

III.C.

Memorandum Department of Planning & Public Works



TO: PLANNING AND PUBLIC WORKS COMMITTEE

FROM: JUSTIN WYSE, PROJECT PLANNER

DATE: NOVEMBER 24, 2009

RE: P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Company): A request for a change of zoning from a “M-3” Planned Industrial District to a “PI” Planned Industrial District for a 5.2 acre tract of land located at 18614 Olive Street Rd 4,100 feet west of the intersection of Olive Street Rd and Chesterfield Airport Rd (Locator Number 17W510093).

Summary

George Stock, on behalf of Chesterfield Fence, has submitted a request for a change of zoning from an “M-3” Planned Industrial District to a “PI” Planned Industrial District. The subject site is a 5.2 acre site that currently is occupied by Chesterfield Fence Company. City of Chesterfield Ordinance 446 states, “The uses permitted in the ‘M-3’ District shall be offices, warehouses and outdoor storage for a fence company.”

A Public Hearing for this request was held on November 9, 2009. At that time, the Planning Commission identified several issues. The petitioner submitted a letter addressing the issues identified and staff has included its analysis in the attached Planning Commission Vote Report.

In conjunction with the request for the change in zoning, the Petitioner requested a modification of the open space requirement. The “PI” Planned Industrial District requires a minimum open space of 35%. The request is to provide 30% open space on the site. To mitigate the reduced open space, the Petitioner proposed to include a landscape berm, meandering sidewalk, benches, a gazebo, and a small water feature.

At the November 23, 2009 Planning Commission meeting, two votes were required on the request. First, a 2/3 affirmative vote was required for a positive recommendation regarding the modification to the open space requirement. The motion passed by a vote of 7-1. Next, a vote was required for recommendation on the change in zoning to a “PC” Planned Commercial District with the accompanying Attachment A. This motion passed by a vote of 8-0 with the following amendments:

Page 4, Section E: *Landscape and Tree Requirements*, add:

2. A landscaped berm shall be provided along the frontage of Olive Street Road to provide a buffer between the development and the roadway.

Page 6, Section J: *Public/Private Road Improvements, Including Pedestrian Circulation*, add:

5. A meandering sidewalk, which shall include no less than two (2) benches shall be provided alongside the required landscape berm.
6. A 12'x12' gazebo to provide a pedestrian common area alongside the previously mentioned meandering sidewalk.
7. A small water feature to compliment the gazebo, subject to approval of the Spirit of St. Louis Airport shall be provided.

Attached please find a copy of Staff's report to the Planning Commission, the Attachment A, the Petitioners response to the issues letter, and the Preliminary Plan.

Respectfully submitted,



Justin Wyse, AICP
Project Planner

Respectfully submitted,



Annissa McCaskill-Clay, AICP
Lead Senior Planner

CC: Michael G. Herring, City Administrator
Rob Heggie, City Attorney
Michael O. Geisel, Director of Planning & Public Works
Aimee Nassif, Planning and Development Services Director

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" District shall be:
 - a. Boat (and marine supply) storage, charter, repair, sale
 - b. Brewpub
 - c. Broadcasting studios
 - d. Cafeterias for employees and guests only
 - e. Churches and other places of worship
 - f. Commercial service facility
 - g. Education facility- vocational school, outdoor training
 - h. Filling station and convenience store with pump stations
 - i. Film processing plant
 - j. Financial institutions
 - k. Gymnasiums
 - l. Highway department garages
 - m. Industrial sales, service, and storage
 - n. Laboratories-professional, scientific
 - o. Local public utility facility
 - p. Local public utility facility- over 60 feet in height
 - q. Mail order sale warehouses
 - r. Manufacturing, fabrication, assembly, processing, or packaging facility
 - s. Office, dental
 - t. Office, general
 - u. Office, medical
 - v. Parking areas, including garages, for automobiles

