

AN ORDINANCE REPEALING ORDINANCE 1170 OF THE CITY OF CHESTERFIELD AND ORDINANCE 13,759 OF ST. LOUIS COUNTY AND ESTABLISHING A NEW ORDINANCE CHANGING THE LEGAL DESCRIPTION IN A "C8" PLANNED COMMERCIAL DISTRICT FOR A 10.895 AND A 3.038 ACRE TRACTS OF LAND LOCATED ON THE SOUTHEAST AND SOUTHWEST CORNERS OF THE WILD HORSE CREEK ROAD AND BAXTER ROAD INTERSECTION [P.Z. 26-2008 Chesterfield Village Parcels C-119 & C-148 (Chesterfield Village, Inc)]

WHEREAS, Chesterfield Village, Inc has requested an ordinance amendment to City of Chesterfield Ordinance 1170 and St. Louis County Ordinance 13,759 to revise the legal descriptions in a "C8" Planned Commercial District for a 10.895 and a 3.038 acre tracts of land located on the southeast and southwest corners of Wild Horse Creek Road and Baxter Road intersection; and,

WHEREAS, a Public Hearing was held before the Planning Commission on November 10, 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 rezoning request.

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

Section 1. City of Chesterfield Ordinance 1170 and St. Louis County Ordinance 13,759 are hereby repealed and a new ordinance is established in their place to the conditions incorporated into the Attachment A, which is attached hereto and made a part hereof. A description of the property is as follows:

Parcel C-119

A tract of land being part of U.S. Survey 415 and Fractional Section 9, Township 45 North – Range 4 East, within the City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the Northwest corner of Lot 24 of "Baxter Pointe Villas Plat Three", a subdivision according to the plat thereof recorded in Plat Book 347 page 40 of the St. Louis County Records, and being in the Eastern line of a tract of land as described in deed to Chesterfield Village Incorporated as recorded in deed Book 8076 page 622 of the St. Louis County Records; thence along the prolongation of said Eastern line South 00 degrees 16 minutes 12 seconds West 0.48 feet to a point; said point being the Northeast corner of Lot 111A of "The Estates of Baxter Pointe" according to thereof recorded in Plat Book 346 page 153 of the St. Louis County Records, also being the Southeast corner of Baxter Master Common Area, as shown on said plat; thence North 36 degrees 51 minutes 07 seconds West 271.51 feet to a point; in the Southeast line of Wild Horse Creek Road, varying width; thence along said Southeast line North 53 degrees 08 minutes 53 seconds East 234.93 feet to a point; thence along a curve to the right, whose radius point bears South 36 degrees 51 minutes 07 seconds East 1116.28 feet from the last mentioned point, a distance of 5.83 feet to a point; thence leaving

said curve South 36 degrees 33 minutes 10 seconds East 3.15 feet to a point where the aforementioned Southeast line of Wild Horse Creek Road intersects the West line of Baxter Road, 82 feet wide; thence along said West line of Baxter Road, the following courses and distances: along a curve to the right, whose radius point bears South 35 degrees 49 minutes 15 seconds East 105.50 feet from the last mentioned point, a distance of 164.01 feet to a point; thence South 36 degrees 45 minutes 00 seconds East 290.98 feet to a point; thence along a curve to the right, whose radius point bears South 53 degrees 15 minutes 00 seconds West 676.00 feet from the last mentioned point, a distance of 82.88 feet to a point at the Northeast corner of the Common Area abutting said Baxter Road, as shown on the aforementioned plat of "Baxter Pointe Villas Plat Three"; thence leaving the West line of Baxter road South 73 degrees 21 minutes 49 seconds West 122.60 feet to a point in the North line of Lot 21; thence along the North line of Lots 21, 22, 23 and 24 respectively North 89 degrees 43 minutes 48 seconds West 280.00 feet to the point of beginning and containing 3.038 acres according to calculations by Volz Inc. during October 2008.

