

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2385 TO ALLOW FOR AN AMENDMENT TO THE LANDSCAPE REQUIREMENTS FOR LOTS 6, 7, AND 8 OF RIVER CROSSINGS DEVELOPMENT, A “PC” PLANNED COMMERCIAL DISTRICT LOCATED NORTH OF CHESTERFIELD AIRPORT ROAD AND EAST OF LONG ROAD (P.Z. 13-2008 RIVER CROSSINGS {BENTLEY HOLDINGS, LLC})

WHEREAS, Kyle Darnell of Arco Construction, on behalf of Bentley Holdings, LLC has requested an ordinance amendment to amend the landscape buffer requirements along Interstate 64/Highway 40 for Lots 6, 7 and 8 of River Crossings; and,

WHEREAS, a Public Hearing was held before the Planning Commission on May 28, 2008; and,

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

WHEREAS, the City Council, having considered said request voted to approve the ordinance amendment request.

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 The City of Chesterfield Ordinance Number 2385 is hereby repealed and those conditions therein are incorporated into the Attachment A, which is attached hereto and made a part hereof for River Crossings.

Legal Description

A tract of land being all of River Crossings and River Crossings Tract E as recorded in Plat Book 350 page 205 and plat book 350 page 746 of the St. Louis County Recorder’s Office.

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 Bentley Holdings, LLC, in P.Z. 13-2008, 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 28th day of May 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 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: 06/16/2008

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 "PC" Planned Commercial District shall be:
 - a. Barber shops and beauty parlors.
 - b. Bookstores.
 - c. Dry cleaning drop-off and pick-up stations.
 - d. Financial institutions.
 - e. Hotels and motels.
 - f. Medical and dental offices.
 - g. Offices or office buildings.
 - h. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters (excluding golf courses, golf practice driving ranges, and drive-in theaters).
 - i. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
 - j. Restaurants, fast food (frontage on Interstate 64/40 shall not be allowed).
 - k. Restaurants, sit down.
 - l. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs. All vehicles used by business, industry, and agriculture.
 - m. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
 - n. 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.
 - o. 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. Ancillary Uses:

- a. Cafeterias for employees and guest only.
- b. Child care centers, nursery schools, and day nurseries.
- c. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- d. Vehicle repair facilities for automobiles.
- e. Vehicle service centers for automobiles.
- f. Vehicle washing facilities for automobiles.

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

1. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed three (3) stories or forty five (45) feet, whichever is less.

2. BUILDING REQUIREMENTS

- a. A minimum of thirty-one percent (31%) openspace, excluding stormwater areas. This percentage shall be an average of the entire development.
- b. A maximum of eight (8) buildings shall be permitted on this development.
- c. The maximum square footage of this development shall not exceed a total of 175,000 square feet.

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. Lot 1:

- (1.) One hundred (100) feet from Chesterfield Airport Road right-of-way.

- (2.) One hundred fifty (150) feet from the western boundary of this district.
 - (3.) Seventy (70) feet from the main entrance into the development.
 - (4.) Sixty (60) feet from the proposed interior road to the north, as proposed on the Preliminary Plan
- b. Lot 2:
- (1.) One hundred (100) feet from Chesterfield Airport Road right-of-way.
 - (2.) One hundred (100) feet from the building on Lot 1.
 - (3.) Fifty (50) feet from the building on Lot 3.
 - (4.) Sixty (60) feet from the proposed interior road to the north, as proposed on the Preliminary plan.
- c. Lot 3:
- (1.) One hundred (100) feet from Chesterfield Airport Road right-of-way.
 - (2.) Sixty (60) feet from the eastern boundary of this district.
 - (3.) Sixty (60) feet from the proposed interior road to the north, as proposed on the preliminary plan.
- d. Lot 4:
- (1.) One hundred twenty (120) feet from the western boundary of this district.
 - (2.) Sixty (60) feet from the southern interior road, as proposed on the Preliminary Plan.
 - (3.) Sixty (60) feet from the proposed interior road to the north, as proposed on the preliminary plan.
- e. Lot 5:
- (1.) Eighty (80) feet from the eastern boundary of this district.

- (2.) Sixty (60) feet from the southern interior road, as proposed on the Preliminary Plan.
 - (3.) Sixty (60) feet from the northern interior road to the north, as proposed on the preliminary plan.
 - (4.) One hundred (100) feet from the building on Lot 4.
- f. Lot 6:
- (1.) Sixty (60) feet from Interstate 64/40 right-of-way.
 - (2.) Thirty (30) feet from the western boundary of this district.
 - (3.) Forty (40) feet from the proposed interior road to the south, as proposed on the Preliminary Plan.
- g. Lot 7:
- (1.) Sixty (60) feet from Interstate 64/40 right-of-way.
 - (2.) Thirty (30) feet from the interior road to the south as proposed on the Preliminary Plan.
 - (3.) Sixty (60) feet from the building on Lot 6.
- h. Lot 8:
- (1.) Sixty (60) feet from Interstate 64/40 right-of-way.
 - (2.) Seventy (70) feet from the eastern boundary of this district.
 - (3.) Thirty (30) feet from the interior road to the south.

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. Fifty (50) feet from the Chesterfield Airport Road right-of-way.
- b. Fifty (50) feet from Interstate 64/40 right-of-way.

- c. Twenty (20) feet from the western and eastern boundaries of this district.
- d. Fifteen (15) feet from internal drives within the site.

D. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. Parking space dimensions may be reduced to a seventeen (17) foot length as approved by the Planning Commission and City Council and with the following considerations (as prescribed by the Architectural Review Board on May 17, 2001):
 - a. Adequate room is available for the reduction.
 - b. The reduction does not count in the greenspace calculations.
 - c. The design of the space shall be constructed so that landscaping is not harmed by car overhangs.
- 3. Construction Parking
 - a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
 - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
 - c. No construction related parking shall be permitted within the Chesterfield Airport Road right-of-way.
- 4. 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. The landscape buffer along I-64/Hwy. 40 for Lots 6 and 7 shall be consistent in plant material and density to that approved for Lot 8.

F. SIGN REQUIREMENTS

1. Signage shall conform to the design guidelines provided by the Petitioner and attached hereto as Exhibit 2.
2. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
3. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. Provide for the installation, maintenance, operation and all expenses related thereto for the street lighting along all public streets associated with this development, including Chesterfield Airport Road in perpetuity, as directed by the City of Chesterfield's Department of Public Works. The street lighting plan shall comply with Chesterfield Valley Master Street Lighting Plan.

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. 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.
5. The architectural elevations shall reasonably conform to the elevations submitted with the Preliminary Plan and take into consideration recommendations provided by the Architectural Review Board (May 17, 2001).
6. A material and color palette for the development shall be submitted with the Site Development Concept Plan.
7. Architectural elevations shall conform to design guidelines attached hereto as Exhibit 1.

I. ACCESS/ACCESS MANAGEMENT

1. Access to Chesterfield Airport Road shall be limited to one entrance. The entrance shall generally align with Public Works Drive, which lies on the south side of Chesterfield Airport Road.
2. Lots along Chesterfield Airport Road shall be accessed via a secondary drive off the main entrance. The secondary drive shall be designed to current city standards, extend to the east property line of the development and be located approximately 300 feet from the Chesterfield Airport Road right-of-way, as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.

No access to the main entrance shall be permitted between Chesterfield Airport Road and the secondary drive, and entrances along each side of the secondary drive shall generally align.

3. Cross access shall be provided to the properties to the east and west of the development. Cross access shall also be provided between lots within the development.
4. The centerline of the interior connector road that parallels Chesterfield Airport Road shall be approximately 300 feet from the Chesterfield Airport Road right-of-way or as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
5. No entrances shall be allowed from proposed Lot 4 onto the entrance roadway from Chesterfield Airport Road.
6. All entrances onto the roadway that parallels Chesterfield Airport Road from the proposed lots shall align with each other.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide additional right-of-way and construct improvements to Chesterfield Airport Road as required by the Department of Public Works and the St. Louis County Department of Highways and Traffic.
2. Roadway and related improvements shall be constructed prior to 60% occupancy of the retail portion of the site.
3. Sidewalks shall be as proposed on the Preliminary Plan including sidewalks around the perimeter of the office and retail/restaurant structures and internal walkways connecting lots within the development.
4. The interior roadway that parallels Chesterfield Airport Road shall be designed to current City standards.
5. The developer shall provide any additional right-of-way and construct any improvements to Chesterfield Airport Road, as well as to the entrance to the proposed development from Chesterfield Airport Road, as required by the St. Louis County Department of Highways and Traffic and the City of Chesterfield's Department of Public Works.

K. TRAFFIC STUDY

Prior to Site Development Plan approval, provide a traffic study, including internal and external circulation, for review, and approval, by the City of Chesterfield Department of Public Works, and the St. Louis County Department of Highways and Traffic.

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

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. Per the Chesterfield Valley Master Storm Water Plan, a 10 foot wide flat bottom ditch has been constructed along the north property line of this site, and a 15 foot ditch along the south. Chesterfield Valley Storm Water Easements have also been dedicated. Depict the channel and easements on all Site Development Plans and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.
3. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.

Q. 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.

R. 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. All loading docks are to be screened by sound attenuating material.
3. No retail, storage or displays are permitted outside the main building unless one side is attached to said building. Screening for the remaining three (3) sides shall be approved by the Planning Commission as part of the Site Development Plan.
4. Screening for outdoor storage shall be approved by the Planning Commission on the Site Development Plan and shall have the same sight proof materials as the approved color palette for the development.

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

- A. The developer shall submit a concept plan within 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 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 SUBMITTAL REQUIREMENTS

The Site Development Concept Plan shall include, but not be limited to, the following:

1. All information required on a sketch plan as required in the City of Chesterfield Subdivision Ordinance.
2. Provide a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Provide a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.

B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

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

1. All information required on a preliminary plat as required in the City of Chesterfield Subdivision Ordinance.
2. Provide a landscape plan in accordance with the City of Chesterfield Code.
3. Provide a lighting plan in accordance with the City of Chesterfield Code.
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. CHESTERFIELD VALLEY TRUST FUND

1. 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 St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed on the basis of the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$1.66/sq. ft. of building space
Office	\$1.66/sq. ft. of building space
Industrial	\$4,003.84/acre of gross acreage

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

Credits for roadway improvements required in condition will be awarded as directed by the St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution which 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 St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

2. Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$528.50 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 contributions shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highway and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

3. Stormwater

The stormwater 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 stormwater from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed on the basis of \$1,667.77 per acre for the total area as approved on the Site Development Plan.

The stormwater contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

4. Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek impact fee.

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

The amount of this required contribution for the roadway, stormwater and primary waterline improvements, if not submitted by January 1, 2001 shall be adjusted on that date and on the first day of January in each

succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Departments of Highway and Traffic.

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

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. OCCUPANCY PERMIT

Prior to the issuance of any occupancy permit, the existing storm water channels located on this site shall be regraded to restore the channel to the line and grade of the original design.

VIII. 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.