- w. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities
 - x. Police, fire, and postal stations
 - y. Professional and technical service facility
 - z. Research facilities
 - aa. Restaurants, fast food
 - bb. Sheet metal shop
 - cc. Storage and repair garages for public mass transit vehicles
 - dd. Telecommunications structure
 - ee. Telecommunications tower or facility
 - ff. Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage
 - gg. Union halls and hiring halls
 - hh. Vehicle repair and service facilities
 - ii. Veterinary clinics
 - jj. Warehouse- general
 - kk. Welding shop
 - ll. Yard for storage of contractors' equipment, materials, and supplies
 - mm. Yards for storage and sales of lumber, and construction materials
 - nn. Yards for storage of contractors' equipment, materials, and supplies, excluding junk yards and salvage yards
2. Hours of Operation.
- a. Hours of operation for this "PI" District shall not be restricted.
3. Ancillary uses for the above referenced permitted uses shall be as follows:
- a. Automatic vending facilities for:
 - a) Ice and solid carbon dioxide (dry ice);
 - b) Beverages;
 - c) Confections.
4. 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. Height
 - a. The maximum height of the building, exclusive of roof screening, shall not exceed forty-five (45) feet or 2 stories, whichever is less.
2. Building Requirements
 - a. A minimum of 30% 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. Twenty-five (25) feet from the right-of-way of Olive Street Road on the northern boundary of the PI District.
 - b. Twenty-five (25) feet from the all boundaries of the PI District.
 - c. An eight (8) foot tall sight proof fence around the existing storage area shall have a minimum setback of ten (10) feet from the western property line, five (5) feet from the southern property line, and zero (0) feet from the eastern property line of the PI 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. Twenty-five (25) feet from the right-of-way of Olive Street Road.
 - b. Ten (10) feet from the east, south and west boundary of the PI 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. No construction related parking shall be permitted within the Olive Street Road right of way.

3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. A landscaped berm shall be provided along the frontage of Olive Street Road to provide a buffer between the development and the roadway.

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, for sight distance considerations prior to installation or construction and approved prior to the 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 this development from Olive Street Road shall be restricted to one (1) commercial entrance located to provide required sight distance and constructed to Saint Louis County standards as directed by Saint Louis County Department of Highways and Traffic and the City of Chesterfield. As this location has been identified for future signalization, additional lanes at the entrance to this development will be required with future on-site improvements or with change of current use as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield. In addition, it will be necessary that the reconstruction of this entrance, when required, will be at 90 degree angle to Olive Street Road, in order to maximize sight distance and to optimize future traffic signal optimization.
2. Provide cross access easements as needed to provide the adjacent parcel to the east full access to the entrance off Olive Street Road, as directed by the City of Chesterfield and the Saint Louis County Department of Highways and Traffic.
3. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Olive Street Road.
4. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide adequate sight distance as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a sidewalk along the frontage of the site conforming to Saint Louis County ADA standards. The sidewalk shall be adjacent to and outside of Olive Street Road right-of-way as directed by the City of Chesterfield. The sidewalk shall be privately maintained; therefore, no public easements shall be required.
2. The developer shall provide all necessary right-of-way, easements, Temporary Slope Construction License, Permanent Traffic Signal Easement,

etc., as may be required with future signalization at the identified entrance location as direct by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.

3. Improve Olive Street Road to one half of a sixty (60) foot right-of-way and a thirty-six (36) foot pavement with eight (8) foot shoulders and additional widening to provide a minimum thirty-three (33) foot wide road surface for a left turn lane with required tapers and including all storm drainage facilities (per St. Louis County Standard Drawing C203.68b) as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
4. 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 completion of the required roadway improvements.
5. A meandering sidewalk, which shall include no less than two (2) benches, shall be provided alongside the required landscape berm.
6. A 12'x12' gazebo to provide a pedestrian common area alongside the previously mentioned meandering sidewalk.
7. A small water feature to compliment the gazebo, subject to approval of the Spirit of St. Louis Airport shall be provided.

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.

