTH SIDE OF NORTH OUTER FORTY ROAD, EAST OF THE INTERSECTION OF NORTH OUTER FORTY ROAD AND CONWAY ROAD (P.Z. 06-2007 DELMAR GARDENS ENTERPRISES)

WHEREAS, the petitioner, Delmar Gardens Enterprises requested an amendment to the building, parking/loading space and parking structure setbacks; and,

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

WHEREAS, the City Council, having considered said request, voted to approve the requested amendments.

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

Section 1. City of Chesterfield Ordinance Number 2129 is hereby repealed and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for Long Road Crossing.

LEGAL DESCRIPITON

A tract of land being Adjusted Parcel B of “Boundary Adjustment Plat of Lots 15, 16, 17, 18, 19 and part of Lot 20 of Highland on Conway Plat 2,” according to the plat thereof recorded in Plat Book 350 pages 103 and 104 of the St. Louis County records, in U.S. Surveys 1911 and 370, Township 45 North –Range 4 East, City of Chesterfield, St. Louis County, Missouri, and being more particularly described as:

Beginning at the Northwest corner of said Adjusted Parcel B, being also the Southwest corner of “Belle Monte Road,” a subdivision according to the plat thereof recorded in Plat Book 351 pages 35 and 36 of the St. Louis County records; thence Eastwardly along a North line of said Adjusted Parcel B, being also the South line of said “Belle Monte Road,” along a curve to the right whose radius point bears South 30 degrees 18 minutes 52 seconds East 861.00 feet from the last mentioned point, a distance of 657.78 feet to a point in the West line of “August Hill On Conway Plat One,” a subdivision according to the plat thereof recorded in Plat Book 349 pages 369 and 370 of the St. Louis County records; thence Southwardly and Eastwardly along the West and South lines of said “August Hill On Conway Plat One,” being also an East and a North line of said Adjusted Parcel B, South 07 degrees 41 minutes 00 seconds West 195.70 feet and South 77 degrees 22 minutes 00 seconds East 317.00 feet to the Easternmost corner of said Adjusted Parcel B, being also the Northwest corner of Lot 21 of “Highland on Conway Plat No. 2, “ a subdivision according to the plat thereof recorded in Plat Book 83 page 39 of the St. Louis County records; thence Southwardly along an East line of said Adjusted Parcel

B, being also the West line of said Lot 21, South 27 degrees 24 minutes 00 seconds West 454.89 feet to a point in the North right of way line of Interstate 64 and U. S. Highway 40/61, of varying width; thence Westwardly along said North line the following courses and distances: South 88 degrees 49 minutes 07 seconds West 13.41 feet, North 67 degrees 43 minutes 09 seconds West 283.13 feet and North 86 degrees 10 minutes 35 seconds West 145.35 feet to the Southwest corner of said Adjusted Parcel B; thence Northwestwardly along the Southwest line of said Adjusted Parcel B North 32 degrees 17 minutes 32 seconds West 539.76 feet to the point of beginning and containing 8.477 acres according to calculations by Volz Incorporated on July 26, 2006.

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 Delmar Gardens Enterprises in P.Z. 06-2007, 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: 4/16/2007

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. Associated work and storage areas required by a business, firm or service to carry on business operation.
 - b. Cafeterias for employees and guests only.
 - c. Child-care centers, nursery schools, and day nurseries.
 - d. Indoor recreational facilities.
 - e. Medical and dental offices.
 - f. Offices and office buildings.
 - g. Parking areas and parking structure.
 - h. Pharmacy.
 - i. Sales, rental, and leasing of new and used medical equipment.
2. The following Ancillary Uses shall be permitted:
 - a. Automatic vending facilities for:
 - i. Beverages;
 - ii. Confections.
3. The above uses in the "PC" District shall be restricted as follows:
 - a. Two (2) three-story office buildings.
 - b. One (1) bi-level parking structure.
 - c. The hours of operation for the medical and dental offices shall be limited to Monday thru Friday 7:00 a.m. to 6:00 p.m. and on Saturdays from 8:00 a.m. to 1:00 p.m.

