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Planning Commission Staff Report

Meeting Date: March 8, 2021
From: Justin Wyse, Director of Planning
Location: West end of Chesterfield Valley
Project: Review of City of Chesterfield Ordinance 1430

Summary

At the February 18, 2021 Planning and Public Works Committee meeting, Staff was directed to bring City of Chesterfield Ordinance 1430 to the Planning Commission to review the ordinance requirements and provide a recommendation to City Council regarding the planned district ordinance and whether the ordinance is promoting the vision and goals of the Comprehensive Plan. This report outlines the history of the ordinance, development of the Chesterfield Valley, the Comprehensive Plan, existing zoning in the area, and a brief outline of some of the discrepancies between the planned district ordinance and the current conditions.

Ordinance History – Spirit of St. Louis Airport

In 1961, St. Louis County approved Ordinance 2,212 which created a Planned Industrial District covering 1,037.5 acres surrounding what is now the Spirit of St. Louis Airport. This ordinance laid out conditions for the development of the area including infrastructure requirements (i.e. construction of levees, roads, landing strip, sewers, and stormwater facilities). It should be noted that this ordinance was based under the Zoning Ordinance for St. Louis County – 1946. The enabling regulations in Section 1003.242 include the following purpose statement:

2. It is the purpose of these Planned Industrial District Regulations to enable desirable industrial and related development to be accomplished in appropriate relationship to existing or planned non-industrial uses by use of the procedures and conditional features called for in this Section. The Planned Industrial District regulations enable the County Council to establish industrial districts in situations where the general welfare of the community requires special protection not provided by the general Light and Heavy Industrial District regulations.

The ordinance authorizing the Planned District also identified the permitted uses for the subject site. In general, the permitted uses authorized an airport surrounded by industrial development

(manufacturing; warehousing; freight terminals; repair, rental facilities, and services of equipment; research laboratories). Additionally, the ordinance authorized several incidental commercial uses which include hotels, gas stations and a commercial shopping center not to exceed ten (10) acres. These uses have been modified slightly over the years, but still create the framework for many of the uses contained in Ordinance 1430.



Figure 1: Original Airport Development Boundaries per St. Louis County Ordinance 2,212

Ordinance 2,212 was amended in March of 1980 by St. Louis County Ordinance 9,642. Much of the ordinance retained its original form, however, several industrial uses were added to the permitted uses for the area and the planned district (plumbing, air conditioning, and heating equipment facilities; construction contractors; offices; aircraft hangers; sales, service and repair of aircraft). Commercial uses listed above remained in the ordinance.

The ordinance was amended again in 1984 by St. Louis County Ordinance 11,768 which expanded the Repair, rental, sales, and service of equipment use to add language that specified automobile, truck, trailer, and similar types of vehicles into the use term. Additionally, a requirement was included that retail automobile dealerships were limited to parcels with frontage on Chesterfield Airport Road and Olive Street Road.

St. Louis County Ordinance 13,838 was approved in 1988 to permit golf courses and accessory uses including but not limited to a clubhouse and pro shop.

The City of Chesterfield passed ordinance 870 in January of 1994 amending the planned district. This amendment authorized permitted and conditional uses within the planned district, with several exceptions. Additionally, the amendment required fencing around trash enclosures, a landscape installation and maintenance bond, and submittal of architectural elevations.

In April of 1996 the City of Chesterfield approved Ordinance 1156. This ordinance added additional land to the planned district to total 1,325.62 acres. Figure 2 shows the boundaries of the area, which remain the boundary of the planned district.



Figure 2: Current Development Boundaries per City of Chesterfield Ordinance 1430

The City of Chesterfield has approved three additional amendments (Ordinance 1312 in 1997, Ordinance 1378 in 1998, and Ordinance 1430 in 1998). Each of these amendments were strictly tailored to amendments on individual parcels within the planned district. Two of the ordinances (1378 and 1430) modified setbacks on individual parcels and one ordinance (1312) added a permitted use to one parcel.

Development of the Chesterfield Valley

City of Chesterfield Ordinance 1430 still retains many of the elements of the original planned district (St. Louis County Ordinance 2212) to facilitate development of a regional airport with surrounding industrial development in the early 1960's. However, since the original concept was approved, development in the Chesterfield Valley has substantially changed. The figures below show this change through aerial images of the area.



