

**AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2133 AND REPLACING IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO THE PERMITTED USES FOR A 63.8 ACRE TRACT OF LAND ZONED "R1A" RESIDENCE DISTRICT WITH A PLANNED ENVIRONMENTAL UNIT (PEU) LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD, EAST OF CORDOVAN COMMONS PARKWAY AND WEST OF OLD RIVERWOODS LANE (P.Z. 06-2009 Villages of Kendall Bluff, Villages B & C (Partial) {Fischer & Frichtel Inc.})**

**WHEREAS**, Fischer & Frichtel Inc. has requested an amendment to City of Chesterfield Ordinance 2133 to amend the permitted uses for a 63.8 acre tract of land located on the north side of Olive Boulevard, east of Cordovan Commons Parkway and west of Old Riverwoods Lane; and,

**WHEREAS**, a Public Hearing was held before the Planning Commission on May 27, 2009; and,

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

**WHEREAS**, the City Council, having considered said request voted to approve the ordinance amendment request.

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

**Section 1.** The City of Chesterfield Ordinance 2133 is hereby repealed and those conditions therein are incorporated into the Attachment A, which is attached hereto and made a part hereof for Villages of Kendall Bluff.

**Legal Description**

A tract of land being "The Villages of Kendall Bluff Subdivision" according to the plat thereof recorded in Plat Book 355 Pages 14-17 of the St. Louis County Records in U.S. Survey 120 and 121, Townships 45 and 46 North, Range 4 East, St. Louis County, Missouri.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and, made a part of.

**Section 3.** The City Council, pursuant to the petition filed by Fischer & Frichtel Inc., in P.Z. 06-2009, 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 27th day of May 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 "PEU" Planned Environment Unit shall be:
  - a. Single Family detached residential unit for Lot 19
  - b. Single Family attached or detached residential units for Lots 9, 10, 11, 12, 13, 14, 15, & 16 as recorded in Plat Book 355 Pages 14-17 of the St. Louis County Recorder of Deeds. Upon the commencement of construction of either an attached or detached residential use within the above stated lots then all remaining lots stated above must have the same use.
  - c. Single Family attached or detached residential units for Lots 64, 65, 66, 67, 68, and 69 as recorded in Plat Book 355 Pages 14-17 of the St. Louis County Recorder of Deeds. Upon the commencement of construction of either an attached or detached residential use within the above stated lots then all remaining lots stated above must have the same use.
  - d. Single Family attached residential units for the remainder of the development
2. The above uses in the "PEU" Planned Environment Unit shall be restricted as follows:

There shall be no more than 115 Units

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

##### **1. HEIGHT**

The maximum height of a residential unit in this development shall not exceed two stories or thirty-five (35) feet, whichever is less.

## 2. BUILDING REQUIREMENTS

A minimum of seventy-six percent (76%) greenspace is required for this development. Greenspace is determined by a fraction: the numerator of which is all green plus all non-paved surfaces, denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.

## 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. One Hundred (100) feet from the new right-of-way of Olive Boulevard where adjacent to it and forty (40) feet from the northern boundary of the 11.5 acre +/- parcel known as Surrey Place where adjacent to it. The proposed gatehouse for the development shall not be permitted to encroach upon the setback.
- b. Fifty (50) feet from the western boundary of the Planned Environment Unit.
  - i. The area within this setback shall be an area of non-disturbance and shall not be disrupted, except for placement of utilities and the detention pond.
  - ii. Areas disturbed for sewer lines and the detention pond within this fifty (50) feet of the property line shall require a buffer with landscaping in accordance with a landscape plan approved by the City of Chesterfield.
  - iii. This area of non-disturbance on the western property line shall be a minimum of 930 feet in length from the right-of-way of Olive Boulevard.
- c. One hundred forty (140) feet from the northern boundary of the Planned Environment Unit.
- d. Eighty (80) feet from the eastern boundary of the Planned Environment Unit. For clarification, this distance is measured from the boundary line adjacent to Old Riverwoods Subdivision.
  - i. Fifty (50) feet from the eastern boundary shall be designated as an area of non-disturbance.

