

BILL NO. 2682

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR AN 6.7 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD, ONE HALF MILE WEST OF THE CORNER OF CHESTERFIELD AIRPORT ROAD AND BOONE’S CROSSING [P.Z. 28-2007 THF CHESTERFIELD SEVEN DEVELOPMENT (THF Seven Chesterfield Development LLC)]

WHEREAS, the petitioner, THF Seven Development LLC has requested a change in zoning from a “NU” Non-Urban District to a “PC” Planned Commercial District for a 6.7 acre tract of land located on the north side of Chesterfield Airport Road, one half mile west of the corner of Chesterfield Airport Road and Boone’s Crossing; and,

WHEREAS, Public Hearings were held before the Planning Commission on July 9, 2007 and April 28, 2008; and,

WHEREAS, the Planning Commission having considered said request, recommended approval of the rezoning 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 Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a “PC” Planned Commercial District for 6.7 acre tract of land located on the north side of Chesterfield Airport Road, one half mile west of the corner of Chesterfield Airport Road and Boone’s Crossing and described as follows:

A tract of land being part of Shares 4 and 5 of the Subdivision of the Estate of Peter Steffan, according to the plat accompanying Commissioner’s Report a certified copy of which is recorded in Book 80, page 457 of the St. Louis County Records, in U.S. Surveys 125, Township 45 North – Range 4 East, St. Louis County, Missouri.

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 THF Seven Development LLC, in P.Z. 28-2007, 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 hearings, held by the Planning Commission on the 9th day of July, 2007 and on the 28th day of April, 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: 11-3-2008

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. 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. Barber shops and beauty parlors
 - d. Bookstores
 - e. Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications
 - f. Child care centers, nursery schools, and day nurseries
 - g. Colleges and universities
 - h. Dry cleaning drop-off and pick-up stations
 - i. Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours
 - j. Film drop-off and pick-up stations
 - k. Financial institutions
 - l. Hotels and motels
 - m. Medical and dental offices
 - n. Offices or office buildings

- o. Postal stations
- p. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, tennis courts, and gymnasiums, and indoor theaters
- q. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith
- r. Restaurants, fast food
- s. Restaurants, sit down
- t. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles except that trucks (except pick up trucks and SUV's), trailers, construction equipment, agricultural equipment and boats shall be stored indoors only
- u. Sales, servicing, repairing, cleaning, renting, and leasing of equipment and vehicles used by business, industry, and agriculture
- v. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training
- w. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, 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
- 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

- z. Vehicle repair facilities for automobiles
 - aa. Vehicle service centers for automobiles
 - bb. Vehicle washing facilities for automobiles
2. The above uses in this "PC" District shall be restricted as follows:
- a. Uses r., z., aa. and bb. shall be limited to the parcels south of the parcel adjacent to Highway 64/40.
3. The following uses shall be allowed as Ancillary Uses in this "PC" Planned Commercial district:
- a. Automatic Vending facilities for:
 - i. Ice and solid carbon dioxide (dry ice)
 - ii. Beverages
 - iii. Confections
 - b. Cafeterias for employees and guests only
 - c. Vehicle repair facilities for automobiles
 - d. Vehicle service centers for automobiles
 - e. Vehicle washing facilities for automobiles
4. Hours of Operation
- a. Hours of operation for this development shall not be restricted.

B. HEIGHT AND BUILDING REQUIREMENTS

- 1. The maximum height of the building, exclusive of roof screening, shall not exceed three (3) stories or forty-five (45) feet.
- 2. A minimum of thirty percent (30%) openspace is required for this development.

C. SETBACKS

1. No building or structure, other than a freestanding project identification sign, boundary and retaining walls, light standards or flag poles shall be located within the following setbacks:
 - a. Fifteen (15) feet from the eastern boundary of this "PC" district.
 - b. Fifteen (15) feet from the western boundary of this "PC" district.
 - c. Sixty (60) feet from the northern boundary of this "PC" district.
 - d. One hundred (100) feet from the southern boundary of this "PC" district.
2. No parking stall, loading space, internal driveway or roadway, except points of ingress or egress, shall be located within the following setbacks:
 - a. Ten (10) feet from the eastern and western boundaries of this "PC" district.
 - b. Fifty (50) feet from the northern boundary of this "PC" district.
 - c. Thirty (30) feet from the southern boundary of this "PC" district.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development shall be as required in the City of Chesterfield Code.
2. No parking shall be permitted within any cross access way in or adjacent to the development, and the developer shall post signs accordingly. The parking restriction and requirement for signage shall be indicated on the Site Development Plan and improvement plans. Signage shall be posted within 30 days of the placement of pavement.
3. Construction Parking

- a. No construction related parking shall be permitted within the Chesterfield Airport Road right-of-way.
 - b. 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.
 - c. 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.
4. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

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

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 St. Louis County Department of Highways and Traffic for sight distance considerations prior to installation or construction.