Figure 3: 1955 Aerial



Figure 4: 1966 Aerial – Airport Runway is visible



Figure 5: 1981 Aerial – Airport Runway is visible with industrial buildings



Figure 6: 1996 Aerial – Airport Runway is visible with industrial buildings continuing to be built



Figure 7: 2000 Aerial – Beginning to see infrastructure and regional commercial on east end of Valley



Figure 8: 2018 Aerial – Continued development of east end of Valley (Regional Commercial) with node of commercial between Olive Street Road and I-64 beginning

As the aerial images clearly show, the development of the Chesterfield Valley has changed substantially since the original adoption of the concept of a regional airport surrounded by an industrial park.

Comprehensive Plan

Figure 9 shows the future land use envisioned for the Chesterfield Valley by St. Louis County prior to incorporation by the City of Chesterfield.

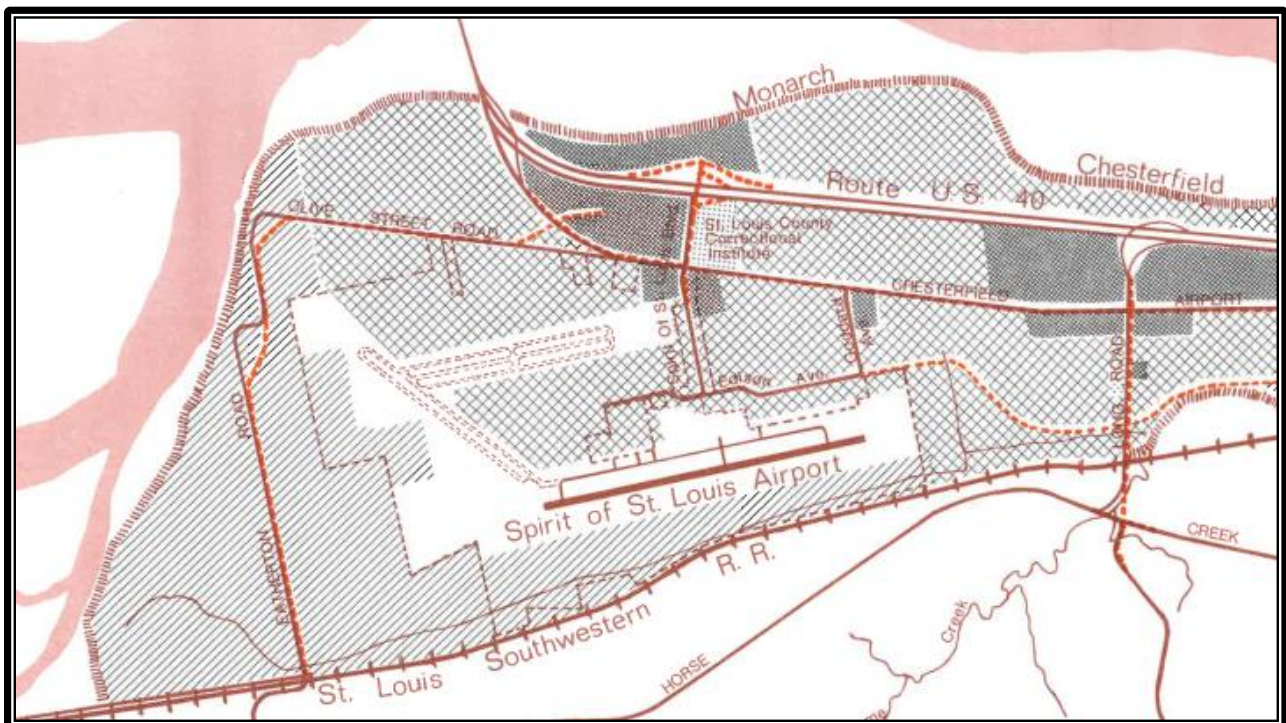


Figure 9: Chesterfield Valley Future Land Use – Prior to incorporation of the City of Chesterfield

As can be seen, the County’s land use plan designated much of the area around the airport as “Industrial Park.” However, there are several areas, including the area around the intersection of Chesterfield Airport Road and Spirit of St. Louis Blvd. that were designated as “Retail/Office Commercial.” This designation would have been consistent with the idea of a ten-acre commercial shopping area within the limits of the original planned district ordinance.

