

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C8" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT OF A 220 SQUARE FOOT SECTION OF LAND LOCATED WITHIN 13559 OLIVE BOULEVARD ON THE NORTH SIDE OF OLIVE BOULEVARD WEST OF THE INTERSECTION OF WOODS MILL ROAD AND OLIVE BOULEVARD. (P.Z. 01A-2011 MCDONALD'S CORPORATION DELAWARE {13559 OLIVE BOULEVARD} [NEW CINGULAR WIRELESS PCS, LLC]).

WHEREAS, New Cingular Wireless PCS, LLC has requested a zoning map amendment from a "C8" Planned Commercial District to a "PC" Planned Commercial District of a 220 square foot section on land located within 13559 Olive Boulevard on the north side of Olive Boulevard west of the intersection of Woods Mill Road and Olive Boulevard; and,

WHEREAS, a Public Hearing was held before the Planning Commission on August 22, 2011; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the Zoning Map Amendment; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of Zoning Map Amendment; and,

WHEREAS, the City Council, having considered said request, voted to approve the Zoning Map 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 Zoning Ordinance and the Official Zoning District Map, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District for a 220 square foot section of land with a new ordinance the conditions of which are established in the Attachment A. The area for which this new ordinance applies is as follows:

Commencing at the northwesterly corner of a tract described in Book 7755 Page 1660; Thence, S09 29'42"E 138.57 Feet; Thence N80 30'18"E 15.59 Feet, to the point of beginning; Thence, N81 46'18"E 10.00 Feet; Thence, S08 32'08"E 22.52 Feet; Thence S87 32'16"W, 10.06 Feet; Thence, N08 32'08"W, 21.51 Feet; to the point of beginning. Containing 220 square feet, more or less.

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

Section 3. The City Council, pursuant to the petition filed by New Cingular Wireless PCS, LLC, in P.Z. 01A-2011, requesting the zoning map 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 22nd day of August, 2011, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 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 _____, 2011.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "PC" Planned Commercial District shall be:
 - a. Telecommunication Tower or Facility
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.
3. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City of Chesterfield Telecommunications Ordinance Number 2391.

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

1. Floor Area
 - a. Total building floor area shall not exceed fifteen (15) square feet.
2. Height
 - a. The maximum height of the tower, exclusive of roof screening, shall not exceed forty-five (45) feet.
3. Building Requirements
 - a. A minimum of thirty-five percent (35%) openspace is required for this development.
 - b. This development shall have a maximum F.A.R. of .55.

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. Zero (0) feet from the northern boundary of the "PC" Planned Commercial District.
- b. Zero (0) feet from the southern boundary of the "PC" Planned Commercial District.
- c. Zero (0) feet from the eastern boundary of the "PC" Planned Commercial District.
- d. Zero (0) feet from the western boundary of the "PC" Planned Commercial District.

D. LANDSCAPE AND TREE REQUIREMENTS

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

E. 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.

F. MISCELLANEOUS

1. All utilities will be installed underground.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- A.** The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B.** In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.

- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide 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 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, 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. 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

