

BILL NO. 2912 _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ST. LOUIS COUNTY ORDINANCE 8801, 9149, 9273, 9984, AND 12338 TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN AREA COVERED BY A "C8" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 2.174 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF EAST CHESTERFIELD PARKWAY AND SWINGLEY RIDGE ROAD (P.Z. 11-2012 STAGES ST. LOUIS {1023 E CHESTERFIELD PARKWAY} 18S331347).

WHEREAS, Stages St. Louis has requested a zoning map amendment for an area covered under a "C8" Planned Commercial District to a "PC" Planned Commercial District for a 2.174 acre tract of land located on the southwest corner of East Chesterfield Parkway and Swingley Ridge Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on October 08, 2012; 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 the zoning map amendment; and,

WHEREAS, the City Council, having considered said request, voted to approve the zoning map amendment.

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

Section 1. 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 2.174 acre tract of land located at the southwest corner of East Chesterfield Parkway and Swingley Ridge Road (18S331347) and as described as follows:

A tract of land being New Lot 3C of a resubdivision of Adjusted Lot 3C of a Boundary Adjustment Plat of Lot 3B and 3C of the Subdivision of Lot 3 of Herman Stemme Office Park, a subdivision according to the plat thereof recorded in Plat Book 345 page 482 of the St. Louis County Records in U.S. Survey 415 and Section 10, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the intersection of the West line of said New Lot 3C with the South right of way line of Roosevelt Parkway, varying width; thence Eastwardly along said South right of way line of Roosevelt Parkway, varying width, along a curve to the left, whose radius point bears North 25 degrees 24 minutes 30 seconds West 780.91 feet from the last mentioned point, a

distance of 78.21 feet to a point; thence North 58 degrees 51 minutes 10 seconds East 88.13 feet to a point; thence along a curve to the right, whose radius point bears South 31 degrees 08 minutes 50 seconds East 29.50 feet from the last mentioned point, a distance of 44.91 feet to the Southwest right of way line of Chesterfield Parkway (formerly Shoettler Road), varying width; thence Southeastwardly along said Southwest line of Chesterfield Parkway, varying width, South 33 degrees 54 minutes 44 seconds East 278.64 feet and South 33 degrees 07 minutes 44 seconds East 53.39 feet to the Northwest line of New Parcel A of a resubdivision plat as recorded in Plat Book 345 page 482 of the St. Louis County Records; thence Southwestwardly along said Northwest line of New Parcel A, South 56 degrees 40 minutes 18 seconds West 258.52 feet to the South line of Lot 3 of "Herman Stemme Office Park", as recorded in Plat Book 198 pages 20 and 21 of the St. Louis County Records; thence Westwardly along said South line of Lot 3, South 89 degrees 35 minutes 28 seconds West 176.64 feet to the East line of Adjusted Lot 3B of the "Boundary Adjustment Plat of Lot 3B and 3C of the Subdivision of Herman Stemme Office Park" as recorded in Plat Book 289 page 29 of the St. Louis County Records; thence Northwardly along said East line of Adjusted Lot 3B North 00 degrees 24 minutes 35 seconds West 41.52 feet to a point; thence North 67 degrees 14 minutes 02 seconds East 140.00 feet to a point; thence North 22 degrees 45 minutes 58 seconds West 270.83 feet to the point of beginning and containing 2.174 acres according to a survey by Volz, Inc. during November 2001.

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 Stages St. Louis, in P.Z. 11-2012, 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 8th day of October, 2012 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 _____, 2012.

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. Administrative office for educational or religious facility.
 - b. Education facility – Specialized private schools.
 - c. Office, general.
 - d. Theater, indoor.
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.

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

1. Height
 - a. No building fronting East Chesterfield Parkway shall exceed two (2) stories in height.

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 East Chesterfield Parkway.
 - b. Forty (40) feet from the right-of-way of Swingley Ridge Road.
 - c. Forty (40) feet from the property line of the adjacent Lot 3B of Herman Stemme Office Park.
 - d. Thirty (30) feet from the southern property line.

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. Twenty five (25) feet from the right-of-way of East Chesterfield Parkway.
- b. Twenty (20) feet from the right-of-way of Swingley Ridge Road.
- c. Zero (0) feet from the property line of the adjacent Lot 3B of Herman Stemme Office Park.
- d. Fifteen (15) feet from the southern property line.

D. PARKING AND LOADING REQUIREMENTS

1. Parking for this development shall be as required in the City of Chesterfield Code.
2. Loading spaces for this development shall be as required in the City of Chesterfield Code.
3. 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.
4. 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

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

1. No direct access shall be provided to East Chesterfield Parkway. Access to Swingley Ridge Road shall be limited to one street approach.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a four (4) foot wide sidewalk, conforming to ADA standards, along the Swingley Ridge Road frontage of the site.
2. Provide a six (6) foot wide sidewalk, conforming to ADA standards, along the East Chesterfield Parkway frontage of the site. There shall be a five (5) foot wide grass buffer between the back of the curb along East Chesterfield Parkway and the front edge of the sidewalk, per the "Pathway on the Parkway" specifications.
3. 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 and Traffic. No gate installation will be permitted on public right-of-way.

4. 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.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic. 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 onto Swingley Ridge 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 and/or the Missouri Department of Transportation.

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

M. STORM WATER

1. Provided that the site is developed in general conformance with the Site Development Section Plan approved on March 8, 2004, storm water detention shall not be required.
2. 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.

N. GEOTECHNICAL REPORT

Provide a geotechnical report, prepared by a professional engineer licensed in the State of Missouri, as directed by the Department of Public Services 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 Public Services.

O. 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 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, Metropolitan Sewer 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

- A.** The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Road Trust Fund (No. 554). This contribution shall not exceed an amount established by multiplying the ordinance-required parking spaces for the difference between the existing and proposed uses by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$611.88
General Retail	\$1,835.75
Loading Space	\$3,003.97

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

As 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 contributions which remains following completion of road improvements required by the development shall be retained in the appropriate trust fund.

The amount of the required contributions, if not submitted by January 1, 2013, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord 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 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, St. Louis County.

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.

VIII: VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Prior to Special Use Permit Issuance by the Saint Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with the Saint Louis County Department of Highways and Traffic to guarantee the completion of the required roadway improvements.

VIII. VERIFICATION PRIOR TO OCCUPANCY PERMITS

Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the Saint Louis County Department of Highways and Traffic. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.