Figure 10 shows the future land use map from the City’s first Comprehensive Plan. This plan showed the Airport and designated substance areas along the I-64 corridor (including some of the property covered under City 1430) as Mixed Use (Retail/Office/Warehouse)

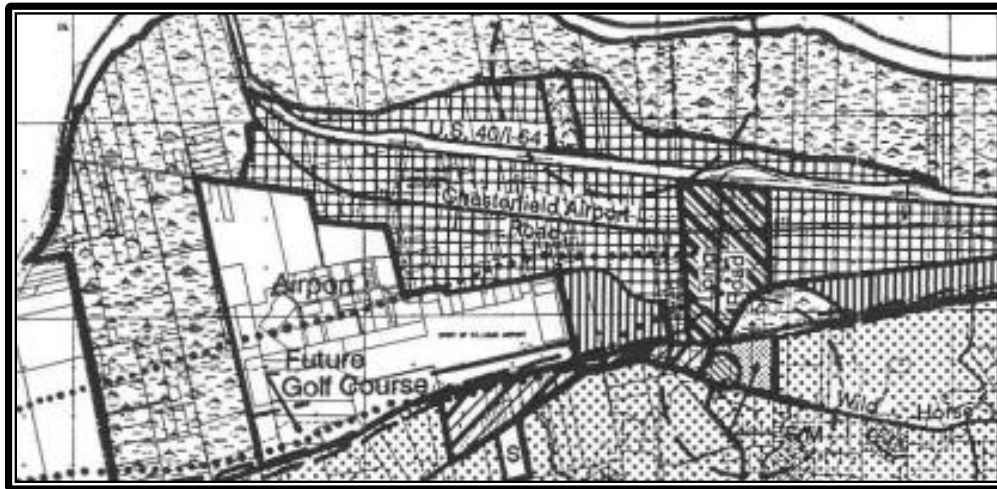


Figure 10: 1990 Chesterfield Future Land Use Plan Excerpt

Figure 11 shows the General Land Use Plan from the 1998 Chesterfield Valley Master Development and Implementation Plan. This plan showed areas south of Chesterfield Airport Road being designated as “Service/Business Park” and areas north to designations of “Mixed Use” and “Office Park.”



Figure 11: 1998 Chesterfield Valley Master Development and Implementation Plan –
General Land Use Plan

Figure 12 shows the Future Land Use Plan within the City of Chesterfield Comprehensive Plan adopted in September of 2020. The entirety of the area included under City of Chesterfield Ordinance 1430 is within the “Suburban Character Area” and within the “Industrial” land use classification with primary land uses of industrial, airport and associated uses, and office / warehouse.

In the Chapter regarding Defining Goals and Implementing Strategies, the plan includes a strategy to guide development in a manner consistent with the Land Use Plan. This would include uses consistent with the plan, promotion of proper access management and network improvements to facilitate the development of the area, and promotion of natural elements (tree preservation, open space, natural areas) of the City.