- ii. The setback for units 12b & 13b as shown on the preliminary plan shall be sixty-five (65) feet.

#### **D. PARKING AND LOADING REQUIREMENTS**

1. 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.
2. Parking lots shall not be used as streets.
3. No construction related parking shall be permitted within the Olive Boulevard (State Road 340) right-of-way.

#### **E. LANDSCAPE AND TREE REQUIREMENTS**

1. The developer shall adhere to the Tree Preservation and Landscape Requirements of the City of Chesterfield Code.
2. Trees #44 and #45, as identified on the Tree Stand Delineation/Preliminary Preservation Plan, shall not be removed or destroyed. The City Tree Specialist shall review the condition of said trees prior to any grading or activity that could produce harm and direct measures for their preservation.
3. Provide a landscaped median on the street entering the site. The median shall be a minimum of one hundred (100) feet long and ten (10) feet wide.
4. The existing ten (10) foot wide landscaped medians on State Route 340 shall be extended across the entire frontage of the subject tract except as necessary to accommodate turning movements for the proposed entrance street and the existing entrances on the southerly side of State Route 340. If the existing entrance to Surrey Place is relocated or removed in conjunction with the improvements for this development, the Developer shall modify or extend the limits of the existing medians appropriately. Final extents of the medians shall be as directed by the City of Chesterfield and the Missouri Department of Transportation.

The median(s) shall be constructed, backfilled, irrigated and landscape in accordance with City standards, specifications and guidelines. The developer will be responsible for the installation of any necessary water taps for the irrigation system. The City of Chesterfield will be responsible for future maintenance once construction has been completed and approved.

#### **F. SIGN REQUIREMENTS**

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or Missouri Department of Transportation, 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.
2. All light standards within this development will not exceed a total vertical height of twenty-four (24) feet.

#### **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 the 76.5± acre parcel (the proposed PEU and the existing CUP, see also P.C. 12, 13 & 14-87) shall be limited to a single curb cut on Olive Boulevard (State Route 340). The location of the access point shall be as approved by the City of Chesterfield and the Missouri Department of Transportation.
2. An access easement shall be provided within the 140-foot northern setback of the property to serve as a possible link of a future trail connecting the Beckmeier Conservation Area to the east of Old Riverwoods and Faust Park to the west.
3. No lot shall be allowed direct access to Olive Boulevard (State Route 340)

**J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. Any request to install a gate at the entrance street for this development must be approved by the City of Chesterfield and the Missouri Department of Transportation. Any request to install a gate on an internal street must be approved by the City of Chesterfield. No gate installation will be permitted on public right-of-way or within sixty (60) feet of a cross access easement. In addition, minimum stacking distance of sixty (60) feet, and a turnaround for rejected vehicles, designed to accommodate a single unit truck, must be provided in advance of the gate as directed by the City of Chesterfield and the Missouri Department of Transportation.
2. If a gate is installed on the entrance street for this development or on an internal street, the following additional requirements shall apply:
  - a. The streets within this development or that portion of the development that is gated shall be private and remain private forever.
  - b. No driveway shall be located within forty (40) feet of the gate as directed by the City of Chesterfield.
  - c. The first cross street to intersect the entrance street must be located a minimum of forty (40) feet from the gate as directed by the City of Chesterfield. The distance to be measured from the line of the gate to the edge of pavement of the proposed cross street.
3. Maintenance of private subdivision streets, including, but not limited to, snow removal, shall be the responsibility of the developer/subdivision. A disclosure statement shall be provided to all potential buyers in conformance with Section 1005.180 of the

Chesterfield Subdivision Ordinance. Signage indicating the private street shall also be posted as required by the referenced section.

