

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2376 AND REPLACING IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO A NEW “PI” PLANNED INDUSTRIAL DISTRICT FOR A 16.7 ACRE TRACT OF LAND LOCATED NORTH OF THE INTERSECTION OF SPIRIT DRIVE NORTH AND CHESTERFIELD AIRPORT ROAD AND SOUTH OF INTERSTATE 64/U.S. HIGHWAY 61-40 (P.Z. 08-2011 KRAMER COMMERCE CENTER {KRAMER ASSETS GROUP, LLC & KRAMER PROPERTIES, LLC})

WHEREAS, Stock and Associates, on behalf of Kramer Assets Group, LLC and Kramer Properties, LLC, has requested a change in zoning from a “PI” Planned Industrial District to a new “PI” Planned Industrial District for a 16.7 acre tract of land located north of the intersection of Spirit Drive North and Chesterfield Airport Road and south of Interstate 64/U.S. Highway 61-40; and,

WHEREAS, a Public Hearing was held before the Planning Commission on September 12, 2011; and,

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

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the change of zoning with an amendment to the openspace requirement; and,

WHEREAS, the City Council, having considered said request voted to approve the change of zoning request with the amendment to the openspace requirement.

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 The City of Chesterfield Zoning Ordinance 2376 is hereby repealed and those conditions therein are incorporated into the Attachment A, which is attached hereto and made a part hereof for Kramer Commerce Center and described as follows:

A tract of land being known as Kramer Commerce Center as per the plat recorded in PB 355, PG 871 of the St. Louis 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 Kramer Assets Group, LLC and Kramer Properties, LLC, in P.Z. 08-2011, 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 a public hearing, held by the Planning Commission on the 12th day of September 2011, 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 _____, 2011

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, B. Floor Area, Height, Building and Parking Structure Requirements, 2. Building Requirements. The following language was amended:

2. Building Requirements.

- a. A minimum of ~~thirty-five (35)~~ **thirty (30)** percent openspace is required for this development.

greensheet

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 "PI" Planned Industrial District shall be:
 - a. Automatic vending facility
 - b. Cafeteria for employees and guests only
 - c. Commercial service facility
 - d. Day care center, child
 - e. Dwelling, employee
 - f. Education facility - Vocational school
 - g. Financial institution
 - h. Laboratories-professional, scientific
 - i. Manufacturing, fabrication, assembly, processing, or packaging facility
 - j. Office, dental
 - k. Office, general
 - l. Office, medical
 - m. Parking area, including garages, for automobiles
 - n. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility
 - o. Professional and technical service facility
 - p. Research facility
 - q. Substance abuse facilities – Outpatient
 - r. Warehouse - General

2. The above uses in the "PI" Planned Industrial District shall be restricted as follows:
 - a. The building or buildings on Lot 1 shall be primarily office.
 - b. Uses d, e, and f above shall require an avigation easement to the Spirit of St. Louis Airport.
3. Hours of Operation.
 - a. Hours of operation for this "PI" Planned Industrial District shall not be restricted.

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 forty-five (45) feet or three stories whichever is less measured from final grade. The height of the existing structure shall be permitted.
2. Building Requirements
 - a. A minimum of thirty-five (35) percent openspace is required for this development.
 - b. This development shall have a maximum F.A.R. of 0.55.

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. Ninety (90) feet from the right-of-way of Interstate-64/U.S. 40-61. The existing Cambridge Engineering structure is set back sixty (60) feet from the new right-of-way of Interstate-64/U.S. 40-61 and shall remain as built. Upon the removal of the aforementioned structure, the ninety (90) foot setback shall be in effect.
 - b. Twenty-five (25) feet from the southern, western and eastern boundaries of the "PI" Planned Industrial District.
 - c. Thirty (30) feet from the right-of-way of Long Road Crossing Drive.

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 Interstate-64/U.S. 40-61. No parking shall be allowed in front of the existing Cambridge Engineering Building. Existing pavement is provided for Fire Protection District only.
- b. Fifteen (15) feet from the southern boundary of the "PI" Planned Industrial District at Lot Three.
- c. Ten (10) feet from the southern boundary of the "PI" Planned Industrial District at Lot One.
- d. Twenty-five (25) feet from the western and eastern boundaries of the "PI" Planned Industrial District.
- e. Twenty-five (25) feet to the south of the right-of-way of Long Road Crossing Drive.
- f. Thirty (30) feet to the north of the right-of-way of Long Road Crossing Drive.