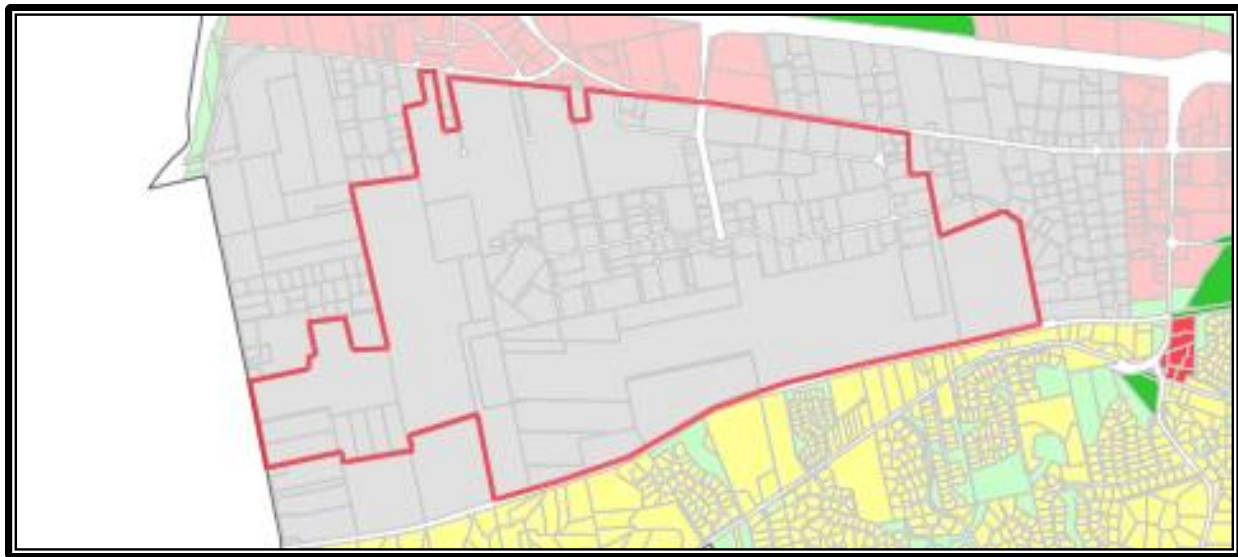


Figure 12: Future Land Use Map with the Boundary of Ordinance 1430

As seen in the designations of the area over time, the uses envisioned for the area have involved as infrastructure has been provided and development patterns continued to emerge. What was once contemplated to be predominately industrial park development throughout the majority of the valley has shifted to a more balanced land use with industrial development in the western end of the Chesterfield Valley and Regional Commercial development in the eastern portion of the Valley.

Zoning Map

Since adoption of 1430, no changes have been made to the site-specific zoning governing this area. However, there has been one change to the zoning in the area originally governed under the Ordinance for the Spirit of St. Louis Airport. Figure 13 shows the boundary of the planned district overlaid on the zoning map. As can be seen, there is one parcel within the limits of Ordinance 1430 that has been rezoned out of the original planned district and into a Planned Commercial District.

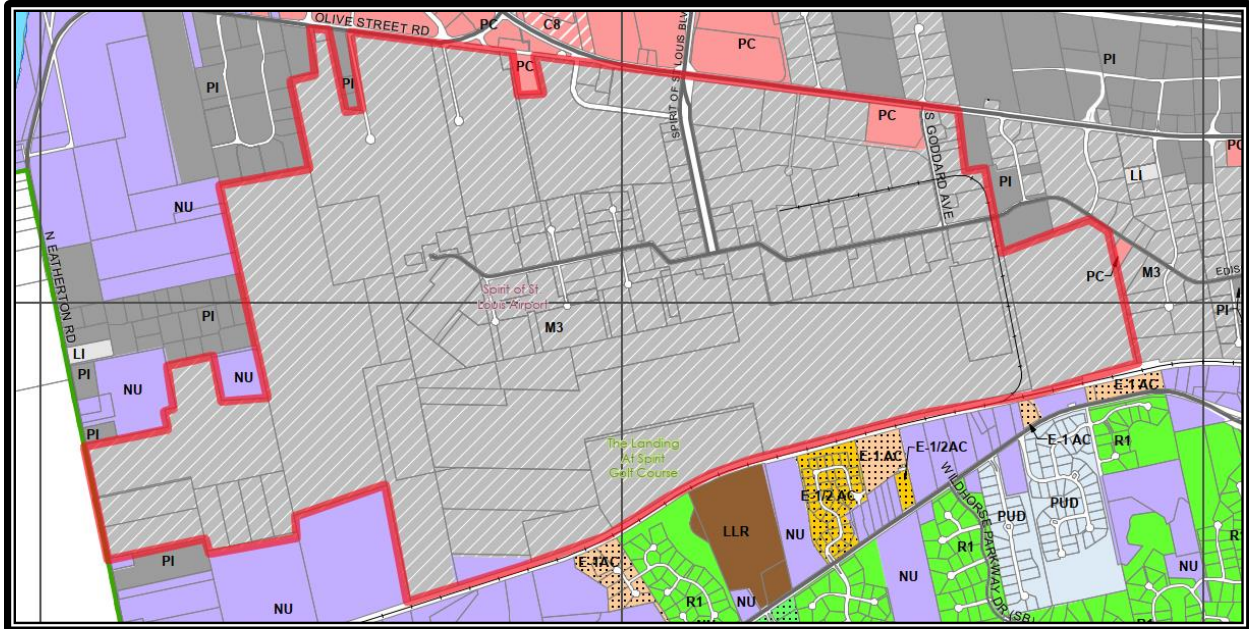


Figure 13: Zoning map with boundary of Ordinance 1430

As can be seen from the zoning map on Figure 13, 18026 Chesterfield Airport Road (northeast portion of the site) was removed from the M-3 Planned Industrial District and changed to a “PC” Planned Commercial District. As this area officially changed the zoning map, this parcel does not constitute the permitted commercial shopping area permitted in Ordinance 1430, effectively increasing the amount of retail originally envisioned in the area and creating further departure from the vision for the future development identified in the Comprehensive Pla.

