

**BILL NO.2803**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “FPNU” FLOOD PLAIN NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR AN 8.7 ACRE TRACT OF LAND LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF S. OUTER 40 ROAD AND TIMBERLAKE MANOR PARKWAY (P.Z. 03-2010 SUBURBIA GARDENS {40-TIMBERLAKE SE, LLC})**

**WHEREAS**, Stock and Associates, on behalf of 40-Timberlake SE, LLC, has requested a change in zoning from a “FPNU” Flood Plain Non-Urban District to a “PC” Planned Commercial District for an 8.7 acre tract of land located on the southeast corner of the intersection of S. Outer 40 Road and Timberlake Manor Parkway; and,

**WHEREAS**, Public Hearings were held before the Planning Commission on April 26, 2010 and June 28, 2010; and,

**WHEREAS**, the Planning Commission, having considered said request, recommended approval of the change of zoning; and,

**WHEREAS**, the City Council, having considered said request voted to approve the change of zoning request with amendments to the Hours of Operation and the Public/Private Road Improvements requirements.

**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 an 8.7 acre tract of land located on the southeast corner of the intersection of S. Outer 40 Road and Timberlake Manor Parkway and described as follows:

A tract of land being part of Lot 2 of the Subdivision of land of Samuel Conway, deceased, in partition in U.S. Survey 366 and Sections 13 and 14, Township 45 North, Range 4 East, in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 9 Page 77 of the St. Louis City (former County), Missouri 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” and preliminary plan, which are attached hereto and, made part of.

**Section 3.** The City Council, pursuant to the petition filed by 40-Timberlake SE, LLC, in P.Z. 03-2010, 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 hearings, held by the Planning Commission on the 26th day of April 2010 and 28th day of June 2010, 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 following change be made to the Attachment A:**

Section I. Specific Criteria, A. Permitted Uses, 3. Hours of Operation. The following language was amended:

**3. Hours of Operation.**

- a. **Hours of Operation for commercial, retail, office, educational or industrial type uses shall be restricted to Uses “d”, “i”, “k”, “l”, “m”, “p” and “q” listed above will be subject to hours of operation from 6:00 AM to 8:00 PM Monday through Friday and 8:00 AM to 3:00 PM Saturday.**
- b. ~~Uses “r” and “s” listed above will be subject to hours of operation from 7:00 AM to 6:00 PM Monday through Saturday and 8:00 AM to 5:00 PM Sunday.~~
- c. ~~All other uses shall have unrestricted hours of operation.~~

**The Planning and Public Works Committee recommended by a vote of 4-0 that the following change be made to the Attachment A:**

Section I. Specific Criteria, J. Public/Private Road Improvements, including Pedestrian Circulation. The following language was added:

6. **Construct a right turn lane on S. Outer 40 Road, including all necessary improvements for said lane, into the site. Said construction, including geometrics of the turn lane, shall be as directed by the Missouri Department of Transportation and the City of Chesterfield.**

## 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. Administrative office for educational or religious facility
  - b. Cafeterias for employees and guests only
  - c. Church and other place of worship
  - d. Coffee shop
  - e. Day care center, adult
  - f. Day care center, child
  - g. Educational facility - vocational school
  - h. Educational facility – college/university
  - i. Financial institution
  - j. Nursing home
  - k. Office, dental
  - l. Office, general
  - m. Office, medical
  - n. Park
  - o. Parking area, including garage, for automobiles
  - p. Professional and technical service facility
  - q. Research facility

- r. Retail Sales Establishment – Neighborhood
  - s. Retail Sales, Outdoor
2. The above uses in the “PC” Planned Commercial District shall be restricted as follows:
- a. Use “r” above shall be limited to a plant nursery.
  - b. Use “s” above shall be limited to plants and landscaping supplies.
3. Hours of Operation.
- a. Uses “d”, “i”, “k”, “l”, “m”, “p” and “q” listed above will be subject to hours of operation from 6:00 AM to 8:00 PM Monday through Friday and 8:00 AM to 3:00 PM Saturday.
  - b. Uses “r” and “s” listed above will be subject to hours of operation from 7:00 AM to 6:00 PM Monday through Saturday and 8:00 AM to 5:00 PM Sunday.
  - c. All other uses shall have unrestricted hours of operation.

## **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 sixty (60) feet from the required flood elevation.
2. Building Requirements
- a. The site shall be limited to a single structure and a one level parking structure.
  - b. A minimum of sixty-three percent (63%) openspace is required for this development.
  - c. This development shall have a maximum F.A.R. of 0.17.