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 current Chesterfield Valley Master Storm Water Plan indicates a 15' flat bottom ditch, with 3:1 side slopes and a longitudinal slope of 0.13%, shall be constructed along the western property line of this site and that drainage from this site is to be directed to the west end reservoir. Due to the inherent nature of development, the specific size, location, and configuration of the storm water infrastructure associated with the Chesterfield Valley Master Storm Water Plan are conceptual in nature. The exact location, size, and type of each segment of storm water infrastructure are subject to change and are to be reviewed and approved in conjunction with the development of this specific site. The developer shall be responsible for construction of the required storm water improvements and coordination with the owners of the properties affected by construction of the required improvements. In the event that the ultimate required improvements cannot be constructed concurrently with this development, the developer shall provide interim drainage facilities and establish sufficient escrows as guarantee of future construction of the required improvements, including removal of interim facilities. Interim facilities shall be sized to handle runoff from the 100-year, 24-hour storm event as produced by the Master Storm Water Plan model. The interim facilities shall provide positive drainage and may include a temporary pump station, if necessary. Interim facilities shall be removed promptly after the permanent storm water improvements are constructed.

The developer may elect to propose alternate geometry, size and/or type of storm sewer improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the City of Chesterfield, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the City determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained

- by the City. The developer shall be responsible for all costs related to the work performed by the consultant.
2. Provide any additional Chesterfield Valley Storm Water Easements along the west property line as required and directed by the City of Chesterfield to accommodate the Chesterfield Valley Master Storm Water Plan improvements in those areas, and depict the channel(s) on the Site Development Plan and improvement plans. The maintenance of the required storm water/ditch system shall be the responsibility of the property owner(s).
 3. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas, as directed by the City of Chesterfield.
 4. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system.

N. 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.

O. MISCELLANEOUS

1. All utilities will be installed underground.
2. Screening of exterior storage of materials and/or equipment along Olive Street Road shall be depicted on the Site Development Plan and approved by the City of Chesterfield.
3. Outdoor storage shall be located only at the south end of the development within the site proof fence area as depicted on the preliminary plan.
4. The developer is advised that utility companies will require compensation for relocation of their facilities with public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of

extensive delays in utility company relocation adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

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 Metropolitan St. Louis Sewer 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 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, 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, 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.

C. 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, dimensions, and 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, the Metropolitan St. Louis Sewer 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

- A. The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund (No. 556). This contribution 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>
TGA Category	Contribution
General Office	\$575.04
General Retail	\$1,725.20
Loading Space	\$2,823.08

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

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 prior to issuance of building permits for each phase of development. Funds shall be payable to Treasurer, Saint Louis County.

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$693.85 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of construction 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 Saint 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 stormwater 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 \$2,201.47 per acre for the total areas 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 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, 2010, 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.



VIII. C.

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Planning Commission Vote Report

Subject: Change of Zoning Vote Report

Meeting Date: November 23, 2009

From: Justin Wyse, AICP, Project Planner
Annissa McCaskill-Clay, AICP, Lead Senior Planner

Location: 4,100 feet west of the intersection of Olive Street Rd. and Chesterfield Airport Rd (Locator Number 17W510093).

Petition: P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Company)

Proposal Summary

Stock and Associates, on behalf of Chesterfield Fence and Deck Company, has submitted a request for a change of zoning from an "M-3" Planned Industrial District to a "PI" Planned Industrial District. The subject site is a 5.2 acre site currently occupied by Chesterfield Fence and Deck Company. Currently, City of Chesterfield Ordinance 446 states, "The uses permitted in the "M-3" District shall be offices, warehouses and outdoor storage for a fence company." The proposed request proposes additional uses for the site.

Department Input

As part of the request for a change in zoning, the petitioner is also seeking a modification to the required open space. The PI District regulations require 35% open space. The petitioner is asking that 30% open space be required for the development. A separate vote regarding open space is required from the Planning Commission. All other aspects of the accompanying Attachment A meet the development requirements of the City of Chesterfield.

Submittal Summary

A public hearing was held on P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Company) on November 9, 2009. The project was also included on the agenda under *Old Business* for a consideration for a vote on the petition. However, due to issues raised at the Public Hearing, a motion to hold the project was passed by the Planning Commission. Since the Public Hearing, Staff has met with the Petitioner, sent an Issues Letter, and received a response to the Issues Letter.

Issues

A public hearing was held before the Planning Commission on November 9, 2009. Several issues were identified by the Planning Commission. A copy of the City of Chesterfield's issues letter and the petitioners' responses are attached.