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, 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.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development shall be from Chesterfield Airport Road via the cross access easement/drive known as Arnage Boulevard, located on the adjacent property to the east.
2. The main access to Arnage Boulevard shall be located approximately 300 feet from the Chesterfield Airport Road right-of-way, generally aligning with the existing east-west drive known as Arnage Road. Said main access shall extend from the east to west property lines of the development, and be designed to current City standards, as directed by the Department of Public Works.
3. The centerline of any secondary access to Arnage Boulevard shall be at least 150 feet north of the main access and 150 feet south of the north section of Arnage Road, or align with the north section of Arnage Road, as directed by the Department of Public Works.
4. Cross access shall be provided between lots in the development.
5. Additional cross access for properties to the west of the development shall be provided.
6. The main access road and related improvements shall be constructed prior to or concurrently with construction on the first lot developed and completed prior to the occupancy of any building on that lot.

J. PUBLIC PRIVATE ROAD IMPROVEMENTS INCLUDING PEDESTRIAN CIRCULATION

1. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road frontage of the site. The sidewalk shall be privately maintained; therefore, no public easements shall be required.
2. Any work within Missouri Department of Transportation right-of-way will require a permit. All proposed work must comply with standards, specifications and conform to Access Management Guidelines with detailed construction plans being received and approved by the Missouri Department of Transportation.
3. 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.
4. Hydraulic calculations will be required any time drainage work will affect Missouri Department of Transportation right-of-way.

K. POWER OF REVIEW

The City Council shall have review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.

L. STORMWATER

1. The Chesterfield Valley Master Storm Water Plan indicates a 10 foot flat bottom ditch is required along the north property line of this site with drainage directed westerly to the reservoir at Long Read. The developer shall be responsible for completion of the required channel along the property frontage and for providing positive drainage thereof. Depict the channel on all Site Development Plans and improvement plans.
2. Provide any additional Chesterfield Valley Storm Water Easement along the north property line as required and directed by the Department of Planning and Public Works to accommodate the Chesterfield Valley Master Storm Water Plan channel in that area, and depict the easement 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.
4. Treatment for water quality, in accordance with MSD regulations dated February 2006, shall be required.

M. SANITARY SEWERS

1. Formal plan submittal and approval is required by the Metropolitan Sewer District prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.
2. The sanitary discharge from this development goes to the Chesterfield Commons Pump Station #4 (P.S. No 810) built under MSD P-23429-01. The construction of this project was started on 11/07/02 and it still does not have Metropolitan Sewer District Construction Approval. Until this project receives construction approval, the plans for this development can not be approved by the Metropolitan Sewer District.

N. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of 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. 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 CONCEPT PLAN SUBMITTAL REQUIREMENTS**
 - 1. Any site development concept plan shall show all information required on a preliminary plat 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 St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

The Site Development Section Plan shall adhere to the above criteria and 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. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.)
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs.
10. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. 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.

13. 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.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. 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.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
18. 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.
19. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

- A. The Developer shall be required to contribute to the Chesterfield Valley Trust Fund. Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

Roads

The roadway improvement contribution is based on land and building use. The roadway contribution is 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 based on the following:

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

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

Credits for roadway improvements required will be awarded as directed by St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund.

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

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$654.66 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of construction of the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan by the St. Louis 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 St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,077.15 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before 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".

Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek Impact Fee and is subject to a surcharge of \$2,750 per acre.

The sanitary sewer contribution within the 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, 2008 shall be adjusted on that date 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.

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. ENFORCEMENT

- A. The City of Chesterfield Missouri will enforce the conditions of this ordinance in accordance with the Site Development Concept Plan and Site Development Section 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.