

BILL NO. 2616

ORDINANCE NO. _____

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2247 AND REPLACING IT WITH AN ORDINANCE ALLOWING FOR THE ADDITION OF RECREATIONAL USES AND ESTABLISHMENT OF HOURS OF OPERATION FOR SAID USE FOR A "PC" PLANNED COMMERCIAL DISTRICT FOR A 2.61 ACRE TRACT OF LAND LOCATED ON CHESTERFIELD COMMONS EAST, EAST OF ITS INTERSECTION OF EDISON AVENUE (P.Z. 48-2007 CLOCKTOWER PLAZA)

WHEREAS, the Petitioner, Clocktower Plaza, requested an ordinance amendment for the addition of recreational uses as a permitted use and to establish hours of operation for said use commencing at 5:00 a.m. and ending at 9:30 p.m.; and,

WHEREAS, the Planning Commission held a public hearing regarding the said request on January 14, 2008; and,

WHEREAS, the Planning Commission upon review of said request, recommended approval of the petition by a vote of 5-2 subject to amendments relative to the location of the recreational use; and,

WHEREAS, the Planning and Public Works Committee also recommended approval subject to amendments relative to the hours of operation.

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

Section 1. City of Chesterfield Zoning Ordinance 2247 is hereby repealed and a new Ordinance is established in its place subject to the conditions incorporated into the Attachment A, which is attached hereto and made a part hereof. A description of the property is as follows:

PROPERTY DESCRIPTION

A tract of land being part of Lot 2 of Silver Maple Farm, according to the plat thereof recorded in Plat Book 274, Page 96 of St. Louis County Records Township 45 North, Range 4 East of the Fifth Principal Meridian, St. Louis County, Missouri, more particularly described as follows:

Commencing at the Southwest corner of Lot 3 of said subdivision, said corner also being on the North right-of-way line of Old Olive Street Road (60 feet wide); thence along the West line of said Lot 3, North 00 degrees 00 minutes 00 seconds East, 4.33 feet to the **POINT OF BEGINNING** of the tract herein described; thence along the North line of a tract of land conveyed to the City of Chesterfield by deed recorded in Book 13658, Page 476 of said records, North 83 degrees 44 minutes 31 seconds West, 80.19 feet; thence along the aforementioned North right-of-way line, North 80 degrees 41 minutes 15 seconds West, 121.90 feet; thence along the East line of

Chesterfield Commons East, according to the plat thereof recorded in Plat Book 352, Pages 472 through 477 of said records, North 00 degrees 00 minutes 00 seconds East, 527.02 feet; thence along the South line of Lot 1 of said Silver Maple Farms, South 90 degrees 00 minutes 00 seconds East, 74.27 feet; thence along a curve to the left, the radius point of which bears North 00 degrees 00 minutes 00 seconds East, 75.00 feet from the last mentioned point, an arc distance of 89.85 feet; thence along a curve to the right, the radius point of which bears South 68 degrees 38 minutes 25 seconds East, 60.00 feet from the last mentioned point, an arc distance of 71.88 feet; thence along the West line of the aforementioned Lot 3, South 00 degrees 00 minutes 00 seconds West, 527.20 feet to the **POINT OF BEGINNING**, containing 113,671 square feet or 2.610 acres, more or less per calculations by Stock & Associates Consulting Engineers, Inc. during August, 2005.

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 is attached hereto and made a part hereof.

Section 3. The City Council, pursuant to the petition filed by Clocktower Plaza, requesting the amendment embodied in this ordinance, and after public hearing, held by the Planning Commission on the 14th day of January 2008, 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 warnings 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 _____, 2008.

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) Animal hospitals, veterinary clinics, and kennels.
 - (b) Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - (c) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
 - (d) Barber shops and beauty parlors.
 - (e) Bookstores.
 - (f) Broadcasting studios for radio and television.
 - (g) Studios, and associated facilities for radio, television, and other communications.
 - (h) Child care centers, nursery schools, and day nurseries.
 - (i) Colleges and universities.
 - (j) Dry cleaning drop-off and pick-up stations.
 - (k) Film drop-off and pick-up stations.
 - (l) Financial institutions.
 - (m) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - (i) Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - (ii) Placed underground: or

(iii) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area. All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- (n) Medical and dental offices.
- (o) Offices or office buildings.
- (p) Outpatient substance abuse treatment facilities.
- (q) Police, fire, and postal stations.
- (r) Recreational facilities, indoor facilities and gymnasiums.
- (s) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- (t) Restaurants, sit down.
- (u) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- (v) 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.
- (w) Permitted signs
- (x) Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
- (y) 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. No retail sales, storage or displays are permitted outside the main buildings unless one side is attached to said building. Screening for remaining three (3) sides shall be approved by the Planning Commission as part of the Site Development Plan.
- b. Hours of operation for restaurants, retail sales, and recreational uses shall be limited to will be as follows:
7 a.m. to 9:30 p.m. seven days/week.
- c. Use "r" shall be limited to a maximum of 18% of the development and shall be located exclusively within 180 feet of the northern property line.
- d. All deliveries and trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.

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

1. FLOOR AREA

Total building floor area shall not exceed 23,530 square feet.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed two (2) stories or forty-five (45) feet, whichever is less.