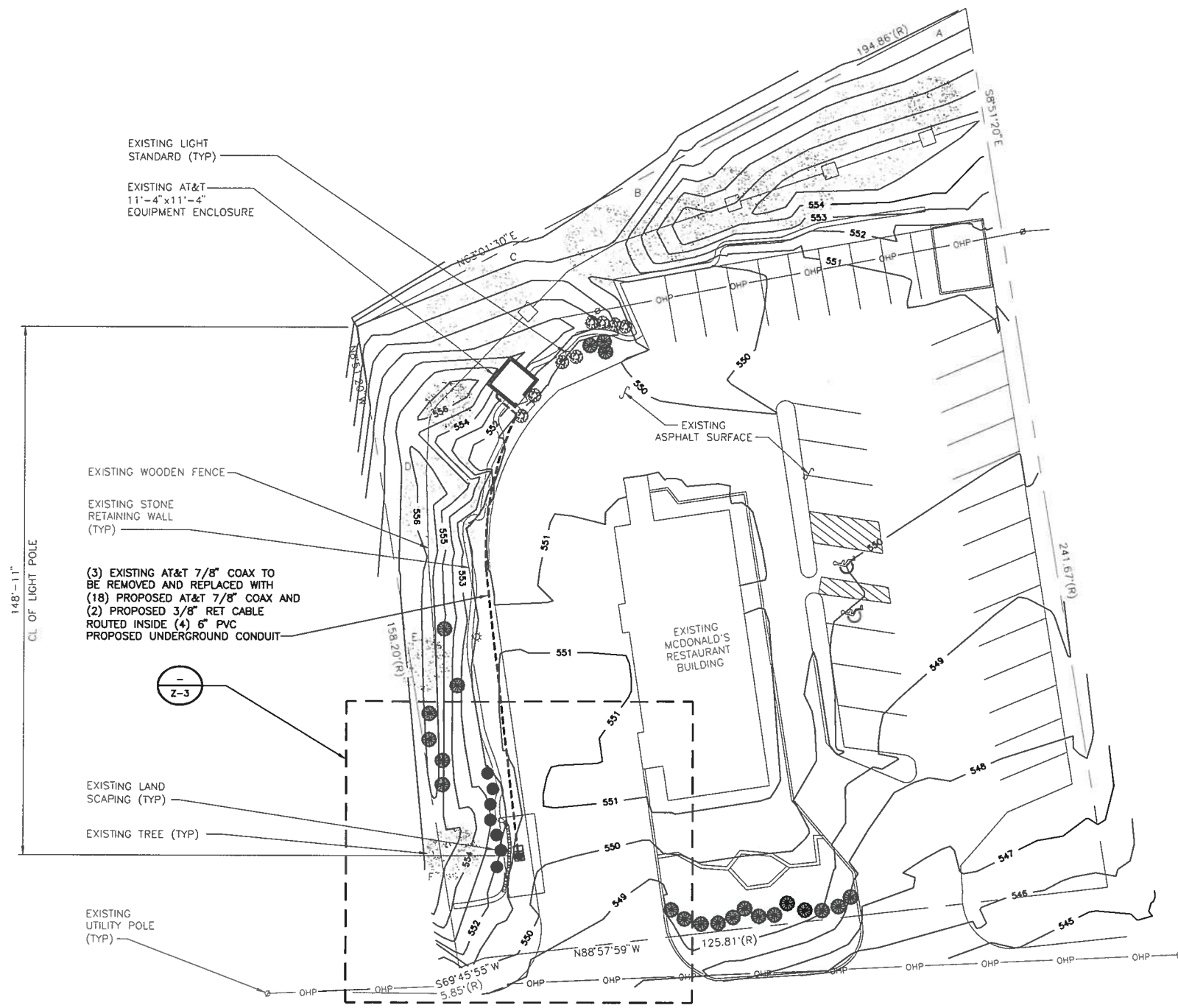
- A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation 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.

NOTE

PARCEL LINES, ZONE LINES AND OTHER SITE FEATURES SHOWN ARE COMPILED FROM EXISTING PLANS AND OTHER DATA. LOCATION OF PARCEL LINES, ZONE LINES AND SITE FEATURES ARE NOT TO BE CONSTRUED AS THE RESULT OF AN ACTUAL FIELD SURVEY AND SUBJECT TO ANY CONDITION THAT A SURVEY MAY REVEAL.

NOTES

1. PROPOSED TOWER IS NOT INTENDED FOR ANY COLOCATION.
2. THE EXISTING LOT IS 0.856061 ACRES.
3. AREA OF TOWER AND COMPOUND IS 0.002782 ACRES
4. PERCENTAGE OF AREA SITE OCCUPIES ON PARCEL IS .27%.
5. EXISTING TREES (A,B,C,D,E, AND F) HAVE A TRUNK DIAMETER OF AT LEAST 6".
6. PROPOSED CHANGE IN ZONING ONLY WITH RESPECT TO AT&T LEASE AREA.
7. INGRESS AND EGRESS ARE EXISTING WITH NO CHANGES PROPOSED.
8. THERE ARE NO PROPOSED CHANGES TO ANY EXISTING SANITATION OR DRAINAGE FACILITIES.



