

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2278 TO ALLOW FOR AN AMENDMENT TO THE FLOOR AREA, BUILDING REQUIREMENTS AND SETBACK REQUIREMENTS, FOR A 0.5 ACRE TRACT OF LAND ZONED "PI" PLANNED INDUSTRIAL DISTRICT LOCATED 0.1 MILE SOUTH OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND LONG ROAD. [P.Z. 16-2008 LONG ROAD DENTAL OFFICE (143 LONG ROAD)]

WHEREAS, the petitioner Jack Wolf, has requested an ordinance amendment in a "PI" Planned Industrial District, to amend the Floor Area, Building Requirements and Setback Requirements; and,

WHEREAS, a public hearing was held before the Planning Commission on October 13, 2008; and,

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

WHEREAS, the City Council, having considered said request, voted to approve the ordinance amendment with an amendment to provide for cross access to the west of the property.

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 The City of Chesterfield Ordinance Number 2278 is hereby repealed and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for Long Road Dental Office.

Legal Description

A TRACT OF LAND BEING PART OF LOT 2 OF PARTITION OF DAMIAN KROENUNG ESTATES, IN U.S. SURVEY 1010, TOWNSHIP 45 NORTH, RANGE 4 EAST, AND PART OF OUT-PARCEL B OF CHESTERFIELD BUSINESS PARK RECORDED IN PLAT BOOK 347 PAGE 697 OF THE ST. LOUIS COUNTY RECORDS, FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LYING ON THE WEST RIGHT OF WAY LINE OF LONG ROAD, VARYING WIDTH, BEING DISTANT NORTH 89 DEGREES 35 MINUTES 42 SECTONDS EAST 8.01 FEET FROM THE NORTHEAST CORNER OF LOT B OF A SUBDIVISION OF A TRACT OF LAND BEING PART OF LOT 2 OF DAMIALN KROENUNG ESTATES RCORDED IN PLAT BOOK 350 PAGE 93 OF THE ST. LOUIS COUNTY RECORDS, SAID POINT BEING THE SOUTHEAST CORNER OF PROPERTY HEREIN DESCRIBED; THENCE ALONG SAID WEST LINE OF LONG ROAD, NORTH 01 DEGREES 34 MINUTES 03 SECONDS EAST 99.26 FEET TO AN IRON PIPE AT THE SOUTHEAST CORNER OF A 14 FOOT WIDE DEDICATION STRIP PER SAID CHESTERFIELD BUSINESS PARK, PLAT BOOK 347 PAGE 697; THENCE LEAVING SAID WEST LINE OF LONG ROAD, SOUTH 89 DEGREES 47 NIMUTES 09 SECONDS WEST 14.01 FEET TO A POINT BEING THE

SOUTHWEST CORNER OF SAID 14 FOOT DEDICATION STRIP; THENCE ALONG THE WEST LINE OF SAID 14 FOOT DEDICATION STRIP, NORTH 01 DEGREES 19 MINUTES 13 SECONDS EAST 25.19 FEET TO AN IRON PIPE AT THE NORTHWEST CORNER OF SAID 14 FOOT DEDICATION STRIP; THENCE SOUTH 89 DEGREES 47 MINUTES 37 SECONDS WEST 164.87 FEET TO AN IRON PIPE BEING THE NORTHWEST CORNER OF PROPERTY HEREIN DESCRIBED; THENCE SOUTH 01 DEGREES 06 MINUTES 45 SECONDS WEST 25.21 FEET TO AN IRON PIPE; THENCE SOUTH 01 DEGREES 30 MINUTES 29 SECONDS WEST 99.85 FEET TO AN IRON PIPE LYING ON THE NORTH LINE OF SAID LOT B, PLAT BOOK 350 PAGE 93, SAID PIPE ALSO BEING THE SOUTHWEST CORNER OF PROPERTY HEREIN DESCRIBED; THENCE ALONG SAID NORTH LINE OF LOT B. NORTH 89 DEGREES 35 MINUTES 42 SECONDS EAST 178.70 FEET TO THE POINT OF BEGINING.

