

BILL NO. 2766

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-2” SHOPPING DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 0.31 ACRE TRACT OF LAND LOCATED IN THE SOUTHWEST CORNER OF OLIVE BOULEVARD AND WOODS MILL ROAD (P.Z. 04-2009 13506 Olive Blvd. {Spirit Energy, LLC})

WHEREAS, Michael Doster of Doster Guin, LLC, on behalf of Equilon Enterprises, LLC, has requested a change in zoning from a “C-2” Shopping District to an “PC” Planned Commercial for a 0.31 acre tract of land located in the southwest corner of Olive Boulevard and Woods Mill Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on July 13, 2009; and,

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

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning with amendment requiring Power of Review.

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 Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a “PC” Planned Commercial District for a 0.31 acre tract of land located in the southwest corner of Olive Boulevard and Woods Mill Road and described as follows:

Beginning at the intersection of the southerly line of Olive Street Road, as widened by deed recorded in Book 6853, Page 1200 of the St. Louis County Records, with the westerly line of a parcel described in deed to Equilon Enterprises LLC recorded in Book 11717, Page 1152 of said County records; thence along the southerly and southwesterly line of said Olive Street Road the following bearings and distances: North 83 degrees 01 minute 21 seconds east, 117.69 feet; south 65 degrees 13 minutes 43 seconds east, 38.07 feet and south 09 degrees 30 minutes 26seconds east, 42.35 feet to a point on the curved westerly line of Woods Mill Road, with variable width and the center of said curve bears from said point South 79 degrees 36 minutes 12 seconds east, 985.72 feet; thence along said curved westerly line of Woods Mill Road, southerly, 30.44 feet to the southerly line of said Equilon Enterprises LLC parcel; thence along said southerly line, South 81 degrees 31 minutes 30 seconds West, 140.85 feet to the westerly line of said Equilon Enterprises LLC parcel; thence along said westerly line, North 08 degrees 28 minutes 30 seconds West, 95.24 feet to the point of beginning, according to Survey Number

181067 executed by James Engineering & Surveying Company, Inc., in October, 2003. Bearings adopted from Plat Book 341, Page 58 of the St. Louis County Records.

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 Equilon Enterprises, LLC, in P.Z. 04-2009, 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 13th day of July 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 _____, 2010.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

The Planning and Public Works Committee recommended by a vote of 4-0 that the Attachment A be amended as follows:

AMENDMENT 1

The Planning and Public Works Committee requested that the following change be made to Section I. Specific Criteria L. Power of Review on page 5 of 9:

L. POWER OF REVIEW

- ~~1. 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.~~
1. The City Council shall have review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.

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 District shall be:
 - a. Filling station
 - b. Restaurants, fast food, with drive-through service
 - c. Restaurants, sit down
 - d. 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 on the premises.
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.

B. HEIGHT AND BUILDING REQUIREMENTS

1. Height
 - a. The maximum height of the building, exclusive of roof screening, shall not exceed 35 feet or two stories, whichever is less.
2. Building Requirements
 - a. A minimum of 17.47% openspace 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. Forty (40) feet from the right-of-way of Olive Blvd.
- b. Fifty (50) feet from the right-of-way of Woods Mill Road.
- c. Twenty (20) feet from the southern boundary of this "PC" District.
- d. Thirty (30) feet from the western boundary of this "PC" 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. Zero (0) feet from the right-of-way of Olive Blvd.
- b. Zero (0) feet from the right-of-way of Woods Mill Road.
- c. Zero (0) feet from the western boundary of this "PC" District.
- d. Zero (0) feet from the southern boundary of this "PC" 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. No construction parking shall be permitted within the Olive Boulevard or State Route 141 (Woodsmill Road) right-of-way.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

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

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 (or MoDOT), 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 City of Chesterfield on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the City of Chesterfield.

I. ACCESS/ACCESS MANAGEMENT

1. Access to Olive Boulevard shall be limited to one entrance close to the west property line. The location and geometry of the access shall be as directed by the Department of Planning and Public Works, the Missouri Department of Transportation, and / or St. Louis County Department of Highways and Traffic. The west edge of the entrance shall be at least 10 feet east of the west terminus of the median on Olive Boulevard. Should alternate access and adequate circulation be made available to the site prior to approval of the Site Development Plan, no direct access to Olive Boulevard shall be permitted. Should alternate access be made available after development of the site, the access to Olive Boulevard shall be removed at such time as a significant change is made to the building or the site layout as directed by the City of Chesterfield and/or the Missouri Department of Transportation.
2. Access to State Route 141 (Woods Mill Road) shall be limited to one entrance close to south property line. Should alternate access and adequate circulation

- be made available to the site prior to approval of the Site Development Plan, no direct access to State Route 141 (Woods Mill Road) shall be permitted. Should alternate access be made available after development of the site, the access to State Route 141 (Woods Mill Road) shall be removed at such time as a significant change is made to the building or the site layout as directed by the City of Chesterfield, St. Louis County Department of Highways and Traffic and / or the Missouri Department of Transportation. The location and geometry of the access shall be directed by the Department of Planning and Public Works, St. Louis County Department of Highways and Traffic and / or the Missouri Department of Transportation.
3. Ingress and egress must conform to the relevant access management guidelines and must be reviewed and approved by the City of Chesterfield, St. Louis County Department of Highways and Traffic, and / or MoDOT. Any changes to the entrance geometrics and drainage design shall be in accordance with the MoDOT or St. Louis County standards and shall be reviewed and approved by MoDOT and / or St. Louis County.
 4. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT and / or St. Louis County right of way.
 5. All drainage detention storage facilities shall be placed outside of the standard governmental agencies planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.
 6. Any work within MoDOT's right-of-way will require a MoDOT permit.
 7. Installation of a curb and a visual barrier between the proposed property and adjacent site – fence, railing or architectural feature that may integrate the materials of the adjacent structures – shall be constructed along the perimeter of the site until such time that cross access becomes available.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide any additional right-of-way and construct any improvements to Olive Boulevard and State Route 141 (Woodsmill Road), as required by the Missouri Department of Transportation.
2. All roadways and any related improvements shall be completed prior to final paving of the parking lot for the development.
3. Provide a five (5) foot sidewalk, conforming to ADA standards, along the Olive Boulevard and the State Route 141 (Woodsmill Road) frontage of the site. 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.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield, St. Louis County Department of Highways and Traffic 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.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance(s) onto Olive Blvd. and/or Woodsmill Road. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield, St. Louis County Department of Highways and Traffic and/or the Missouri Department of Transportation.

L. POWER OF REVIEW

1. The Mayor or a Councilmember of the Ward in which a development is proposed may request that the Site Development Plan be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the Site Development Plan. The City Council will then take appropriate action relative to the proposal.

M. STORMWATER

1. 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.
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 percent (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.
3. The developer shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right-of-way.

4. Drainage detention storage facilities should be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.

N. SANITARY SEWER

1. Private sanitary sewer laterals may not cross property lines.

O. GEOTECHNICAL REPORT

1. 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. 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.
3. A grease trap and sampling manhole are required at all restaurants.

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, the Missouri Department of Transportation, and St. Louis County Department of Highways and Traffic.
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.