(3) EXISTING AT&T 7/8" COAX TO BE REMOVED AND REPLACED WITH (18) PROPOSED AT&T 7/8" COAX AND (2) PROPOSED 3/8" RET CABLE ROUTED INSIDE (4) 6" PVC PROPOSED UNDERGROUND CONDUIT

PRELIMINARY PLAN
SCALE: 1" = 40'



LEGEND	
FENCE	—□—□—□—□—
LEASE AREA	—+—+—+—+—
ICE BRIDGE	—X—X—X—X—
OVERHEAD POWER	—OHP—OHP—OHP—
UNDERGROUND POWER	—UGP—UGP—UGP—
OVERHEAD UTILITIES	—OHU—OHU—OHU—
UNDERGROUND TELCO	—UGT—UGT—UGT—

13075 MANCHESTER RD, SUITE 100
ST LOUIS, MO 63131

10950 GRANDVIEW DRIVE
OVERLAND PARK, KANSAS 66210
(913) 458-2000

BLACK & VEATCH PROFESSIONAL ENGINEERING CORPORATION
MISSOURI STATE CERTIFICATE OF AUTHORITY # 001846

PROJECT NO:	163313
DRAWN BY:	EMB
CHECKED BY:	GPX

REV	DATE	DESCRIPTION
6	07/28/11	PER ZONING COMMENTS
5	07/21/11	LTE DESIGN
4	04/29/11	ISSUED FOR ZONING
3	04/20/11	PER ZONING COMMENTS
2	05/11/11	PER ZONING COMMENTS
1	12/22/10	PER ZONING COMMENTS
0	11/11/10	ISSUED FOR ZONING

DARRYL E. CAIN E-29401
PROFESSIONAL ENGINEER

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

MO3147
CFPD4
13559 OLIVE BLVD
CHESTERFIELD, MO 63017
CHANGE OF ZONING - TOWER PARCEL

SHEET TITLE
SITE PRELIMINARY

SHEET NUMBER
Z-1

NOTES

1. PROPOSED TOWER IS NOT INTENDED FOR ANY COLOCATION.



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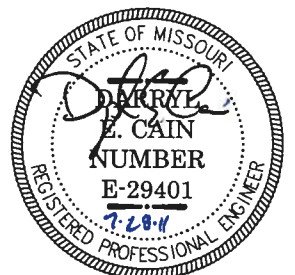
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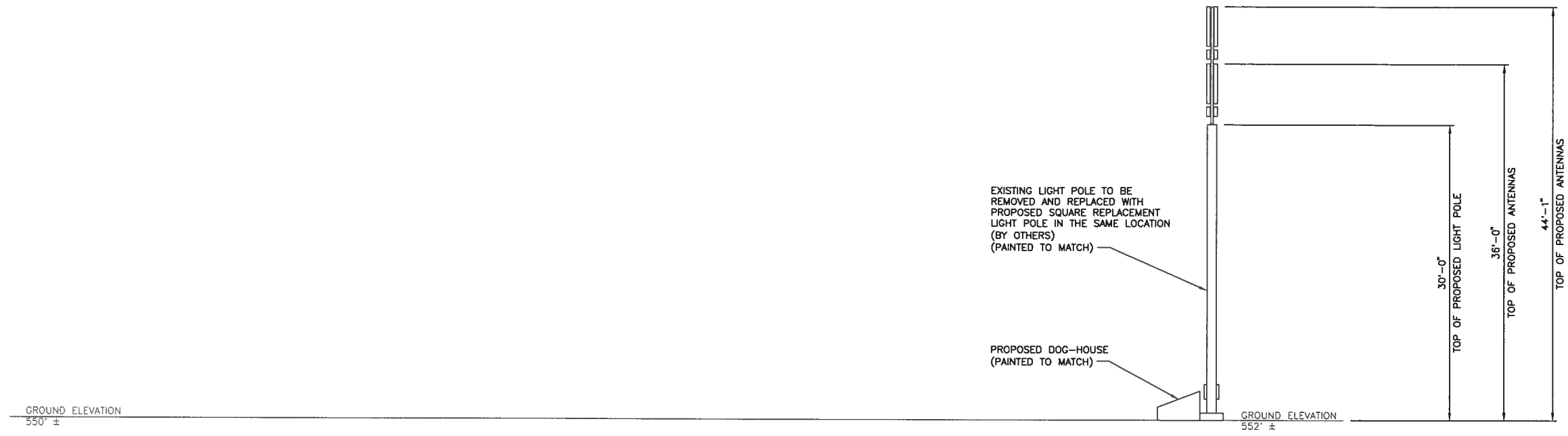
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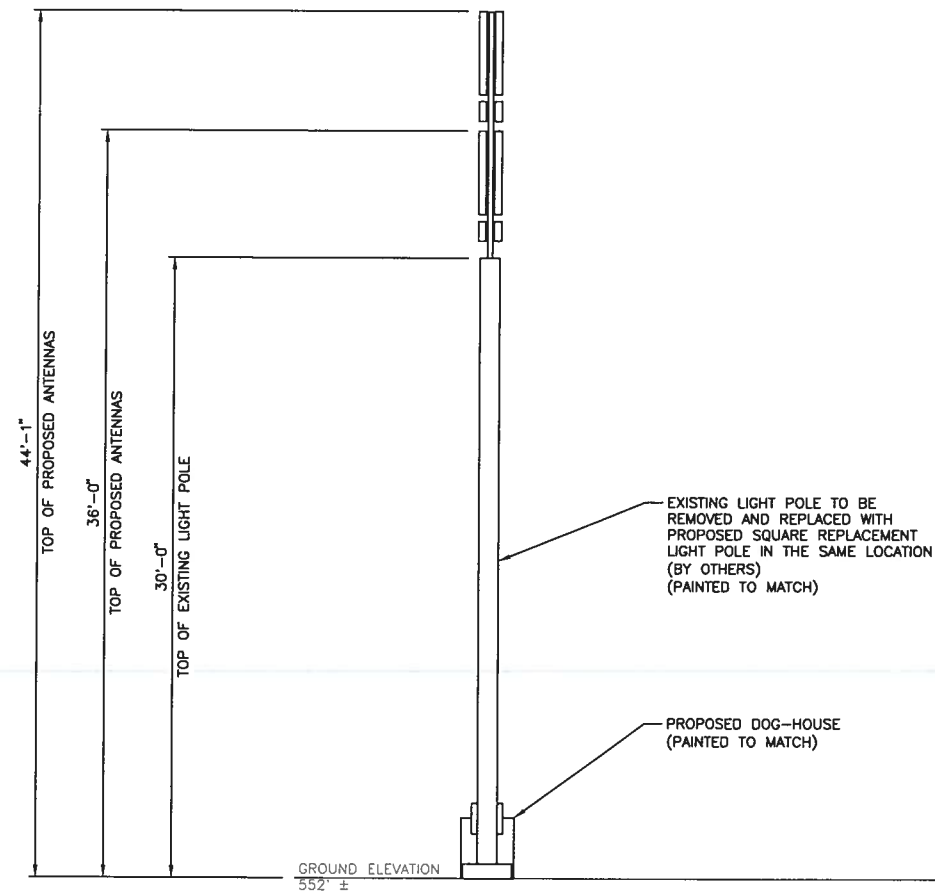
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CHANGE OF ZONING - TOWER PARCEL