- i. Any outpatient surgery centers shall not include any in-patient or overnight care, or operating rooms for major surgery.
- ii. Medical and dental office use shall be limited to the western most building in the development.

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

1. FLOOR AREA

Total office building floor area, exclusive of 10,500 gross square-foot of basement storage area for the Phase I office building, shall not exceed 120,000 square feet (60,000 square feet per building). The square footage constructed shall be based on the development's ability to comply with the requirement to provide four (4) parking spaces per one thousand (1000) square feet of gross floor area for general use.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed seventy (70) feet from grade or six hundred and thirty (630) mean sea level.
- b. The maximum height for the parking structure shall not exceed five hundred and eighty-nine (589) mean sea level, exclusive of the top of rail elevation.

3. BUILDING REQUIREMENTS

- a. A minimum of forty-five percent (45%) greenspace is required for this development. Greenspace is determined by a fraction: the numerator of which is all green area plus all non-paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.
- b. Floor Area Ratio: F.A.R. is the gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking. Planning Commission may request two (2) calculations: one (1) calculation for those areas above grade and another that includes building area below grade.

This development shall have a maximum F.A.R. of (.55).

C. SETBACKS

1. **STRUCTURE SETBACKS**

No building or structure, (exclusive of the parking 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:

Phase I Office Building

- a. One hundred-fifty (150) feet from the right-of-way of North Outer Forty on the southern boundary of the "PC" District, bearing N 67° 43' 09" W.
- b. Zero (0) feet from the interior property lines of this "PC" District.
- c. Two hundred ninety (290) feet from the northern boundary of the "PC" District, also the southern boundary of the Delmar Gardens residential development.
- d. One hundred fifteen (115) feet from the northern boundary of the "PC" District, also the southern boundary of the August Hill on Conway subdivision, bearing S 77° 22' 00" E.
- e. One hundred forty (140) feet from the eastern boundary of the "PC" District, bearing S 27° 24' 00" W.

Phase II Office Building

- a. One hundred thirty-five (135) feet from the right-of-way of North Outer Forty on the southern boundary of the "PC" District, bearing N 86° 10' 35" W.
- b. Forty (40) feet from the western boundary of the "PC" District, bearing N 32° 17' 32" W.
- c. Two hundred seventy-five (275) feet from the northern boundary of the "PC" District, also the southern boundary of the Delmar Gardens residential development.
- d. Zero (0) feet from the interior property lines of this "PC" District.

2. **PARKING SETBACKS**

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

- a. No surface parking will be permitted between the office structure and North Outer Forty Road.
- b. One hundred forty-five (145) feet from the right-of-way of North Outer Forty Road on the southern boundary of the "PC" District, bearing N 67° 43' 09" W.
- c. One hundred ninety (190) feet from the right-of-way of North Outer Forty Road on the southern boundary of the "PC" District, bearing N 86° 10' 35" W.
- d. Fifteen (15) feet from the western boundary of the "PC" District, bearing N 32° 17' 32" W.
- e. Fifteen (15) feet from the northern boundary of the "PC" District, also the southern boundary of the Delmar Gardens residential development.
- f. Twenty (20) feet from the northern boundary of the "PC" District, also the southern boundary of the August Hill on Conway subdivision, bearing S 77° 22' 00" E.
- g. Ten (10) feet from the eastern boundary of the "PC" District, bearing S 27° 24' 00" W.
- h. Zero (0) feet from the interior property lines of this "PC" District.

3. **Parking Structure Setbacks**

- a. Three hundred ninety (390) feet from the right-of-way of North Outer Forty Road, on the southern boundary of the "PC" District, bearing N 86° 10' 35" W.
- b. Twenty (20) feet from the southern boundary of the August Hill on Conway subdivision.
- c. Ninety (90) feet from the western boundary of the "PC" District, bearing N 32° 17' 32" W.
- d. Seventeen (17) feet from the northern boundary of the "PC" District.