Parcel C-148

A tract of land being part of Lot 1 of the Subdivision of the James Long Estate in U.S. Survey 2031 and part of Lots 1 and 2 of the Subdivision of the John Long Estate in U.S. Survey 415, Township 45 North – Range 4 East, in the City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the Northern line of U.S. Survey 415, at the Southwestern corner of a tract of land conveyed to Chesterfield Village Inc., by Deed recorded in Book 6928, Page 45 of the St. Louis County Records, thence along said Northern line, South 89 degrees 53 minutes 36 seconds East, 52.04 feet to the Northwestern corner of a tract of land conveyed to Chesterfield Village Inc., by Deed recorded in Book 6549, Page 1873 of the St. Louis County Records, thence along the Western line of said tract, South 17 degrees 28 minutes 49 seconds East, 100.03 feet to a point; thence departing said Western line, South 77 degrees 29 minutes 15 seconds West, 577.63 feet to a point; thence South 67 degrees 34 minutes 56 seconds West, 415.00 feet to a point on the Eastern line of Baxter Road as established by the plat of "Baxter Road - Road Dedication and Easement Plat" recorded in Plat Book 323, Pages 51 through 53 of the St. Louis County Records; thence along said Eastern line, along a curve to the left whose radius point bears South 64 degrees 52 minutes 56 seconds West 758.00 feet from the last mentioned point, a distance of 152.27 feet to a point of tangency; thence North 36 degrees 37 minutes 40 seconds West, 291.21 feet to a point of curvature; thence along a curve to the right whose radius point bears North 53 degrees 22 minutes 21 seconds East 70.50 feet from the last mentioned point, a distance of 129.58 feet to a point; thence North 22 degrees 04 minutes 08 seconds West, 2.46 feet to a point on the Southern line of a tract of land dedicated for the widening of Wild Horse Creek Road, variable width; thence along said Southern line, along a curve to the right whose radius point bears South 21 degrees 23 minutes 40 seconds East 1,110.28 feet from the last mentioned point, a distance of 246.94 feet to a point of tangency; thence North 81 degrees 20 minutes 55 seconds East, 378.88 feet to a point; thence South 08 degrees 39 minutes 24 seconds East, 4.00 feet to a point; thence North 81 degrees 20 minutes 55 seconds East, 58.45 feet to a point of curvature; thence along a curve to the left whose radius point bears North 08 degrees 39 minutes 05 seconds West 995.37 feet from the last mentioned point, a distance of 41.97 feet to a point; thence North 11 degrees 04 minutes 01 second West, 3.12 feet to a point on the Southern line of (Relocated) Wild Horse Creek Road, variable width; thence along said Southern line, North 81 degrees 20 minutes 55 seconds East, 358.35 feet to a point of curvature; thence along a curve to the right whose radius point bears South 08 degrees 39 minutes 05 seconds East 919.00 feet from the last mentioned point, a distance of 25.85 feet to the point of beginning, containing 10.895 acres more or less.

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 Chesterfield Village, Inc, in P.Z.26-2008, 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 10th day of November 10, 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: 07/20/2009

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 "C8" District shall be all those uses permitted in the "C2" Shopping District and those uses permitted in the "C6" Office and Research Service District without a Conditional Use Permit, or more specifically:

Permitted Uses

- a. Adult day care centers and child care centers.
- b. Auditoriums and other facilities for public assembly.
- c. Bookstores.
- d. Broadcasting studios for radio and television.
- e. Business and professional services wholly accessory to office operations and activities.
- f. Child care centers, nursery schools and day nurseries.
- g. Churches.
- h. Clubs, lodges, and meeting rooms.
- i. Colleges and universities.
- j. Employee dining facilities for the specific use of a designated office or research building or group of office or research buildings under the same ownership or management.
- k. Financial institutions.
- l. Libraries and reading rooms.
- m. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - i. adequately screened with landscaping, fencing or walls, or any combination thereof, or

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

- n. Medical and dental offices.
- o. Mortuaries.
- p. Nursery schools and day nurseries.
- q. Offices or office buildings.
- r. Package liquor stores that are located 1,000 feet or more when measured from the nearest property line, to the nearest property line of another package liquor store.
- s. 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.
- t. Police, fire, and postal stations.
- u. Recreational facilities, including indoor theaters, but not including drive-in theaters, golf practice driving ranges, and outdoor swimming pools.
- v. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith. No retail or wholesale sales shall be made from these facilities or laboratories.
- w. Restaurants, including banquet facilities.
- x. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- y. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public within the interior of any authorized building or structure located on the premises, or as otherwise permitted under Section 1003.167 Miscellaneous Regulations.

- z. Telecommunication towers up to one hundred (100) feet in height and co-used telecommunication towers or disguised support structures of one hundred twenty (120) feet or less in height.