## **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. Thirty (30) feet from the right-of-way of South Outer 40 Road.

- b. Thirty (30) feet from the western boundary of the "PC" Planned Commercial District.
  - c. Ten (10) feet from the fifty (50) foot Stream Buffer setback on the southern and western side of the development as shown on the attached preliminary plan.
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. Thirty (30) feet from the right-of-way of South Outer 40 Road.
- b. Thirty (30) feet from the western boundary of the "PC" Planned Commercial District.
- c. Ten (10) feet from the fifty (50) foot Stream Buffer setback on the southern and western side of the development as shown on the attached preliminary plan.

#### **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 related parking shall be permitted within the South Outer Forty or the Timberlake Manor Parkway right of way.
- 3. Parking lots shall not be used as streets.

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

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.
2. All light standards located in the parking lot or on the parking structure, other than those for security purposes, will be turned off by 9:00 PM, seven (7) days a week.

## **H. ARCHITECTURAL**

1. The developer shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

## **I. ACCESS/ACCESS MANAGEMENT**

1. Access to South Outer Forty shall be limited to one drive approach. Location of the entrance shall be as directed by the Department of Planning and Public Works and the Missouri Department of Transportation. No direct access to Timberlake Manor Parkway will be permitted.
2. Ingress and egress must conform to Missouri Department of Transportation's (MoDOT) Access Management Guidelines and must be reviewed and approved by MoDOT. Any changes to the entrance geometrics and drainage design shall be in accordance with the MoDOT standards and shall be reviewed and approved by MoDOT.

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

1. Provide any additional right-of-way and construct any improvements to Timberlake Manor Parkway, as required by the Missouri Department of Transportation and the City of Chesterfield.
2. Any work within MoDOT's right of way will require a MoDOT permit.
3. The proposed development will likely increase the need for improvements to Timberlake Manor Parkway and Highway 64/40. In accordance with Ordinance No. 1652, the developer shall make contributions to the Highway 40 Road Trust Fund.
4. Provide any additional right-of-way and construct any improvements to South Outer Forty, as required by the Missouri Department of Transportation and the City of Chesterfield.
5. The City of Chesterfield has adopted a citywide Bikeable Walkable Community Master Plan that was approved by City Council on 3/15/2010 by Resolution 302. Easements and Sidewalk/Trail improvements may be required at the time of development, as directed by the City of Chesterfield.

## **K. TRAFFIC STUDY**

Provide a traffic study as directed by the City of Chesterfield and/or Missouri Department of Transportation. The scope of the study shall include internal and external circulation and site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required. Due to the density being greater than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

Depending on the magnitude of the development a comprehensive traffic impact study could be required to assess the impacts of the proposed development on the access points to the State highway system. Prior to the traffic study the Missouri Department of Transportation Permit Specialist needs to be contacted to set up a scoping meeting. Roadway improvements may be required to support the proposed development.

## **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. 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. Wetland mitigation will not be allowable within the detention basin.
2. Detention/retention and channel protection measures are to be provided in each watershed such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24 hour storm event 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 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(s).
3. The petitioner 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. MoDOT request that all drainage detention storage facilities be placed outside of the Structure and Parking setbacks, or fifteen (15) feet from the new or existing right of way line, whichever is greater.
5. All detention design must be in accordance with City of Chesterfield criteria and the site shall be considered undeveloped.
6. Treatment for water quality and channel protection, in accordance with MSD regulations dated February 2006, shall be required.
7. A flood plain study will be required. The Metropolitan Sewer District will not approve the flood plain study until a conditional letter of map revision (CLOMR) is provided by FEMA to the municipality.
8. Formal plan submittal and approval will be required by the Metropolitan Sewer District prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

## **N. SANITARY SEWER**

An identified MSD design project "Creve Coeur Creek Trunk Sewer Sanitary Relief (Phase IV 2003063D)" is proposed within the immediate vicinity. Onsite easements will be required as part of the Metropolitan Sewer District's formal plan review. Encroachments over easements will not be allowed.

## **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. 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 twenty-four (24) 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 twenty-four (24) 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 openspace 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, significant natural features, such as wooded areas and rock formations, and other karst features 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.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

## **V. TRUST FUND CONTRIBUTION**

The developer shall be required to contribute to the Route 40 (I-64) Corridor Trust Fund (No. 533). 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 required number of parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
TGA Category	Contribution
General Office	\$ 583.66
General Retail	\$1,751.08
Loading Space	\$2,865.42

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

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

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

Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

As this development is located within a trust fund area established by Saint Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development should be retained in the appropriate trust fund.