- e. Zero (0) feet from the interior property lines of this "PC" District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code, with the exception that:
 - a. Parking calculations utilized for medical and dental office development shall be four and one half (4.5) spaces per one thousand (1,000) square feet.
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 parking shall be permitted within the North Outer Forty Road right-of-way.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. Landscaping, if proposed in the right-of-way, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, or any other applicable agency.
3. All new landscaping materials shall meet the following criteria:
 - a. Deciduous trees shall be a minimum three (3) inches in caliper.
 - b. Evergreen trees shall be a minimum seven (7) feet in height.
 - c. Shrubs shall have a minimum diameter of twenty-four (24) inches.
 - d. Flowering trees shall be a minimum of two and one-half (2 ½) inches in caliper.

4. Building and paved area setbacks and landscaped areas shall contain adequate landscaping as required and approved by the Planning Commission on the Site Development Plan.
5. According to the City of Chesterfield Design Guidelines there shall be intense landscaping on all facades of parking structures with a variety of plant types and sizes.
6. Address tree preservation. Calculations shall be based on canopy coverage prior to 1998.
7. Retention facilities shall be appropriately landscaped with both evergreen and deciduous trees as approved by the Planning Commission on the Site Development Plan.

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 Missouri Department of Transportation, for sight distance considerations prior to installation or construction.
3. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
4. This development shall be limited to one (1) monument sign setback fifteen (15) feet from the new North Outer Forty Road right-of-way and shall not exceed ten (10) feet in height. The sign shall be a maximum of seventy-five (75) square feet in outline area. Said sign shall be constructed with materials similar to the office buildings and heavily landscaped around its base.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. Except for required street lighting, no source of illumination will be so situated that light is cast on any public right-of-way or adjoining property.
3. All light standards within this development will not exceed a total vertical height of twenty-four (24) feet.

4. All light standards located on the parking structure, other than those for security purposes, will be turned off by 9:00 p.m., seven (7) days a week.

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 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. The material will be as approved by the Planning Commission in conjunction with 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 the site shall be limited to a single entrance to North Outer Forty Road. The entrance shall be divided by a minimum ten (10) foot wide landscaped median one hundred (100) feet in length. The entrance geometrics shall conform to the standards of the Missouri Department of Transportation.
2. The entrance to the site shall be adjacent to the eastern property line of the site. Cross access to the property to the east shall be provided. Said cross access shall be provided for a minimum distance of two hundred and twenty (220) feet from the State right-of-way as directed by the City of Chesterfield.
3. Any access off the entrance drive shall be a minimum of one hundred (100) feet from the State right-of-way as directed by the City of Chesterfield.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Conform to the requirement and/or the recommendations of the Missouri Department of Transportation regarding North Outer Forty Road in this area.
2. Pedestrian circulation throughout the development must be addressed. Connection to adjacent properties will be as directed by the Department of Planning.
3. The developer shall provide any additional right-of-way, and construct any improvements required by the City of Chesterfield and the Missouri Department of Transportation.

K. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by 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 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.

N. GEOTECHNICAL REPORT.

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

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.

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 Concept Plan, Site Development Section Plan, Site Development Plans.

- 1. Any site development plan shall show all information required on a sketch plan as required in the City of Chesterfield Code.
- 2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
- 3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
- 4. 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 and the Missouri Department of Transportation.

V. TRUST FUND CONTRIBUTION

- A. The developer will contribute to the City of Chesterfield Outer Forty or the Route 40 (I-64) Corridor Trust Fund. This contribution will not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$542.56/Parking Space
Medical and Dental Office	\$1,627.78/Parking Space
Loading Space	\$2,663.66/Loading Space

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

If types of development differ from those listed, the Department of Highways and Traffic will provide rates.

Credits for roadway improvements will be as approved by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic.

If this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development, will be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2008 will 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.

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. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site 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.