Conditional Uses Permitted Without a Conditional Use Permit

- a. All Permitted Land Uses and Developments set above which exceed two (2) stories or forty (40) feet in height, whichever is less, including roof top mechanical equipment attached to a structure.
- b. Amusement parks for children.
- c. Animal hospitals and veterinary clinics, not including open kennels and exercise yards.
- d. Apartment dwelling units in buildings primarily designated for occupancy by commercial purposes. A minimum of eight hundred (800) square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises for the exclusive use of the occupants of such apartments.
- e. Automatic Teller Machines (ATM), freestanding.
- f. Car washes for automobiles.
- g. Filling stations for automobiles.
- h. Financial institutions with drive-through facilities.
- i. Highway Department garages.
- j. Hospitals.
- k. Hotels, including customary services for guests.
- l. Nightclub.
- m. Outdoor advertising signs other than those allowed as permitted uses.
- n. Outdoor sales, when no other related sales by the permitted primary use are occurring on site.
- o. Package liquor stores that are located less than one thousand (1,000) feet, when measured from the nearest property line, to the nearest property line of another package liquor store.
- p. Pawn shops.

- q. Pool and billiard halls.
 - r. Public utility facilities.
 - s. Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use.
 - t. Small loan businesses located at least one (1) mile (five thousand two hundred eighty (5,280) linear feet) from any existing small loan business and three hundred (300) feet from any residence, school or place of worship as such distances are determined by the Director of Planning.
 - u. Structures containing offices with affiliated dwelling units, wherein occupancy of the dwelling units shall be limited to the owners, managers, or employees of the office use or uses and their respective families. A minimum of eight hundred (800) square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises for the exclusive use of the occupants of such dwelling units.
 - v. Tattoo parlors.
 - w. Telecommunication towers up to two hundred (200) feet in height.
 - x. Thrift stores.
 - y. Vehicle service centers for automobiles.
 - z. Vehicle repair facilities for automobiles.
3. HOURS OF OPERATION.
- a. Hours of operation for this "C8" District shall not be restricted.

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

1. FLOOR AREA
- a. Restaurants shall be limited to no more than 13,000 square feet of gross floor area.
 - b. Offices shall be limited to no more than 90,000 square feet of gross floor area in a maximum of two (2) buildings.

- c. Retail Center shall be limited to no more than 44,000 square feet of gross floor area.

2. HEIGHT

- a. The maximum height of any office buildings, exclusive of roof screening, shall not exceed three (3) stories.
- b. The maximum height of all other building in this "C8" District shall not exceed one (1) story.

C. SETBACKS

1. STRUCTURE SETBACKS

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:

- a. Twenty-five (25) feet from the right-of-way of Baxter Road and Wild Horse Creek Road.
- b. Thirty (30) feet from the western boundary of the "C8" District.
- c. Zero (0) feet from the eastern boundary of the "C8" District.
- d. Ten (10) feet from the southern boundary of the "C8" District.

2. PARKING SETBACKS

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

- a. Fifteen (15) feet from the right-of-way of Baxter Road and Wild Horse Creek Road.
- b. Thirty (30) feet from the western boundary of the "C8" District.
- c. Zero (0) feet from the eastern boundary of the "C8" District.
- d. Ten (10) feet from the southern boundary of the "C8" District.

D. PARKING AND LOADING REQUIREMENTS

Parking and loading spaces for this development will be as required in the City of Chesterfield Code.

E. LANDSCAPE AND TREE REQUIREMENTS

The developer shall adhere to the Tree Preservation and Landscape Guidelines of the City of Chesterfield.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are 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, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. Access to both Baxter Road and Wild Horse Creek Road will be required to meet the access management criteria of the City of Chesterfield, St. Louis County, and Missouri Department of Transportation.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a sidewalk adjacent to Wild Horse Creek Road and Baxter Road Extension. Conforming to St. Louis County ADA Standards as directed by St. Louis County Department of Highways and Traffic and The Missouri Highway and Transportation Department.

K. 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.

L. 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 an adequate piped system.
2. 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 developments or issuance of building permits exceeding sixty (60%) of the 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 all Site Development Plans.

M. GEOTECHNICAL REPORT

Prior to Site Development Section 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.

N. MISCELLANEOUS

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

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

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in a new public hearing being required at the time of site development plan or site development concept plan review before the Planning Commission.
- 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 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 Metropolitan St. Louis Sewer 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, 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. No Trust Fund Contribution will be required for this "C8" Planned Commercial District.

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 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.