

BILL NO. 2632

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ESTABLISHING A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE “R-6AA” RESIDENTIAL DISTRICT FOR A 16.7 ACRE TRACT OF LAND LOCATED AT THE INTERSECTION OF WOODSMILL RD. AND KINGSCROSS LN. (P.Z. 44a-2007 WOODS MILL PARK APARTMENTS {542 KINGSCROSS LN})

WHEREAS, the petitioner, Michael Doster of Doster, Mickes, James, Ullom, Benson and Guest, on behalf of Woods Mill Park Apartments., has requested a Special Procedure to establish a Planned Environment Unit (PEU) in an “R-6AA” Residential District for a 16.7 acre tract of land located at the intersection of Woodsmill Rd. and Kingscross Ln. and,

WHEREAS, the Planning Commission held a public hearing regarding said request on October 22, 2007; and,

WHEREAS, the Planning Commission, upon review of said request, recommended approval of the petition by a vote of 9 to 0; and,

WHEREAS, the City Council, having considered said request, voted to approve the request with amendments to the Setbacks and Access/Access Management sections.

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 approving preliminary plans for a special procedure establishing a Planned Environment Unit in an “R-6AA” Residential District for a 16.7 acre tract of land located at the intersection of Woodsmill Rd. and Kingscross Ln. and described as follows.

A tract of land being part of Apartment Lots 1 and 2 of “Woods Mill Park”, a Subdivision according to the plat thereof recorded in Book 135 pages 76 and 77 of the St. Louis County Records, including therein part of Lots 2 through 6 of “Lavatt Addition”, a Subdivision according to the Plat thereof recorded in Book 60, page 3 of the St. Louis County Records, situated within Lots 1 and 2 of the Subdivision in Partition of the Kinkead Estate in U.S. Survey 367, Township 45 North, Range 5 East, in the City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the Southern line of a tract of land conveyed to Ivy Chapel (by deed recorded in Book 7712 page 1599 of the St. Louis County Records), at the Northwestern Corner of Apartment Lot 2, as aforementioned; thence along said Southern line, South 83 degrees 08 minutes 15 seconds East, 297.00 feet to the Northeastern corner of Lot 6 of “Lavatt Addition” as aforementioned; thence along the Eastern line of Lot 6, South 06 degrees 51 minutes 45 seconds West, 3.41 feet to a point; thence departing said Eastern line South 83 degrees 08 minutes 15

seconds East, 200.00 feet to a point; thence North 06 degrees 20 minutes 06 seconds East, 214.34 feet to the Southwestern corner of Lot 26 of “Judson Manor Plat No. 1”, a Subdivision according to the Plat thereof recorded in Plat Book 105 page 71 of the St. Louis County Records; thence along the Southern line of said Subdivision, South 83 degrees 00 minutes 00 seconds East, 200.11 feet to a point; thence North 07 degrees 00 minutes 00 seconds East, 211.39 feet to a point; thence South 53 degrees 53 minutes 47 seconds East, 562.47 feet to a point on the Western line of a tract of land conveyed to Stephen Brauer, Trustee (by Deed recorded in Book 9348 page 545 of the St. Louis County Records) at the Southernmost corner of Lot 62 of “Judson Manor Plat No. 2”, a Subdivision according to the Plat thereof recorded in Book 113, page 100 of the St. Louis County Records; thence along said Western line, North 83 degrees 00 minutes 00 seconds West, 213.00 feet to a point; thence South 05 degrees 30 minutes 00 seconds West, 338.00 feet to a point; thence South 36 degrees 15 minutes 00 seconds West, 353.11 feet to a point; thence South 49 degrees 20 minutes 00 seconds West, 276.07 feet to a point; thence South 89 degrees 40 minutes 00 seconds West, 253.00 feet to a point on the Southern Right of Way line of Post Road, 50 feet wide; thence along said Southern Right of Way Line, Northeastwardly 112.05 feet along a curve to the left, having a radius of 220.00 feet and a chord bearing North 56 degrees 14 minutes 39 seconds East to a point of reverse curvature; thence Northeastwardly 75.45 feet along a curve to the right, having a radius of 435.00 feet and a chord bearing North 46 degrees 37 minutes 22 seconds East to a point of tangency; thence North 51 degrees 35 minutes 31 seconds East, 238.54 feet to a point of curvature; thence Northeastwardly 36.17 feet along a curve to the right, having a radius of 30.00 feet and a chord bearing North 86 degrees 07 minutes 47 seconds East to a point of reverse curvature; thence Northwestwardly 251.48 feet along a curve to the left, having a radius of 54.00 feet and a chord bearing North 12 degrees 44 minutes 46 seconds West to a point of reverse curvature on the Northern Right of Way Line of Post Road; thence Southwestwardly 9.29 feet along a curve to the right, having a radius of 30.00 feet and a chord bearing South 42 degrees 42 minutes 58 seconds West to a point of tangency; thence South 51 degrees 35 minutes 31 seconds West, 291.39 feet to a point of curvature; thence Southwestwardly 84.13 feet along a curve to the left, having a radius of 485.00 feet and a chord bearing South 46 degrees 37 minutes 22 seconds West to a point of reverse curvature; thence Southwestwardly 163.85 feet along a curve to the right having a radius of 170.00 feet and a chord bearing South 69 degrees 15 minutes 54 seconds West to a point of tangency; thence North 83 degrees 07 minutes 25 seconds West, 254.21 feet to a point of curvature; thence Northwestwardly 31.41 feet along a curve to the right having a radius of 20.00 feet and a chord bearing North 38 degrees 07 minutes 50 seconds West to a point of tangency on the Eastern Right of Way Line Missouri State Highway 141 (also known as Woods Mill Road, 80 feet wide) as widened by the plat of “Woods Mill Park”, as aforementioned; thence along said Eastern Right of Way line, North 06 degrees 51 minutes 45 seconds East, 685.57 feet to the point of beginning.