SHEET TITLE
SITE ELEVATION

SHEET NUMBER
Z-2



**PROPOSED EQUIPMENT ELEVATION
LOOKING EAST**
SCALE: NONE



**PROPOSED EQUIPMENT ELEVATION
LOOKING NORTH**
SCALE: NONE

TOWER LEASE AREA IS APPROXIMATELY 220 sq. ft. PROPOSED AT&T TOWER AND DOGHOUSE IS APPROXIMATELY 12 sq. ft. LEAVING 208 sq. ft. OF OPEN SPACE. (APPROXIMATELY 95% OPEN SPACE)

PROPOSED DOG-HOUSE (PAINTED TO MATCH)

LIGHT POLE
EXISTING LIGHT POLE TO BE REMOVED AND REPLACED WITH PROPOSED SQUARE REPLACEMENT LIGHT POLE IN THE SAME LOCATION (BY OTHERS) (PAINTED TO MATCH)

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LEGAL DESCRIPTION

LIGHT POLE LEASE AREA DESCRIPTION

A TRACT OF LAND LOCATED IN LOT 1 SHARE 1 OF PARTITION ON MISSOURI STEVEN'S ESTATES IN US SURVEY 207, TOWNSHIP 46 NORTH, RANGE 5 EAST, ST LOUIS COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF A TRACT DESCRIBED IN BOOK 7755 PAGE 1660;
 THENCE, S09°29'42"E, 138.57 FEET;
 THENCE, N80°30'18"E, 15.59 FEET, TO THE POINT OF BEGINNING;
 THENCE, N81°46'18"E, 10.00 FEET;
 THENCE, S08°32'08"E, 22.52 FEET;
 THENCE, S87°32'16"W, 10.06 FEET;
 THENCE, N08°32'08"W, 21.51 FEET; TO THE POINT OF BEGINNING.
 CONTAINING 220 SQUARE FEET, MORE OR LESS.



