

AN ORDINANCE REPEALING ORDINANCE 2500 OF THE CITY OF CHESTERFIELD BY CHANGING THE REQUIRED CONWAY ROAD RIGHT OF WAY IMPROVEMENT IN A "PC" PLANNED COMMERCIAL DISTRICT FOR A 0.68 ACRE TRACT OF LAND LOCATED WEST OF THE CHESTERFIELD PARKWAY AND CONWAY ROAD INTERSECTION [P.Z. 07-2009 Stallone Pointe (Conway Pointe LLC)]

WHEREAS, Conway Pointe, LLC has requested an ordinance amendment to City of Chesterfield Ordinance 2500 to revise the required Conway Road right of way improvements in a "PC" Planned Commercial District for a 0.68 acre tract of land located west of the Chesterfield Parkway and Conway Road intersection; and,

WHEREAS, a Public Hearing was held before the Planning Commission on June 8, 2009; 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 City of Chesterfield Ordinance 2500 is hereby repealed and a new ordinance is established in its place to the conditions incorporated into the Attachment A, which is attached hereto and made a part hereof.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:

A tract of land being part of fractional section 10, Township 45 North, Range 4 East, being part of Deed Book 16328 Page 1369 and Deed Book 17504 Page 4794 of the St. Louis County Land Records Office in St. Louis County Missouri more particularly described as follows:

Beginning at a point being the southeast corner of property conveyed to Wilbert E. Mertz and Wife by Deed Book 1368 Page 467, from which a found 1/2" iron rod bears south 59 degrees 55 minutes east a distance of 1.27 feet, said point being on the northern right of way line of State Highway 40-61, (variable width); thence westwardly along the northern line of said State Highway 40-61, north 70 degrees 09 minutes 00 seconds west a distance of 356.89 feet to a found 1/2" iron pipe; thence leaving said right of way line, north 04 degrees 35 minutes 00 seconds west a distance of 59.31 feet to a point on the southern right of way line of Conway Road (variable width), from which a found 1/2" iron pipe bears south 16 degrees 12 minutes west a distance of 1.0 feet; thence eastwardly along the southern right of way line of Conway Road, south 80 degrees 10 minutes 00 seconds east a distance of 335.49 feet to a point, from which a found 1/2" iron rod with a cap stamped "County H/T" bears north 79 degrees 39 minutes east a distance of 0.87 feet; thence leaving said southern right of way line of Conway Road, south 04 degrees 35 minutes 00 seconds east a distance of 123.40 feet to the point of beginning containing 29,683 square feet or 0.681 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 Conway Pointe, LLC, in P.Z. 07-2009, 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 8th day of June 2009, 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: _____

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. Service facilities, studios, or work areas for dressmakers and tailors. Goods and services associated with these uses may be sold or provided directly to the public on premises.
 - b. Stores, shops, markets, service facilities, open to the general public on the premises.
2. HOURS OF OPERATION.
 - a. Hours of operation for this "PC" Planned Commercial District shall be 8:00 AM to 10:00 PM.

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 two (2) stories.
2. BUILDING REQUIREMENTS
 - a. A minimum of forty-five percent (45%) open space is required for this development.

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. Ten (10) feet from the right-of-way of Conway Road on the northern boundary of the "PC" Planned Commercial District.
 - b. Twenty (20) feet from the southern boundary of the "PC" Planned Commercial District.

- c. Ten (10) feet from the eastern boundary of the "PC" Planned Commercial District.
- d. Thirty (30) feet from the western boundary of the "PC" Planned Commercial 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. Ten (10) feet from the right-of-way of Conway Road.
- b. Thirteen (13) feet from the southern boundary of the "PC" Planned Commercial District.
- c. Fifteen (15) feet from the eastern boundary of the "PC" Planned Commercial District.
- d. Fifteen (15) feet from the western boundary of the "PC" Planned Commercial District.

D. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. No parking of any kind shall be permitted along Conway Road, from Chesterfield Parkway East to Swingley Ridge Road.
- 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.
- 4. No construction related parking shall be permitted within the Conway Road right-of-way.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the landscape and tree preservation requirements of the City of Chesterfield Code with the following exceptions.
 - a. A buffer shall be provided along the entire length of the eastern side of the property bearing N 04°35'00"W a minimum width of 10 feet.
 - b. A buffer shall be provided along the entire southern side of the property bearing S 70°09'00"W a minimum width of 20 feet in the east nearest the structure and a minimum of 13.3 feet in the west nearest the parking lot.

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

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, 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 Conway Road shall be limited to one commercial entrance. The commercial entrance will be located in accordance with the City's Access Management Ordinance and as directed by the City of Chesterfield.
2. No direct access to Highway 40/61 will be permitted.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Improve Conway Road along the entire frontage of the site to complete the full width improvements required for a 40 foot wide right of way and a 27 foot pavement, including 6 inch vertical curb, required tapers, and storm drainage facilities, as directed by the City of Chesterfield's Department of Planning and Public Works.
2. Provide additional right of way for Conway Road along the entire frontage of the site and a 10 foot Permanent Roadway Improvement, Maintenance, Utility, Sewer and Sidewalk Easement adjacent to Conway Road as directed by the City of Chesterfield.
3. All roadway and related improvements shall be completed prior to occupancy for the development.
4. Provide a 4 foot wide sidewalk, conforming to ADA standards, along the Conway Road frontage of the site.
5. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the agency in control of the right of way off of which the entrance is constructed. No gate installation will be permitted on public right of way.

If a gate is installed on a street in a development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.

K. TRAFFIC STUDY

1. 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. SANITARY SEWER

1. Easements may be required on this site, encroachments will not be permitted.
2. Extension of public sanitary sewer lines may be required to serve this site and those adjacent. Extension of sanitary sewer lines shall be completed in such a manner as to coordinate with other adjacent parcels. A strong preference shall be shown for gravity sanitary sewers. Private sanitary laterals may not cross property lines.
3. Formal plan submittal and approval will be required by the MSD prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

N. STORMWATER

1. Extend and connect the existing 18 inch storm sewer pipe across the proposed property to the existing facilities downstream.
2. Analysis and verification of the adequacy of the downstream sewers shall be provided.

3. 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.
4. 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.

O. 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.

P. MISCELLANEOUS

1. This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) or more acres.
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.
3. 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 Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.

9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

- A. The developer shall be required to contribute to the **Chesterfield Valley Road 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.

This contribution shall not exceed an amount established by multiplying the ordinance required parking spaces for the difference between the existing and proposed uses by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Retail Use	\$1,668.47/Parking Space
Loading Space	\$2,730.25/Loading Space

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

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

Credits for roadway improvements required will be awarded as directed by Saint 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. Credits for roadway improvements will be as approved by the City of Chesterfield and/or Saint Louis County Department of Highways and Traffic.

Please note that no TGA credit will be given for municipal road improvements.

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

The amount of this required contribution, if not submitted by January 1, 2009 will 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.

Traffic generation assessment contributions shall be deposited with the Saint Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer will provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

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.