4. Obtain approval from the City of Chesterfield and the Missouri Department of Transportation for the locations of proposed curb cuts, areas of new dedication and roadway improvements.
5. No driveway shall be allowed within fifty (50) feet of the intersection of the entrance street and the first cross street or access drive (11.5± acre parcel, aka Surrey Place). The distance will be measured from the nearest edge of pavement to the edge of the driveway at the property line.
6. The street off Olive Boulevard (State Route 340) shall be designed to City Standards and aligned such that vehicles entering off Olive have the right-of-way over vehicles exiting on the site (65± acre parcel) or the site to the north and east (11.5± acre parcel, aka Surrey Place). Any access off the entrance street shall be a minimum of one hundred (100) feet from the existing edge of pavement for Olive Boulevard (State Route 340) or a minimum of fifty (50) feet from right-of-way line as directed by the City of Chesterfield.
7. Provide cross access easements as needed to provide the adjacent parcel to the north and east (11.5± acre parcel, aka Surrey Place) full access to the street off of Olive Boulevard (State Route 340).
8. Provide a five (5) foot wide sidewalk, conforming to St. Louis County ADA standards, adjacent to Olive Boulevard (State Route 340) along the frontage of the subject tract and connecting to the sidewalk (Villas at Ladue Bluffs). The sidewalk may be located within State right-of-way or within a six (6) foot wide sidewalk, maintenance and utility easement on the subject property.
9. The developer shall provide any additional right-of-way for State Route 340, and construct any improvements, as directed by the Missouri Department of Transportation and the City of Chesterfield.
10. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield. If streets are to be public, the turn arounds may be required to accommodate school buses, as directed by the City of Chesterfield.
11. If street grades in excess of six percent (6%) are desired, grade approval must be obtained from the City of Chesterfield prior to Site Development Plan approval. In no case shall slopes in excess of twelve percent (12%) be permitted. Any request for steep street grades must include justification prepared, signed and sealed by a professional engineer and include plans, profiles, boring logs, cross-sections, etc. in accordance with the City's Street Grade Design Policy. The justification should clearly indicate site



conditions and alternatives considered. If steep grades are approved for this site, a note indicating that priority snow removal will not be given to this site shall be included on the Site Development Plan and Record Plat and provided to all prospective buyers.

**K. TRAFFIC STUDY**

Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation. 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 City Council shall have review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.

**M. 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 connected to an adequate piped system.

Storm sewers discharging along the steep slope toward the northwest portion of the site shall be extended to the base of the slope unless; extraordinary measures are taken to protect the slope from erosion in the long term, as approved by the City of Chesterfield. The following note shall be included on the Site Development Plan, "Final location of the storm sewer outlets shall be as approved by the City Engineer. Review and approval of said outlets shall be concurrent with the review of the Improvement Plans for the project."

Stormwater runoff is to be intercepted at the west property line adjacent to the existing residential lots at the eastern extent of the Villas at Ladue Bluffs subdivision and conveyed via underground sewers to the existing sewer discharge in order to prevent, to the greatest extent practicable, overland stormwater flow from the proposed development into the rear yards of said existing residences.

At the easternmost extent of the proposed development, in the area of the terminus of the proposed street A, proposed lots 11B, 12B & 13B (as shown on the preliminary plan), micro-detention techniques should be employed, as approved by the City of Chesterfield, to collect stormwater from impervious surfaces which would flow in an eastward direction, in an effort to mitigate the effects of stormwater runoff.

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 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).

#### **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. MISCELLANEOUS**

1. All utilities will be installed underground.
2. If cut or fill slopes in excess of 3:1 are desired an exception to this requirement must be obtained from the City Engineer. Any request for steep slopes must include justification as required by the Grading Ordinance. The labeling of any steep slope proposed on the Site Development Plan shall include the following note, "This steep slope is subject to the review and approval of the City Engineer. Review of the proposed steep slope will be concurrent with the review of the Grading Permit or Improvement Plans for the project."
3. No exception shall be granted by the City of Chesterfield for new cut or fill slopes in excess of 3:1 along the western boundary of the development adjacent to homes on Cordovan Commons Parkway.

4. No grading shall be permitted within the fifty (50) foot building setback on the western boundary unless required for installation of utilities.
5. This development will require a NPDES permit form the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) or more acres.

## **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 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, City of Maryland Heights, 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 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.