Open Space

As part of the request for a change of zoning, the Petitioner has requested a modification to the open space requirement of 35%. At the Public Hearing, the Petitioner was asked what design features were being proposed for the site to mitigate the reduced open space that will be required on the site. In the Petitioner's response to the Issues Letter, several design features have been proposed including:

1. A landscaped berm at the frontage of the property to provide a buffer area from Olive Street Road.
2. A meandering sidewalk with the benches alongside that will abut the previously mentioned landscaping.
3. A 12'x12' gazebo to provide a pedestrian common area alongside the previously mentioned meandering sidewalk.
4. A small water feature to compliment the gazebo, subject to approval of the Spirit of St. Louis Airport.

Height of Storage Materials

The Petitioner was asked to clarify the intent and potential impact of the storage of the materials proposed on the site. The Petitioner has stated that the maximum storage would be nine (9) feet in height.

The Draft Attachment A presented at the November 9, 2009 Public Hearing stated:

1. Screening of exterior storage of materials and/or equipment along Olive Street Road shall be depicted on the Site Development Plan and approved by the City of Chesterfield.
2. Outdoor storage shall be located only at the south end of the development within the site proof fence area as depicted on the preliminary plan.

Requested Uses

Based on feedback from the Public Hearing, the Petitioner is proposing to remove the following uses:

1. Blacksmith shop,
2. Car wash,
3. Dry cleaning plant,
4. Meat packing facilities, and
5. Restaurant, with drive-thru window.

Reduced Setback and Increased Building Height

The final issues raised at the Public Hearing involved a reduction in the west, south, and east building setbacks from fifty (50) feet to twenty-five (25) feet. The fifty (50) foot setback and forty (40) feet or 1 ½ story height limitation are restrictions in their current ordinance. The "PI" District does not have any specified height or setback requirements that would pertain to this request. Staff has noted that they have no objection to this request and that the request is consistent with nearby development requirements.

Request

Staff has reviewed the change of zoning request from an "M-3" Planned Industrial District to a "PI" Planned Industrial District and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield. The applicant has requested that the required 35% open space requirement be reduced to 30%. This will require a separate vote of Planning Commission with a two-thirds vote for recommendation of approval. If modification to the open space requirement is granted, Staff would recommend the following amendments be included in the Attachment A:

→ Page 4, Section E: *Landscape and Tree Requirements*, add:

2. A landscaped berm shall be provided along the frontage of Olive Street Road to provide a buffer between the development and the roadway.

→ Page 6, Section J: *Public/Private Road Improvements, Including Pedestrian Circulation*, add:

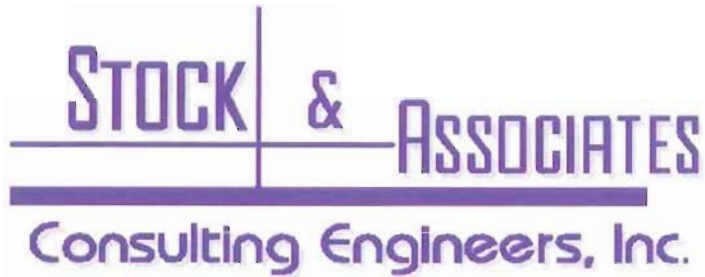
P.Z. 14-2009 Chesterfield Fence
Planning Commission
November 23, 2009

5. A meandering sidewalk, which shall include no less than two (2) benches shall be provided alongside the required landscape berm.
6. A 12'x12' gazebo to provide a pedestrian common area alongside the previously mentioned meandering sidewalk.
7. A small water feature to compliment the gazebo, subject to approval of the Spirit of St. Louis Airport shall be provided.

Staff requests action on P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Company).