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 request filed by Michael Doster of Doster, Mickes, James, Ullom, Benson and Guest, on behalf of Woods Mill Park Apartments, in P.Z. 44-

2007, requesting the amendments 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 22nd day of October, 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 _____, 2008.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: 04-23-2008

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 "R-6AA" Planned Environment Unit District shall be:
 - a. A maximum of twenty (20) apartment buildings containing not more than one hundred and forty (140) apartment units and one (1) clubhouse/leasing office building.
 - b. A maximum of one hundred and thirty-six (136) covered carport parking spaces.

B. FLOOR AREA, HEIGHT, BUILDING AND STRUCTURE REQUIREMENTS

1. The apartment buildings shall be limited to two (2) stories in height with a maximum height of twenty-six (26) feet. The clubhouse/leasing office shall be limited to one (1) story and nineteen (19) feet in height.

C. SETBACKS

1. No building or structure, other than a freestanding project identification sign, boundary and retaining walls, light standards, flag poles, fences or covered carport structure, shall be located within the following setbacks:
 - a. Thirty (30) feet from the property line adjacent to Woods Mill Rd.
 - b. One-hundred (100) feet from the common property line with Lots 27, 59, 60, 61 and 62 of Judson Manor plat two, as recorded in plat book 113, page 100 of the St. Louis County Records office, a line bearing South 53 degrees 48 minutes 18 seconds for 562.31 feet and south 53 degrees 53 minutes 47 seconds east a distance of 562.47 feet

- c. Sixty (60) feet from all other property lines.
2. No parking stall, loading space, internal driveway or roadway, or covered carport structure shall be located within the following setbacks:
 - a. Five (5) feet from the property line adjacent to Woods Mill Rd.
 - b. Eight (8) feet from the property line bearing S 83° 03' 15" E.
 - c. Eight (8) feet from the property line bearing N 83° 07' 25" W.
 - d. Thirty (30) feet from all other property lines.
3. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance setback requirements shall be as outlined in the City Code.

D. PARKING AND LOADING REQUIREMENTS

1. Off-street parking spaces for this development shall 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.

E. LANDSCAPE AND TREE REQUIREMENTS

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

F. SIGN REQUIREMENTS

1. Ornamental Entrance monument construction, if proposed, shall be reviewed by the City of Chesterfield Department of Planning and Public Works, and/or St. Louis County Highways and Traffic 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. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, remove all private signs from Missouri Department of Transportation's right of way.

G. LIGHT REQUIREMENTS

1. 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, color 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. An opportunity for recycling will be provided.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, compliance with access management principals found in Chapter 26, Article III of the City Code will be required as directed by the City of Chesterfield. Significant improvements/changes shall include any increase in total number of units or buildings contained on the property.
2. No roadway connections or extensions to Judson Manor Drive will be permitted in association with this development

J. PUBLIC PRIVATE ROAD IMPROVEMENTS INCLUDING PEDESTRIAN CIRCULATION

1. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, compliance with the Appendix B, Section 1005.180 of the City of Chesterfield code, as directed by the City of Chesterfield, will be required for all private roadways. Significant improvements/changes shall include any increase in total number of units or buildings contained on the property.
2. 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.
3. 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.
4. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, improve the curb radii for both approaches on entrances.
5. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, provide a roadway ditch along Route 141 to capture and direct roadway runoff.
6. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, provide drain structures as necessary.

7. Any improvements within Missouri Department of Transportation's right of way will require permit. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation standards.

K. POWER OF REVIEW

1. The Mayor or a Councilmember of the Ward in which a development is proposed may request that the Site Development 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 Development Plan. The City Council will then take appropriate action relative to the proposal.

L. STORMWATER

1. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, compliance with storm water management criteria as contained in the City of Chesterfield Ordinance 1263 will be required. Significant improvements/changes shall include any increase in total number of units or buildings contained on the property.
2. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, the petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on Missouri Department of Transportation right-of-way.
3. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, all drainage detention storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right-of-way line, whichever is greater.

M. SANITARY SEWERS

1. Formal plan submittal and approval is required by MSD prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

N. GEOTECHNICAL REPORT

1. 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.

O. MISCELLANIOUS

1. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, 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 Spirit of St. Louis Airport and the Missouri Department of Transportation.

22. Compliance with Sky Exposure Plane.

V. 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.

VI. 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.