

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2297 AND REPLACING IT WITH A NEW ORDINANCE THAT AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES FOR A “C8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 2.35-ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE BOULEVARD, DIRECTLY ACROSS FROM THE INTERSECTION OF OLIVE BOULEVARD AND RIVER VALLEY DRIVE. (P.Z. 03-2009 FOUR SEASONS, LOT 3, PLAT 6/SCHUYLER CORPORATION)

WHEREAS, the Petitioner, Schuyler Corporation, has requested a change in zoning from “C8” Planned Commercial District to “PC” Planned Commercial District for the above-referenced 2.35–acre parcel of land; and,

WHEREAS, a public hearing before the City of Chesterfield Planning Commission was held on April 27, 2009 to consider the matter; and,

WHEREAS, the request was considered by the Planning Commission, and upon review, the Commission recommended approval of said change of zoning by a vote of 6 to 2; and,

WHEREAS, the Planning and Public Works Committee, having also considered Schuyler Corporation’s request, recommended approval by a vote of 4 to 0, with recommendations regarding limitation on the number of drive-thru facilities and automatic power of review by City Council.

WHEREAS, the City Council, having considered the request for a change of zoning, voted to approve P.Z. 03-2009 Four Seasons, Lot 3, Plat 6/Schuyler Corporation.

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 City of Chesterfield Ordinance Number 2297 is hereby repealed and the City of Chesterfield Zoning Ordinance and the Official Zoning Maps, which are a part thereof, are hereby amended by transferring from the “C8” Planned Commercial to the “PC” Planned Commercial District a 2.35-acre parcel of land located at 13700-13732 Olive Boulevard, on the south side of Olive Boulevard, directly across from the intersection of Olive Boulevard and River Valley Drive. A description of the subject site is as follows:

LEGAL DESCRIPTION

A TRACT OF LAND BEING LOT 3 OF FOUR SEASONS, PLAT 6, BOOK 171, PAGE 17, AND IN U.S. SURVEY 207, T.46N., R.5E., ST. LOUIS COUNTY, MISSOURI, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF OLIVE STREET ROAD AS WIDENED WHICH POINT BEARS SOUTH 7 DEGREES 40 MINUTS 10 SECONDS WEST A DISTANCE OF 20.04 FT. FROM THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO MISSOURI FOUR SEASONS, INC., BY DEED RECORDED IN BOOK 4648, PAGES 122, 123, AND 124 OF THE ST. LOUIS OCUNTY RECORDS TO THE TRU POINT OF BEGINNING; THENCE SOUTH 78 DEGREES 49 MINUTES 30 SECONDS EAST A DISTANCE OF 267.50 FT. TO A POINT; THENCE SOUTH 11 DEGREES 10 MINUTES 30 SECONDS WEST A DISTANCE OF 377.53 TO A POINT; THENCE NORTH 78 DEGREES 49 MINUTES 30 SECONDS WEST A DISTANCE OF 261.00 FT. TO A POINT; THENCE NORTH 7 DEGREES 40 MINUTES 10 SECONDS EAST A DISTANCE OF 350.19 FT. TO A POINT; THENCE NORTH 89 DEGREES 51 MINUTES 54 SECONDS EAST A DISTANCE OF 15.21 FET TO A POINT; THENCE NORTH 11 DEGREES 10 MINUTES 30 SECONDS EAST A DISTANCE OF 25.00 FT. TO A POINT OF BEGINNING AND CONTAINING 2.35 ACRES.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinance, 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 hereof.

Section 3. the City Council, pursuant to the request filed by Schuyler Corporation 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 27th day of April 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: 7-20-2009

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 "PC" Planned Commercial District shall be:
 - a. Barber shops and beauty parlors.
 - b. Dance studios.
 - c. Financial institutions.
 - c. Medical and dental offices.
 - d. Offices or office buildings.
 - e. Restaurants, fast food, excluding drive-up facilities..
 - f. Restaurants, sit down.
 - g. Retail stores and shops.
 - h. Service establishments.
 - i. Travel agencies.
 - j. Tailor shops.