City of Chesterfield Ordinance 1430

The Planning and Public Works Committee has specifically asked the Planning Commission to provide a recommendation on the consistency of City of Chesterfield Ordinance 1430 as it relates to the Comprehensive Plan. Preceding sections have identified the history of the planned district ordinance, evolution of development of the Chesterfield Valley, existing zoning conditions in the area, and an overview of the Comprehensive Plan as it pertains to the area. In reviewing the ordinance, staff would note the following items:

- The ordinance permits commercial as well as industrial uses. In order to promote consistency with the Comprehensive Plan, the City’s industrial districts (“PI” Planned Industrial District and “LI” Light Industrial District) do not permit retail sales establishments. There are other uses permitted within the planned district that may be found to be inconsistent with the Comprehensive Plan (e.g. Nightclubs, filling stations) or uses that may be better identified as uses that may be appropriate with additional conditions (e.g. screening of equipment and vehicle repair, rental, and sales). A full list of the uses permitted within the ordinance is attached. Additionally, a definition is provided in the event that there was a definition for the term.
- There is no open space requirement within the district.

- The planned district included minimum size for landscaping planted to comply with City Code requirements. This requirement is less than that of the City Code.
- As the area now has numerous users, property owners have requested piecemeal changes (i.e. changes to the setbacks on one property, or an additional use on one property). This is not unique and becomes a challenge with planned districts as the number of property owners increases and leads to differing regulations on adjacent parcels.
- As an alternative to amending the ordinance to request a change to regulations on one parcel within the district, a property owner can request to change the zoning to a new district. While this allows the City to add regulations to bring the property to current standards, it again results in properties having different regulations.

Ordinance 1430 is attached for your review.

Recommendation

In reviewing the information presented in this report, Staff is of the opinion that City of Chesterfield Ordinance 1430 is not appropriately implementing the vision and policies contained within the Comprehensive Plan. Staff is requesting a formal recommendation from the Planning Commission regarding the appropriateness of the ordinance. Once a recommendation is received, it will be presented to the Planning and Public Works Committee for consideration and direction, as applicable.

Motion

The following motion is provided to the Planning Commission for consideration relative to this request:

- I move to recommend to the Planning and Public Works Committee that Ordinance 1430 is (or is not) consistent with the Comprehensive Plan.

Attachments:

1. Uses Permitted within Ordinance 1430
2. City of Chesterfield Ordinance 1430

Uses Permitted Within Ordinance 1430

Legend

<u>Black Text (Bold / Underline)</u>	=	Use Term
Black Text	=	Definition under ordinance at the time of enactment
Blue	=	Restrictions on the use
Strikethrough	=	Use prohibited

Airports, landing strips, and heliports.

An area of land or water that is used or intended to be used for the landing and take-off of aircraft, and includes its buildings and facilities, if any. (Airport)

A facility for the servicing, take-off, and landing of helicopters, which is open to public use. (Heliport)

A facility for take-off and landing of aircraft with or without services available for aircraft, which is operated for private use. (Landing Strip)

Business, professional, and technical training schools.

Business service establishments.

Facilities for the composting of yard wastes.

Filling stations, including emergency towing and repair services. Any structure or premises used for dispensing or sale, at retail, of vehicle fuels or lubricants, including lubrication of vehicles and replacement or installation of minor parts and accessories, but not primarily engaged in major repair work such as engine replacement, body and fender repair, or spray painting.

Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), and indoor and unlighted outdoor tennis courts (public or private). A building or portion thereof used for athletic training or sports activities, including accessory seating for spectators. (Gymnasium)

Incinerators.

Laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.

Manufacturing, fabrication, assembly, processing, or packaging of any commodity from semi-finished materials, except explosives or flammable gases or liquids.

Manufacturing of explosives and flammable gases and liquids.

Nightclub. A commercial establishment occupying a space no less than 5,000 square feet whose primary business is supplying musical or other entertainment with a dance floor greater than 400 square feet, including such a facility offering food or refreshments on the premises.

Offices or office buildings. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Parking areas, including garages. An area of land used or intended for off-street parking facilities for motor vehicles.

Police, fire, and postal stations.

Printing and duplicating services.

Public utility facilities. A public utility facility serving a local area only, such as an electric substation, a water or gas pumping or regulating station, a telephone switching center, or a storage tank, except telecommunication towers.

Radio, television, and ~~communication studios~~, transmitting or relay towers, antennae, and other such facilities no greater in height than 200 feet above the average finished ground elevation at the perimeter of such structure.