Attachments

1. Draft Attachment A
2. Petitioner's response to Issues Letter
3. Preliminary Plan
4. November 9, 2009 Vote Report



November 16, 2009

Via E-Mail (jwyse@chesterfield.mo.us) & Hand Delivery

Honorable Chairman and Members of the Planning Commission
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017-0760

Care Of: Mr. Justin Wyse, Project Planner

Re: Chesterfield Fence (P.Z. 14-2009) 11/12/09 Issues Letter from PC Public Hearing on 11/9/09
Chesterfield Fence and Deck (P.Z. 14-2009) – Ordinance No. 446 – Proposed Re-Zoning to “PI” Planned
Industrial District at 18614 Olive Street Road. (Stock Project No. 207-4187.1)

Dear Mr. Wyse:

On behalf of Chesterfield Fence and Deck Inc we respectfully offer the following responses to your 11/12/09
Issues Letter for P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Co.):

1. Provide justification for the proposed request to reduce the required openspace from 35% to 30%.

Response: As you know, the subject property accounts for less than 2% of the nearby “PI” and “PC” Zoned Developments (Spirit Valley Business Park I and II, Blue Valley, Wings Corporate Estates, Precision Plaza, St. Louis County), all of which have a minimum openspace requirement of 30%.

Additionally it is likely that the future tenant (Erosion Drainage Products) of the property will eventually purchase the southern half of the subject property, at which time a Lot Split would occur. Looking only at the future lot that would be created at the south end of the property, the current outdoor storage configuration would only achieve an openspace of 19%. In order to comply with a minimum openspace of 30% the tenant would be required to convert over 10,000 sf of the existing outdoor storage into openspace. In order to comply with a minimum 35% openspace, the tenant would need to convert an additional 6,000 sf of outdoor storage into openspace. This additional 6,000 sf required for a minimum 35% openspace would have a dramatic impact on the functionality of the future lot, and creates an undue hardship to the existing operation of Erosion Drainage Products.

Per Ordinance 2527 Section 1003.15 provides design criteria to “be reviewed by the City of Chesterfield during consideration of a request for a change in zoning to a PI District. While these features are not mandatory for approval, they are desirable to the City of Chesterfield and may increase the flexibility of design and the ability of the developer to negotiate the mitigation of other requirements.” In the hopes of mitigating the requirement of 35% open space, Chesterfield Fence and Deck is prepared to commit to the following as a part of future development on the subject property:

- *A landscaped berm at the frontage of the property to provide a buffer area from Olive Street Road.*
- *A meandering sidewalk with benches alongside that will abut the previously mentioned landscaping.*
- *A 12' x 12' gazebo to provide a pedestrian common area alongside the previously mentioned meandering sidewalk (see attached.).*

257 CHESTERFIELD BUSINESS PARKWAY • ST. LOUIS, MO 63005 • (636) 530-9100
Fax (636) 530-9130 • E-MAIL ADDRESS: general@stockassoc.com

- *A small water feature to compliment the gazebo, subject to approval of the Spirit of St. Louis Airport.*

2. Address the height of the materials to be stored on the site and the visual impact anticipated from adjacent roadways and properties.

Response: The height of materials to be stored on the sight shall be no greater than 9 feet or three (3), three (3) foot tall storage containers stacked upon one another. This storage height would be one (1) foot taller than the existing fence along the north edge of the existing outdoor storage. The visual impact of this height of materials from adjacent roadways would be minimal considering that the outdoor storage is three hundred (300) feet from the Olive Street Road at its nearest point.

3. Review and revise the list of uses and address or remove the requested uses that the Spirit of St. Louis Airport has objected to.

Response: The following uses have been removed from the request:

- *Blacksmith Shop*
- *Car Wash*
- *Dry Cleaning Plant*
- *Meat Packing Facilities*
- *Restaurant, with drive-thru window*

Because Spirit of St. Louis Airport will be afforded a review of any future development on this property, the uses that Spirit of St. Louis Airport has objected to are still being requested.

4. Provide information on the request to reduce the building setback along the west, south, and east property line from 50 feet to 25 feet.

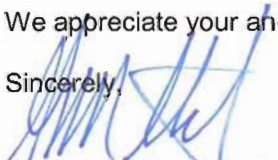
Response: The 50 foot setback carried over from the previous M3 Zoning, and was defined based on a preliminary plan showing a building 50 feet from the property line. The reduction of the setback to 25 feet was requested in an effort to become more consistent with the present day Planned Industrial Developments.