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 Jack Wolf 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 13th day of October 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 _____, 2009.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: 01-05-2009

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 "PI" Planned Industrial District shall be:
 - a. Offices or Office Buildings.
 - b. Medical or Dental Offices.
2. Hours of Operation
 - a. All deliveries and trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.
 - b. All other hours of operation for this development shall not be restricted.

B. BUILDING AND HEIGHT REQUIREMENTS

1. The uses permitted within this "PI" Planned Industrial District shall be contained in a maximum of one (1) building.
2. A minimum of 30% openspace is required for this development.
3. The maximum building height shall be limited to one and one half (1.5) stories, exclusive of rooftop mechanical equipment and screening.

C. SETBACKS

1. No building or structure, other than a freestanding project identification sign, light standards or flag poles shall be located within the following setbacks:
 - a. Fifty (50) feet from the new right-of-way of Long Rd. on the eastern boundary of the "PI" district.

- b. Fifteen (15) feet from the southern boundary of the "PI" district.
 - c. Fifteen (15) feet from the northern boundary of the "PI" district.
 - d. Ten (10) feet from the western boundary of the "PI" 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 new right-of-way of Long Rd. on the eastern boundary of the "PI" district.
 - b. Five (5) feet from the southern boundary of the "PI" district.
 - c. Five (5) feet from the northern boundary of the "PI" district.
 - d. Ten (10) feet from the western boundary of the "PI" 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. Parking shall be prohibited on the Long Road right-of-way.
3. Construction Parking
 - a. No construction related parking shall be permitted within the Long 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.

E. LANDSCAPE AND TREE REQUIREMENTS

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, and/or the St. Louis County Department of 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.

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.
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 Long Road shall be limited to one street approach. The street approach shall align with the existing drive to the Pohlman Industrial Park, as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
2. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to Long Road for the adjacent properties to the north, south and west as directed by the City of Chesterfield.
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 may be amended from time to time.

J. PUBLIC PRIVATE ROAD IMPROVEMENTS INCLUDING PEDESTRIAN CIRCULATION

1. Provide any additional right-of-way, easements, and construct any improvements to Long Road, as required by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
2. The developer shall be responsible for providing all necessary right-of-way easements, Temporary Slope Construction License, etc., as required for St. Louis County Project Number AR-863. All on-site improvements shall be compatible with this project. For the developer's information, in order to conform to AR-863 the following is required:

Dedicate one half of an eighty-eight (88) foot right-of-way along Long Road. All easements, T.S.C.L. and other requirements for St. Louis County Project Number AR-863 shall be as directed by the St. Louis County Department of Highways and Traffic.

3. Provide a five (5) foot wide sidewalk, conforming to ADA standards, adjacent to Long Road as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. The sidewalk may be located within County right-of-way, if permitted by the St. Louis County Department of Highways and Traffic, or within a six (6) foot wide sidewalk, maintenance and utility easement.

4. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.
5. Obtain approvals from the City of Chesterfield and the St. Louis County Department of Highways and Traffic for areas of new dedication, and roadway improvements.

K. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield and/or 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. POWER OF REVIEW

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.

M. STORMWATER

1. All proposed storm sewer improvements shall comply with the Chesterfield Valley Master Plan.
2. 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.
3. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water

management facilities shall be identified on the Site Development Plan(s).

4. 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.
5. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.
6. 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.
7. The project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750 per acre.

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

All utilities will be installed underground.

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 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, the Metropolitan St. Louis Sewer 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 contribute to the Chesterfield Valley Trust Fund (No. 556). This fund was created for roadway improvements, stormwater improvements, sanitary sewer facilities and water main improvements in the Chesterfield Valley Area.

Roads

The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund (No. 556). This contribution shall not exceed an amount established by multiplying the required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$556.13
General Retail	\$1,668.47
Loading Space	\$2,730.25

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

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

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Highways and Traffic. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

As this development is located within a trust fund area established by Saint Louis County, any portion of the traffic generation assessment contribution which

remains following completion of road improvements required by the development should be retained in the appropriate trust fund.

Traffic generation assessment contributions shall be deposited with Saint 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. Funds shall be payable to 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 \$671.03 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 Louis 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 \$2,129.08 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, 2009, 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.

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.