Railroad switching yards.

Research laboratories and facilities.

Restaurants. A commercial establishment whose primary business is the provision of prepared food at retail for consumption on or off the premises.

Sales and renting of equipment and vehicles used by business, industry, and agriculture, excluding retail automobile sales.

~~Sales yards operated for a charitable purpose by a church, school, or other not for profit organization.~~

Sewage treatment facilities.

Signs (advertising). A sign intended to attract general public interest concerning a commercial enterprise, product, service, industry, or other activity not conducted, sold or offered on the same premises upon which the sign is erected.

Telecommunication towers up to two hundred (200) feet in height. A structure designed for the support of one or more antennae and including guyed towers, self-supporting (lattice) towers or monopoles but not buildings. The term shall also exclude any support structure under sixty (60) feet in height owned and operated at the residence of an amateur radio operator licensed by the Federal Communication Commission. The height of a telecommunications tower shall be measured from the finished grade to the top of the tower, excluding any elements with a cross-section of less than four inches.

Telecommunication towers over two hundred (200) feet in height. A structure designed for the support of one or more antennae and including guyed towers, self-supporting (lattice) towers or monopoles but not buildings. The term shall also exclude any support structure under sixty (60) feet in height owned and operated at the residence of an amateur radio operator licensed by the Federal Communication Commission. The height of a telecommunications tower shall be measured from the finished grade to the top of the tower, excluding any elements with a cross-section of less than four inches.

Terminals for trucks, buses, railroads, and watercraft. A depot building or area specifically designated for the storage or transfer of persons or material, or temporary storage and service of operable vehicles used in the transport of persons, goods or materials. (Terminal)

Towed vehicle storage yards, wherein no individual vehicle may be stored for a period exceeding ninety (90) days, and involving no auto repair and no salvage or sale of automobile parts. A ten (10) foot high sight-proof fence shall be provided along all limits of the property. An area for the unstacked temporary storage and sale of operative, wrecked, or otherwise damaged or immobilized motor vehicles wherein each vehicle space is directly accessible to a designated aisle.

Union halls and hiring halls.

Vehicle repair facilities. Any structure or premises conducting major vehicle repair work within enclosed service bays or stalls, including the installation or removal of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts, or spray painting, but not including tire recapping or vulcanizing, or the outdoor storage of wrecked or otherwise damaged and immobilized vehicles.

Vehicle service centers. Any structure or premises used for the servicing and minor repair of vehicles within enclosed service bays or stalls, including diagnostic services, lubrication of vehicles, and minor engine repair such as tune-ups, and the sale and installation of minor parts and accessories such as tires, batteries, shock absorbers, brakes, mufflers, and tail pipes. This use shall not include any establishment engaged in major repair work such as the installation or removal of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts, spray painting, tire recapping or vulcanizing, or the storage of wrecked or damaged and immobilized vehicles.

Warehousing, storage, or wholesaling of live animals, explosives, or flammable gases and liquids. A structure for use as a storage place for goods, materials or merchandise (Warehouse).
Wholesaling or warehousing of manufactured commodities except live animals, explosives, or flammable gases. A structure for use as a storage place for goods, materials or merchandise (Warehouse).

Yards for storage of contractors' equipment, materials, and supplies, excluding junk yards and salvage yards.

Repair, rental, sales and service of equipment used by industry, business and individuals to included automobiles, trucks, trailers and similar type vehicles.

Retail automotive limited to parcels with frontage on Chesterfield Airport Road or Olive Street Road.

Golf Courses and accessory uses including a clubhouse and pro shop. An area or course for playing golf, consisting of at least nine (9) holes, except miniature golf, within which the playing area is not artificially illuminated. (Golf Course)

Lighted golf driving range.

Lighted soccer park.

Churches with accessory office use by not to include day care and day schools.

Hotel or motel.

Commercial shopping area.

Not more than 10 acres and oriented to the principal uses on the site (overall development area).

Fraternal organization.

Permitted at 777 Spirit of St. Louis Blvd. (Locator Number 17V13-0153)

AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NUMBER 1312 AND REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 1378 AND APPROVING A NEW AMENDED ORDINANCE RELATING TO AN "M-3" PLANNED INDUSTRIAL DISTRICT; SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD, EAST AND WEST OF SPIRIT OF ST. LOUIS BOULEVARD (P.Z. 20-97 SPIRIT AIRPARK).