Traffic generation assessment contributions shall be deposited with Saint 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. Funds shall be payable to Treasurer, Saint Louis County.

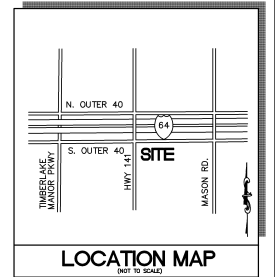
The amount of these required contributions if not submitted by January 1, 2011, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

## **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.

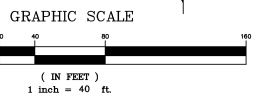
## **VII. ENFORCEMENT**

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the 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.



ACCESS TO SITE AS APPROVED BY MODOT, DATED 02/08/10.

DATE: 12/22/2009  
 DAILY NO.: 01299  
 LOC. NO.: 19R540055  
 ADDRESS:  
 14550 S OUTER 40 ROAD  
 AREA  
 379,195 SQ. FT.  
 8.705 ACRES



4. REVISED PER CITY COMMENTS - 05/19/10
3. REVISED PER CITY COMMENTS - 03/29/10
2. REVISED PER CITY COMMENTS - 03/25/10
1. REVISED PER MSD AND CITY COMMENTS - 03/05/10

M.S.D. P# \_\_\_\_\_  
 BASE MAP # 19-R  
 06/15/10

**PRELIMINARY PLAN W/ FLOOD STUDY**  
 SUBURBIA GARDENS REDEVELOPMENT

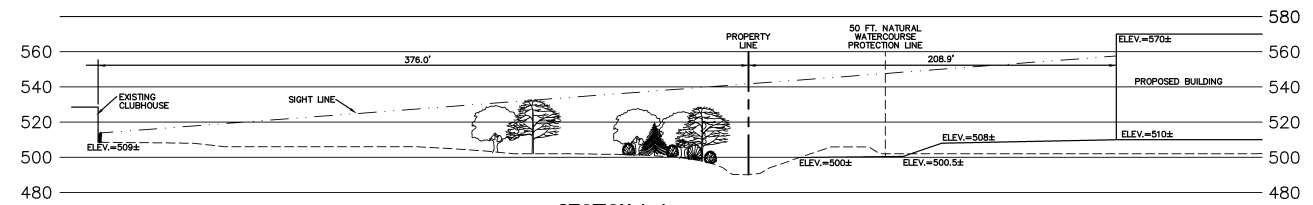
**STOCK & ASSOCIATES**  
 Consulting Engineers, Inc.

257 Chesterfield Business Parkway  
 St. Louis, MO 63005  
 PH. (636) 530-9100  
 FAX (636) 530-9100  
 e-mail: general@stockassoc.com  
 Web: www.stockassoc.com

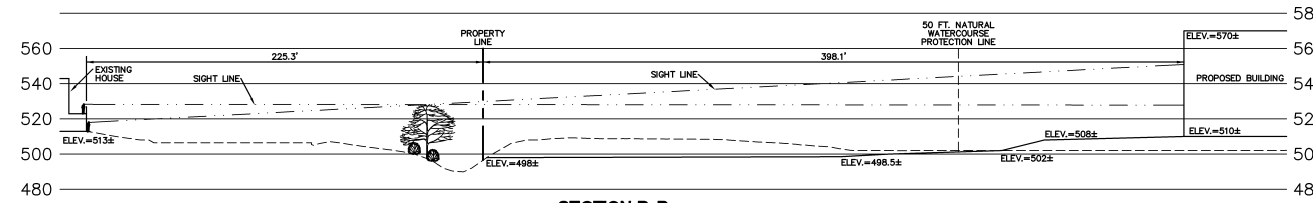
GEORGE M. STOCK E-25116  
 CIVIL ENGINEER  
 CERTIFICATE OF AUTHORITY  
 NUMBER: 000996

DRAWN BY:	DATE CHECKED BY:	DATE JOB NUMBER:	SHEET:
E.J.F.	01/20/10	G.M.S. 01/20/10	206-4481 1 of 2

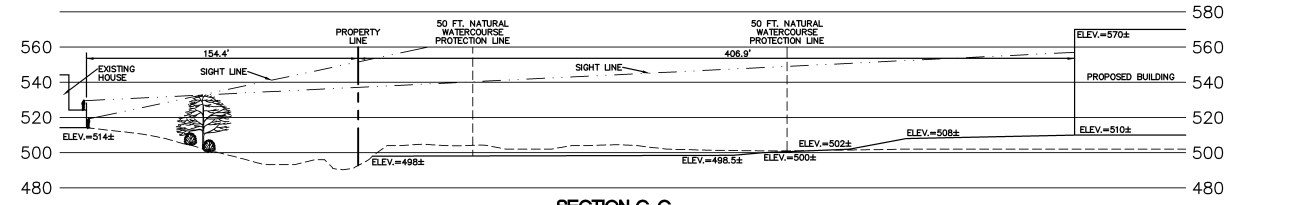
**OWNER:**  
 40-TIMBERLAKE SE, LLC  
 c/o MR. TROY POHLMAN, MANAGER  
 36 BRIARCLIFF  
 ST. LOUIS, MO. 63124