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.
3. Parking lots shall not be used as streets.
4. No construction related parking shall be permitted on any public right-of-way.
5. No parking shall be permitted on any public roadway in or adjacent to the development as directed by the City of Chesterfield. The parking restriction and requirement for signage shall be indicated on the Site Development Plan

and improvement plans and MUTCD compliant No Parking signs shall be installed by the developer before the street shall be opened to traffic or as otherwise directed by the City of Chesterfield.

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. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
3. 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

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

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

Access to Long Road Crossing Drive shall be limited to a maximum of two (2) drive entrances on the north side and two (2) drive entrances on the south. All drive entrances shall be a minimum of fifty (50) feet from the eastern property line of the tract.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the St. Louis County Department of Highways. No gate installation will be permitted on public right-of-way.
2. If a gate is installed on a street in this development, the streets within the development, or that portion of the development that is gated, shall be private and remain private forever.
3. Provide a forty (40) foot right-of-way with a minimum of ten (10) foot roadway improvement, maintenance, utility and drainage easements on both sides for Long Road Crossing Drive. In addition, provide additional right-of-way and easements for the Spirit Drive North/Long Road Crossing Drive intersection and associated roundings as depicted on plans entitled "Chesterfield Business Parkway North Road Improvements" on file in the Department of Planning and Public Works.

The roadways have been constructed to provide a twenty-six (26) foot travelway with seven (7) foot shoulders on both sides. Appurtenant storm drainage facilities shall be provided as directed by the Department of Planning and Public Works when adjacent lots develop.

4. Provide a five (5) foot wide, privately maintained sidewalk, conforming to ADA standards, along both sides of Long Road Crossing Drive.

K. 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.

L. 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 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. Per the Chesterfield Valley Master Storm Water Plan, ten (10) foot wide flat bottom ditches have been constructed along the north, east and west property lines of this site, with drainage directed to the east to the pump station at Long Road. Provide Chesterfield Valley Storm Water Easements along the north, east and west property lines, as required and directed by the City, to accommodate the Chesterfield Valley Master Storm Water Plan channel in those areas, and depict the channel on all Site Development Plans and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.
4. Any existing storm water channels located on this site shall be graded to establish or maintain the channel to the line and grade of the original design as directed by the Department of Planning and Public Works.

M. GEOTECHNICAL REPORT

Provide a geotechnical report, prepared by a professional engineer licensed in the State of Missouri, as directed by the Department of Planning and Public Works, prior to site disturbance including surcharge, clearing, grading, site utilities and infrastructure or building construction. The geotechnical report shall identify the suitability of soil and geologic conditions for proposed improvements and shall include methods to address any ponds, septic fields, sinkholes, wetlands, compressible soils, steep slopes, or liquefaction risk. A statement of report compliance signed and sealed by the engineer preparing the geotechnical report, shall be included on all Site Development Plans, grading plans, and improvement plans, as directed by the Department of Planning and Public Works.

N. 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 CONCEPT PLAN

1. Any Site Development Concept Plan shall show all information required on a preliminary plat as required in the City of Chesterfield Code.
2. Include a Conceptual Landscape Plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a Lighting Plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
5. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

The Site Development Section Plan shall adhere to the above criteria and 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. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs.
10. Zoning district lines, subdivision name, lot number, lot dimensions, lot area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. 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.
13. 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.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. 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.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.

18. 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.
19. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, St. Louis Department of Highways and Traffic, and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.
21. 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 Chesterfield Valley Trust Fund (No. 556). Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits.

Roads

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall not exceed an amount established by multiplying the required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$606.42
General Retail	\$1,819.37
Loading Space	\$2,977.17

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

If types of development differ from those listed, St. Louis County Department of Highways and Traffic will provide rates.

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.

Credits for roadway improvements required will be awarded as directed by St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund. Allowable credits for roadway improvements will be awarded as directed by the City of Chesterfield

and/or St. Louis County Department of Highways and Traffic. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$731.73 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before St. Louis County approval of the Site Development Plan unless otherwise directed by the Saint Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, Saint Louis County.

Stormwater

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by Saint Louis County and the Metropolitan Saint Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,321.64 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Highways and Traffic or before the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to the Treasurer, Saint Louis County.

Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek impact fee.

The sanitary sewer contribution within Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2012 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.

Traffic generation assessment contributions shall be deposited with the St. Louis County Department of Highways and Traffic 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, St. Louis County."

As this development is located within a trust fund area established by St. 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.

VI. RECORDING

Within sixty (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.