WHEREAS, the "M-3" Planned Industrial District zoned Spirit of St. Louis Airport, located on the south side of Chesterfield Airport Road, east and west of Spirit of St. Louis Industrial Boulevard, was approved via St. Louis County Ordinance 2,212, and subsequently amended by St. Louis County Ordinance Numbers 9,642, 11,768, and 13,838; and,

WHEREAS, in response to P.Z. 6-96 St. Louis County - Spirit Airpark, the City of Chesterfield adopted Ordinance Number 1,156 on April 15, 1996, which: rezoned from "NU" Non-Urban District and "M-3" Planned Industrial District to "M-3" Planned Industrial District and approved a preliminary plan in the "M-3" Planned Industrial District for a 5.75 acre tract; approved a preliminary plan and amendment to an existing "M-3" Planned Industrial District approved by St. Louis County Ordinance Number 13,935, amended by City of Chesterfield Ordinance Number 656 (P.C. 91-88) for a 62.10 acre tract; and, amended an existing "M-3" Planned Industrial District approved by St. Louis County Ordinance Number 13,838 and amended by City of Chesterfield Ordinance Number 870, to allow as permitted uses, in addition to the current permitted uses contained in City of Chesterfield Ordinance Number 870, churches, outdoor storage of building materials, a lighted golf driving range, and a lighted soccer park; and,

WHEREAS, in response to P.Z. 20-97 Chesterfield Memorial Building Association – American Legion/Spirit Airpark, the City of Chesterfield adopted Ordinance Number 1,312 on September 15, 1997, which authorized a fraternal organization to be located at 777 Spirit of St. Louis Boulevard; and,

WHEREAS, in response to a request by Anheuser Busch Companies, the City of Chesterfield adopted Ordinance Number 1,378 on February 18, 1998, which reduced the side yard setback for parking on their lot from ten (10) feet to zero feet; and,

WHEREAS, Natoli Engineering has requested an amendment to reduce the side yard setback for the existing structure located at 660 Goddard from ten (10) feet to three (3) feet from the north property line and nine (9) feet from the south property line; and,

WHEREAS, the City of Chesterfield Department of Planning considered the request, and after consulting the Spirit of St. Louis Airport and the Chesterfield Fire Protection District, recommended approval of the request subject to conditions contained in their Attachment A; and,

WHEREAS, the Planning Commission, having considered said request, and with the consideration of the revisions and recommendation of the Staff of the City of Chesterfield

Department of Planning, the Planning Commission recommends adoption of changes as set out in their report to the City Council.

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

Section 1. Ordinance Number 9642, as subsequently amended by Ordinance Numbers 11,768 and 13,838, which was approved by St. Louis County, establishing an "M-3" Planned Industrial District for a tract of land located on the south side of Chesterfield Airport Road, east and west of Spirit of St. Louis Boulevard, is hereby adopted by the City of Chesterfield in its entirety as amended by City of Chesterfield Ordinance Numbers 1156, 1312 and 1378 and further amended by deleting condition 6(a) and substituting the following:

Structure Setbacks

- a. All buildings and structures, except lights, fences, retaining walls, signs, and flag poles, shall conform to the provisions of Section 1003.151 "M-1" Industrial District Regulations of the City of Chesterfield Zoning Ordinance. The side yard setback for the existing easternmost structure at 660 Goddard shall be: three (3) feet from the north property line and nine (9) feet from the south property line. Any new structure(s) or addition to any existing structure at 660 Goddard must conform to Section 1003.151 "M-1" Industrial District Regulations of the City of Chesterfield Zoning Ordinance.

City of Chesterfield Ordinance Number 1378 is hereby repealed to the extent that any inconsistent portions of said Ordinance which are not incorporated in and made a part of this new amended Ordinance shall be of no force or effect and the approved terms and conditions of Ordinance Number 9,642 (St. Louis County), as amended by Ordinance Numbers 11,768 and 13,838 (St. Louis County), and Ordinance Number 1,156 (City of Chesterfield), as amended by Ordinance Number 1,312 (City of Chesterfield) shall be as approved on the new Attachment A which is attached hereto and made a part hereof as if fully set out herein.


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 set out in the original approval as granted by St. Louis County in its attachments which were set out on the original attachment and as modified by the changes embodied in Attachment A, which is attached hereto and incorporated herein as if fully set out.

Section 3. The City Council, pursuant to the request filed by Natoli Engineering relative to P.Z. 20-97, requesting the amendment as approved and with the changes as embodied in this ordinance and pursuant to the recommendations of the City of Chesterfield Planning Commission that said request be granted, 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.