5. Provide information on the request to increase the maximum building height from 40 feet or 1 ½ stories, whichever is less; to 45 feet or 2 stories, whichever is less.

Response: The 40 foot height requirement carried over from the previous M3 Zoning. The increase in the maximum building height was requested in an effort to become more consistent with the present day Planned Industrial Developments.

We appreciate your and the Planning Commission's consideration of these requests.

Sincerely,


George M. Stock, P.E.,
President

CC. Dennis Wibbenmeyer, Chesterfield Fence and Deck
Dan Hayes, NAI Desco
Jeff Mckay, Erosion & Drainage Products
Dave Gannon, NAI Desco

Enclosures







VIII.A.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Planning Commission Vote Report

Subject: Change of Zoning Vote Report

Meeting Date: November 9, 2009

From: Justin Wyse, AICP, Project Planner
Annisca McCaskill-Clay, AICP, Lead Senior Planner

Location: 4,100 feet west of the intersection of Olive Street Rd. and Chesterfield Airport Rd (Locator Number 17W510093).

Petition: P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Company)

Proposal Summary

Stock and Associates, on behalf of Chesterfield Fence and Deck Company, has submitted a request for a change of zoning from “M-3” Planned Industrial District to “PI” Planned Industrial District. The subject site is a 5.2 acre site currently occupied by Chesterfield Fence and Deck Company. Currently, City of Chesterfield Ordinance 446 states, “The uses permitted in the “M-3” District shall be offices, warehouses and outdoor storage for a fence company.”

Department Input

As part of the request for a change in zoning, the petitioner is also seeking a modification to the required open space. The PI District regulations require 35% open space. The petitioner is asking that 30% open space be required for the development. A separate vote regarding open space is required from the Planning Commission. All other aspects of the accompanying Attachment A meet the development requirements of the City of Chesterfield.

Zoning Analysis

The petitioner is requesting a “PI” Planned Industrial District designation with the list of permitted uses as shown in the Attachment A. Staff has reviewed the requested uses for consistency with

adjacent developments. Table 2 on pages 3 and 4 summarizes the results. It should be noted that the PI Planned Industrial District was recently amended and the uses within the district have changed.

In addition, the petitioner is asking for a modification to the open space requirement from 35% to 30%. Below is a summary of the open space requirements of the surrounding area.

TABLE 1: OPEN SPACE REQUIREMENT COMPARISON

Development	Zoning	Open Space Requirement
Current Chesterfield Fence Zoning	M-3	None
Proposed Chesterfield Fence	PI	30%
Blue Valley	PC	30%
Spirit Valley Business Park	PI	30%
Spirit Valley Business Park II	PI	30%
Wings Corporate Estates	PI	30%
Precision Plaza	PI	30%

In June of 2009 the City of Chesterfield City Council approved Ordinance 2527, which amended the regulations of the Planned Commercial (PC) and Planned Industrial (PI) Districts and created three new districts (Urban Core, Neighborhood Business, and Light Industrial District). As a part of these changes, the PC and PI Districts were amended to require 35% open space. Prior to the approval of this ordinance, open space regulations in PC and PI Districts varied depending on location and use.

There is also a residential structure located along the frontage of Olive Street Road. The home was never fully renovated after the flood in 1993 and Staff has been working with the property owner on the removal of this structure for property maintenance concerns.



Looking south at the existing residential structure on the site from Olive Street Rd.



Looking southeast at the existing residential structure on the site from Olive Street Rd.