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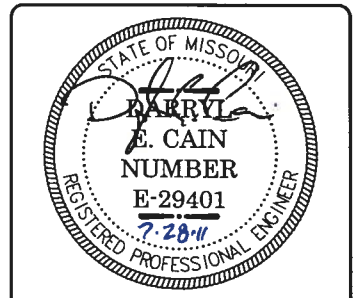


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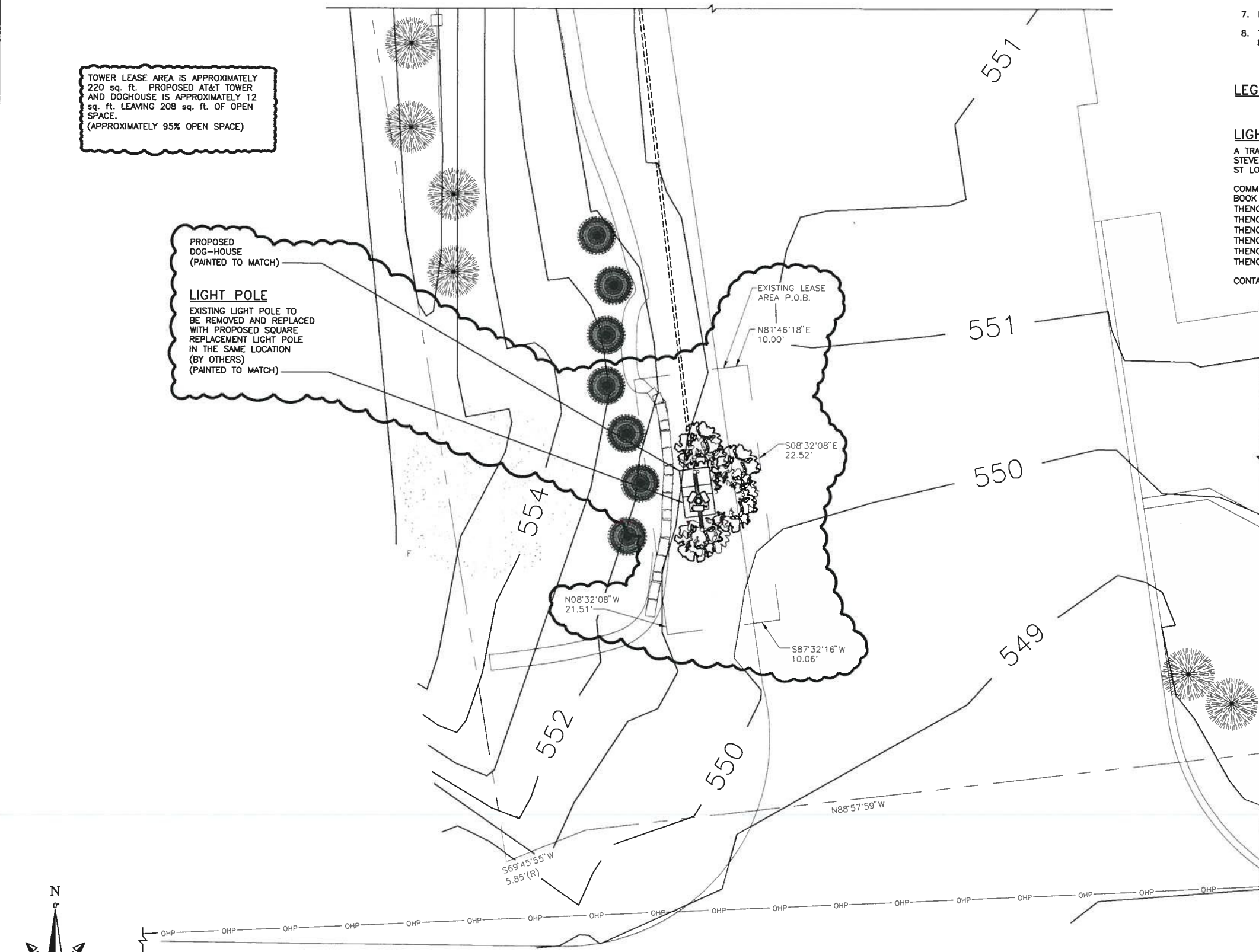
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CHANGE OF ZONING - TOWER PARCEL

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ENLARGED TOWER AREA

SHEET NUMBER
Z-3



PRELIMINARY PLAN
SCALE: 1" = 10'