2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. A maximum of 2,200 square feet may be utilized for physical therapy with activities limited to exercise and muscle stretching; heat and cold treatment, whirlpool, massage, traction, treatments to relieve pain and restore physical function.
 - b. Refuse collection for the site shall commence no earlier than 8 a.m.
 - c. No surgical or "invasive" procedures will be performed.
 - d. No convenience stores or food markets will be permitted.

- e. Drive-thru facilities will be limited to one (1) "low intensity" financial institution or restaurant in the form of a bakery and/or coffee shops and similar or comparable use.
- f. No more than eighty percent (80%) of the maximum gross floor area permitted via this ordinance shall be utilized for retail or other uses having parking requirements in excess of five (5) spaces per one thousand (1,000) square feet as specified by the City of Chesterfield Code.

B. FLOOR AREA, HEIGHT, BUILDING REQUIREMENTS

1. FLOOR AREA

Total building floor area shall not exceed 22,150 square feet.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed one (1) story.

3. BUILDING REQUIREMENTS

- a. A minimum of nine percent (9%) openspace is required for this development.
- b. This development shall have a maximum Floor Area Ratio (F.A.R.) of twenty-four percent (24%).

C. SETBACKS

1. STRUCTURE SETBACKS

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

- a. Sixty (60) feet from the right of way of Olive Boulevard.
- b. Thirty (30) feet from the eastern boundary of the "PC" Planned Commercial District
- c. Thirty (30) feet from all other limits of this "PC" Planned Commercial District.

2. PARKING AND LOADING SETBACKS

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

- a. Fifteen (15) feet from the right of way of Olive Boulevard
- b. Twenty (20) feet from the southern and western boundaries of this "PC" Planned Commercial District.
- c. Five (5) feet from the eastern boundary of this "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. Construction Parking
 - a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
 - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
 - c. Construction parking shall not be permitted on public-maintained roadways. Adequate off-street stabilized parking area(s) shall be provided for construction employees.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

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

2. The developer will collaborate with the adjacent residential neighbors on said Landscape Plan to provide sufficient landscaping against the uses on the subject site.

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.
3. Temporary signs, portable signs, and roof signs are prohibited.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. Lighting for the site, with the exception of security lighting, shall be turned off by 10:00 p.m., seven (7) days a week.

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 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. The material will be as approved by the Planning Commission in conjunction with the Site Development Plan.

4. Six (6) foot high sight proof fencing shall be installed along the south property line, along the west property line where parking areas adjoin, as approved by the Planning Commission on the Site Development Plan. This fence shall at all times be maintained in an erect position.
5. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. 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 as may be amended from time to time.
2. Access to this "PC" development shall be provided via the cross access established on the adjacent parcel to the east. The nearest edge of the entrance may not be spaced closer than 100 feet from the right of way line for Olive Boulevard. Any existing entrances that do not meet this requirement must be removed and/or closed off from use as directed by the Department of Public Works.
3. Remove the first raised island off of Olive Road when entering the subject site then re-stripe for separate left, right, and through lanes. In addition, provide additional green space, if possible in the area where cross access is to be removed as directed in #2 above.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Olive Boulevard frontage of the site as directed. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a six (6) foot wide sidewalk, maintenance and utility easement.
2. Obtain approvals from the Department of Public Works and the Missouri Department of Transportation for areas of new dedication, and roadway improvements.

3. Any improvements to the entrance geometrics and drainage shall be in accordance with Missouri Department of Transportation (MoDOT) standards and shall be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require permit.

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 AND SANITARY SEWER

1. Submit to the Planning Commission a preliminary engineering plan approved by Metropolitan Sewer District showing that adequate handling of the stormwater drainage of the site is provided.
2. The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield standards.
3. All stormwater shall be discharged at an adequate natural discharge point.
4. Detention of differential runoff of stormwater is required by providing permanent detention facilities such as: dry reservoirs, ponds, or other acceptable alternative.

M. GEOTECHNICAL REPORT.

Provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

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 18 months of City Council approval of the Preliminary Development Plan. This requirement shall be accomplished prior to issuance of building permits.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within 18 months of the date of approval of the Preliminary Development Plan by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan 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. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.
- B. 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.

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.

May 27, 2009

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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 one (1) foot, 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. 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.

VI. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not

limited to, the penalty provisions as set forth in the City of Chesterfield Code.

- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.