TABLE 2: USE COMPARISON						
Use	Proposed Chesterfield Fence	Spirit Valley Business Park	Spirit Valley Business Park II	Blue Valley	Wings Corporate Estates	Precision Plaza
Blacksmith shop	X	X	X			
Boat (and marine supply) storage, charter, repair, sale	X	X	X	X		
Brewpub	X	n/a	n/a	n/a	n/a	n/a
Broadcasting studios	X	X	X	X		
Cafeterias for employees and guests only.	X	X	X	X	X	
Car wash	X	n/a	n/a	X	n/a	n/a
Churches and other places of worship.	X	X	X	X		
Commercial service facility	X	n/a	n/a	n/a	n/a	n/a
Dry cleaning plant.	X	X	X		X	
Education facility- vocational school, outdoor training	X	n/a	n/a	n/a	n/a	n/a
Filling station and convenience store with pump stations	X	X	X	X		
Film processing plant	X	X	X		X	
Financial institutions	X	X	X	X	X	X
Gymnasiums	X	X	X	X	X	
Highway department garages.	X	X	X			
Industrial sales, service, and storage	X	X	X			
Laboratories-professional, scientific	X	X	X	X	X	
Local public utility facility	X	X	X	X	X	
Local public utility facility- over 60 feet in height	X	X	X	X	X	
Mail order sale warehouses	X	X	X		X	X
Manufacturing, fabrication, assembly, processing, or packaging facility	X	X	X		X	

TABLE 2: USE COMPARISON (CONTINUED)	Proposed Chesterfield Fence	Spirit Valley Business Park	Spirit Valley Business Park II	Blue Valley	Wings Corporate Estates	Precision Plaza
Use						
Meat packing facilities	X	X	X			
Office, dental	X	X	X	X	X	X
Office, general	X	X	X	X	X	X
Office, medical	X	X	X	X	X	X
Parking areas, including garages, for automobiles	X	X	X	X	X	
Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.	X	X	X		X	X
Professional and technical service facility	X	n/a	n/a	n/a	n/a	n/a
Research facilities	X	X	X	X	X	
Restaurants, fast food.	X	X	X	X		
Restaurant, with drive-thru window	X	n/a	n/a	n/a	n/a	n/a
Sheet metal shop	X	X	X			
Storage and repair garages for public mass transit vehicles.	X	X	X		X	
Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage	X	X	X			
Union halls and hiring halls.	X	X	X		X	
Vehicle repair and service facilities.	X	X	X	X	X	
Veterinary clinics.	X	X	X	X	X	
Warehouse- general	X	X	X		X	X
Welding shop	X	X	X			
Yard for storage of contractors' equipment, materials, and supplies	X	X	X		X	

Surrounding Land Use and Zoning

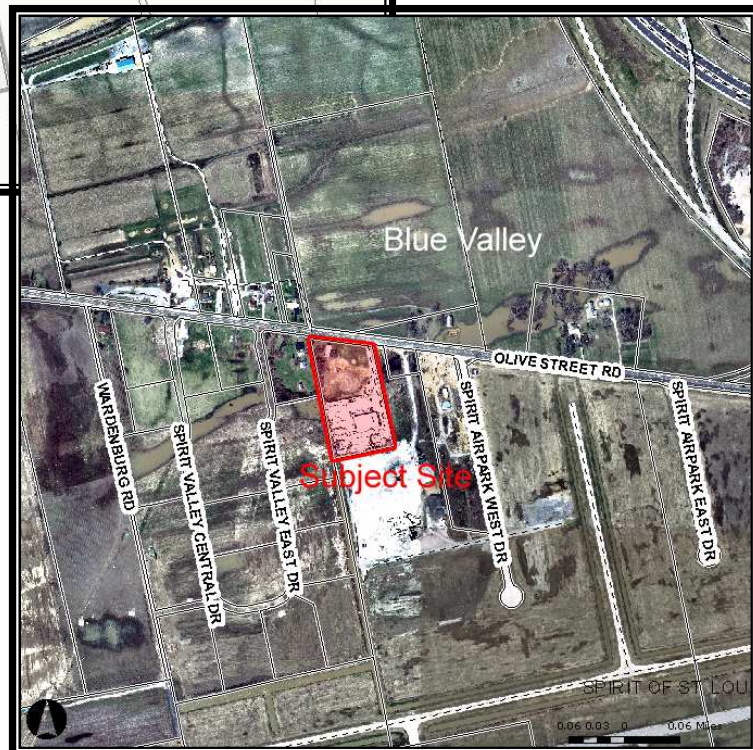
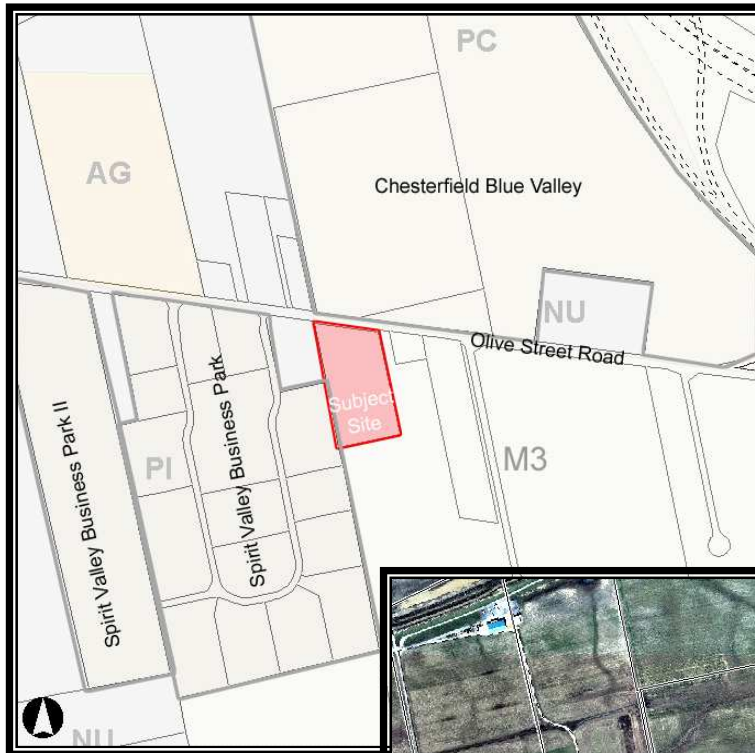
The land use and zoning for the properties surrounding this parcel are as follows:

North: Blue Valley is zoned "PC" Planned Commercial District.

South: Spirit of St. Louis Airport is zoned "M-3" Planned Industrial District.

East: Spirit of St. Louis Airport is zoned "M-3" Planned Industrial District.

West: Two properties are located along the western property line. Spirit Valley Business Park is zoned "PI" Planned Industrial District is located along the southern portion of the site and the property zoned NU and is located northern portion of the western property line.





Looking south at the subject site



Looking south at the property to the east of the subject site (NU)



Looking south at the property to the west of the subject site (Spirit Valley Business Park)



Looking north at the subject site



Looking south at the property to the east of the subject site



Looking north across Olive Street Road from the subject site

Comprehensive Plan Analysis

The subject site is located within Ward 4 of the City of Chesterfield. The Land Use Map for the City of Chesterfield Comprehensive Plan shows the subject site as "Spirit Airport." The subject site is located along the frontage of Olive Street Road.



Land Use Map from the City of Chesterfield Comprehensive Plan

Site Area History

The City of Chesterfield approved Ordinance 406 on February 5, 1990 which rezoned the subject site from an "NU" Non Urban District to an "M-3" Planned Industrial District. The approved district regulations state:

"The uses permitted in the "M-3" District shall be offices, warehouses and the outdoor storage for a fence company."

On May 7, 1990 the City of Chesterfield approved Ordinance 446 which amended Ordinance 406 to reduce the setback for an eight (8) tall sight proof fence.

At the November 25, 1991 Planning Commission meeting, a Site Development Plan and building elevations for a Southwestern Bell Mobile Systems 112 foot tall cellular telephone tower/antenna, with an accessory equipment shelter, were approved. On February 10, 1992 the plan was approved as the plans were not recorded within the required sixty day period.

Issues

The Spirit of St. Louis Airport submitted comments regarding the petition dated October 28, 2009. The comments state:

We take exception to the following proposed uses: Churches and other places of worship, Educational facilities, and Medical facilities. Overall to any facility that might be noise sensitive by aircraft noise.

Request

Staff has reviewed the change of zoning request from "M-3" Planned Industrial District to "PI" Planned Industrial District and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield with the exception of open space. The applicant has requested that the required 35% open space requirement be reduced to 30%. This will require a separate vote of Planning Commission with a two-thirds vote for recommendation of approval. Staff requests action on P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Company).

Attachments

1. Attachment A
2. Preliminary Plan