3. BUILDING REQUIREMENTS

- a. A minimum of 42% openspace is required for this development.
- b. This development shall have a maximum F.A.R. of 21%

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. Eighty (80) feet from the property line of the western boundary of the Planned Commercial (PC) District.
- b. Eighty (80) feet from the southern boundary of the PC District.
- c. Twenty (20) feet from the eastern boundary of the PC District.
- d. One-Hundred Twenty (120) feet from the northern boundary of the PC District.

2. PARKING SETBACKS

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

- a. Fourteen (14) feet from the western boundary of the Planned Commercial (PC) District.
- b. Thirty (30) feet from the southern boundary of the PC District.
- c. Five (5) feet from the eastern boundary of the PC District.
- d. Sixty-five (65) feet from the northern boundary of the 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.
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.
3. Parking lots shall not be used as streets.
 4. No construction related parking shall be permitted within the right of way of Chesterfield Commons East Road or Edison Avenue.

E. LANDSCAPE AND TREE REQUIREMENTS

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

F. SIGN REQUIREMENTS

1. A sign package shall be required for this development and shall adhere to the requirements of the City of Chesterfield Code. 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 Department of Public Works, and/or the St. Louis County Department of Highways and Traffic, 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. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This sign and landscaping shall be as approved by the Planning Commission on the Site Development Plan.

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

1. Access to Chesterfield Commons East Road shall be limited to one entrance located across from the center entrance into the Chesterfield Commons East development off of Chesterfield Commons East Road.
2. No direct access to Edison Avenue will be permitted.
3. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards, as originally adopted by Ordinance No. 2103 and as may be amended from time to time.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

Provide a pedestrian connection to Chesterfield Commons East Development.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. 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. MONARCH-CHESTERFIELD LEVEE DISTRICT/HOWARD BEND LEVEE DISTRICT

Provide an underseepage study as directed by the Monarch-Chesterfield Levee District.

M. RECREATIONAL EASEMENT

Provide a recreational trail easement along Edison Avenue as directed by the City of Chesterfield.

N. 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 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.

O. STORMWATER AND SANITARY SEWER

1. If any lot is proposed to be located in an existing or proposed Special Flood Hazard Area, the lot shall be clearly labeled as being located in the floodplain on the Site Development Plan and improvement plans. If any development in, or alteration of, the floodplain is proposed, the developer shall obtain a Floodplain Development Permit from the Department of Public Works. The developer must demonstrate that the proposed work will have no adverse impact on other properties in Chesterfield Valley. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. If any change in the location of the Special Flood Hazard Area is proposed, the developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final issuance of an occupancy permit and final release of any escrow for improvements in the development.
2. The lowest Reference Level (floor) of any structure, as defined by FEMA, shall be constructed a minimum of one (1) foot above the base flood elevation and a minimum of one (1) foot above the 100-year high water elevation as produced by the Chesterfield Valley Master Storm Water Plan model. The minimum elevation for the Reference Level for each lot shall be indicated on the Site

Development Plan and improvement plans, and an Elevation Certificate, on the form developed by FEMA for that purpose, shall be submitted immediately after construction of each structure. Occupancy permits shall not be issued for structures for which an Elevation Certificate has not been submitted.

3. Jurisdictional wetlands have been identified on this site. The mitigation for the wetlands has been addressed under the Chesterfield Valley Mitigation Bank Program; therefore, the developer shall reimburse the Program for the mitigation provided for this site. There are .41 acres of wetlands delineated on this site, which require a total of .41 acres of mitigation credit. Prior to approval of a grading permit or improvement plans, or issuance of a building permit, the developer shall pay \$10,131.00 to the City of Chesterfield as the site's proportionate share of the cost of establishment of the mitigation area.
4. Lake(s), pond(s), reservoir(s), detention area(s), etc., are located downstream from the proposed development which may, in the opinion of the Department of Public Works, be impacted by development of subject site. A bond, in a form acceptable to the City of Chesterfield, shall be posted to assure compliance with this section. The developer shall perform preconstruction and post-construction surveys of these facilities and determine any changed condition. Preconstruction surveys shall be performed prior to any clearing, grading, demolition or other construction related to the proposed development. Post-construction surveys shall be performed within twelve (12) months of the completion of the proposed development or two (2) years from the start of the development, whichever is greater. The developer shall return affected facilities to their preconstruction condition within 3 months of the post-construction survey. If the owner/operator of potentially impacted facilities will not grant the developer the necessary easements to complete the surveys and/or restorative work, the requirements in this paragraph are null and void. The required bond and preconstruction survey of downstream facilities shall be submitted prior to approval of a grading permit or improvement plans.
5. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, in accordance with the Metropolitan St. Louis Sewer District Conceptual Sewer Master Plan for Chesterfield Valley.
6. 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. The adequacy and condition of the existing downstream systems shall be verified and upgraded if necessary.

7. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works.

P. 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 Planning and 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.

Q. MISCELLANEOUS

1. All utilities will be installed underground.
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.

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 include, but not be limited 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 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 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 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 the 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 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. 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.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

- A. 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:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$1.91/sq. ft. of building space
Office	\$1.33/sq. ft. of building space
Industrial	\$4,605.62/acre

If the 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 the 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 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. Funds shall be payable to the 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 \$604.65 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 Saint Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan unless otherwise directed by the Saint Luis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

Storm water

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 \$1,918.45 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 Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. 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 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, 2006 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 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 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.