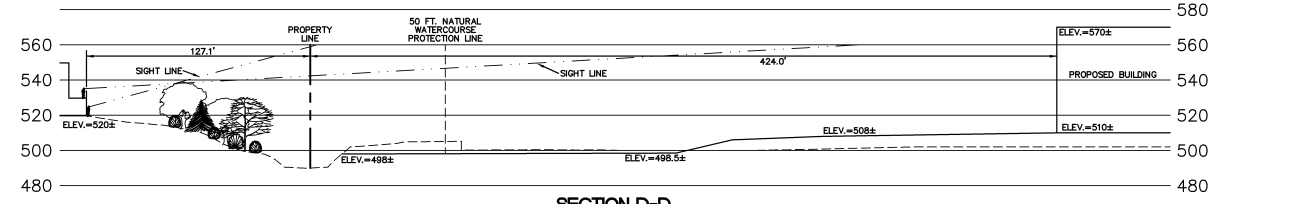
**SECTION A-A**  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=40'



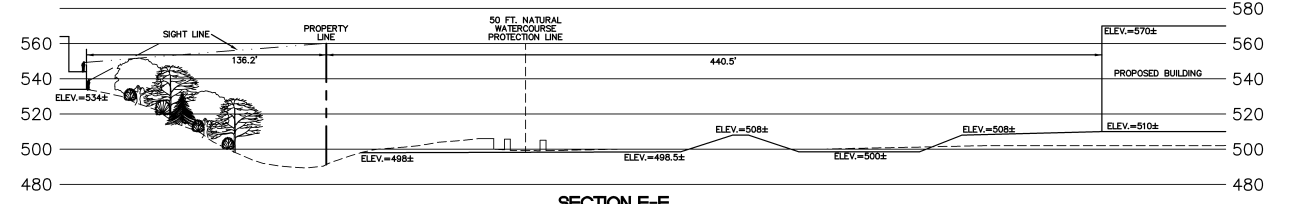
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VERTICAL 1"=40'



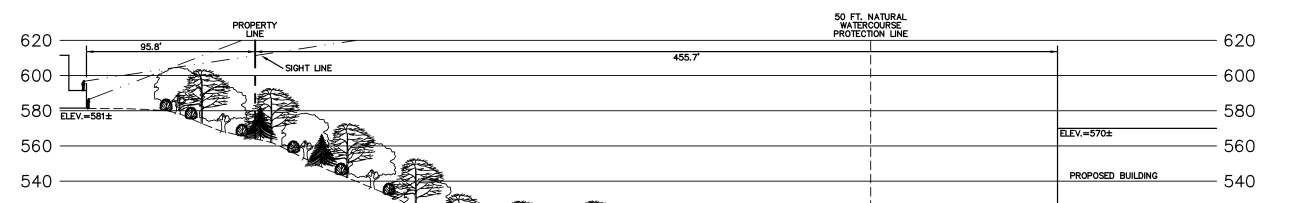
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VERTICAL 1"=40'



**SECTION D-D**  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=40'



**SECTION E-E**  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=40'



**SECTION F-F**  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=40'

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M.S.D. P#	-	4. REVISED PER CITY COMMENTS - 05/19/10
BASE MAP #	19-R	1. REVISED PER MSD AND CITY COMMENTS - 03/05/10
DATE	06/15/10	
<b>PRELIMINARY PLAN SECTIONS</b>		
<b>SUBURBIA GARDENS REDEVELOPMENT</b>		
<b>STOCK &amp; ASSOCIATES</b>		257 Chesterfield Business Parkway St. Louis, MO 63005 PH: (636) 530-9100 FAX: (636) 530-9100 e-mail: general@stockassoc.com Web: www.stockassoc.com
<b>Consulting Engineers, Inc.</b>		
GEORGE M. STOCK CIVIL ENGINEER CERTIFICATE OF AUTHORITY NUMBER: 000996	E-25116	DATE CHECKED BY: G.M.S. 01/20/10 DATE JOB NUMBER: 206-4481 SHEET: 2 of 2