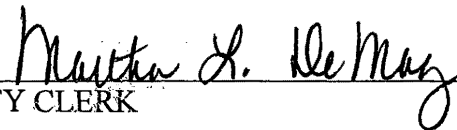
Section 4. In all other respects, the original ordinances that were passed by St. Louis County as they relates to this development are to remain in full force and effect as well as all those changes which were made and approved by Ordinance Numbers 1,156 and 1,312 of the City of Chesterfield as restated in this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 20TH day of JULY, 1998.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

1. PERMITTED USES

The uses allowed in the "M-3" Planned Industrial District shall be all "M-1" Industrial District Permitted and Conditional Uses, excluding communication studios and communication towers, sales yard for charitable purposes, incinerators, advertising signs, and the manufacturing of explosives. In addition, the repair, rental, sales and service of equipment used by industry, business and individuals to include automobiles, trucks, trailers and similar type vehicles; golf courses and accessory uses including a clubhouse and pro shop; lighted golf driving range; lighted soccer park; churches with accessory office use but not to include day care and day schools; hotel or motel; and a commercial shopping area not in excess of ten (10) acres shall be permitted. The location of retail automobile dealerships shall be limited to parcels with frontage on either Chesterfield Airport Road or Olive Street Road. The commercial shopping area shall be geographically oriented to the principal uses permitted on the tract and shall contain only those incidental retail establishments necessary for the welfare and protection of the persons and property on said tract and those which are clearly accessory to the normal operation of the permitted uses on said tract.

A fraternal organization shall be permitted at 777 Spirit of St. Louis Boulevard (Locator Number 17V13-0153).

2. SITE DEVELOPMENT CONCEPT PLANS SUBMITTAL REQUIREMENTS

Within two (2) years of the enactment of this Ordinance there shall be submitted to the City of Chesterfield Planning Commission the Site Development Concept Plans for the additional tracts of land not previously included under this "M-3" District Ordinance. Where due cause is shown by the developer, this time interval may be extended through appeal to, and approval by, the Planning Commission.

3. GENERAL CRITERIA - SITE DEVELOPMENT CONCEPT PLANS

The Site Development Concept Plan shall include the following:

- a. Outboundary plat and legal description of the property.
- b. Conceptual location and size, including height, of all proposed buildings, outdoor storage areas, parking and loading areas, and lots.
- c. Specific structure and parking setbacks along all roadways and property lines.
- d. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, temporary turnaround, and curb cuts.
- e. Existing and proposed contours at intervals of not more than two (2) feet.

- f. Preliminary stormwater and sanitary sewer facilities.
- g. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

4. GENERAL CRITERIA - SITE DEVELOPMENT SECTION PLAN

The Site Development Section Plans shall include the following:

- a. The location and size, including height, of all uses, buildings, outdoor storage areas, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and landscaping.
- b. Existing and proposed contours at two (2) foot intervals.
- c. Location and size of all parking areas.
- d. Roadways and driveways on and adjacent to the property in question, including location of curb cuts, required roadway right-of-way dedication and pavement widening.
- e. A landscape plan including, but not limited to, the location, size, and general type of all plant and other material to be used.
- f. All other preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

5. SITE DEVELOPMENT PLAN SUBMITTAL OPTION

In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the developer may instead submit a Site Development Plan for the additional tracts of land not previously included under this "M-3" District Ordinance within two (2) years of the date of approval of the Preliminary Development Plan by the City. Said Plan shall be submitted in accord 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.

6. SITE DEVELOPMENT CONCEPT AND SECTION PLANS - SPECIFIC CRITERIA

The Site Development Concept and Section Plans shall illustrate adherence to the following. Information to be shown on the Site Development Concept Plan shall be limited to those items specified in Condition 3.

Structure Setbacks

- a. All buildings and structures, except lights, fences, retaining walls, signs, and flag poles, shall conform to the provisions of Section 1003.151 "M-1" Industrial District Regulations of the City of Chesterfield Zoning Ordinance. The side yard setback for the existing easternmost structure at 660 Goddard shall be: three (3) feet from the north property line and nine (9) feet from the south property line. Any new structure(s) or addition to any existing structure at 660 Goddard must conform to Section 1003.151 "M-1" Industrial District Regulations of the City of Chesterfield Zoning Ordinance.

Outdoor Storage Area Setbacks

- b. All outdoor storage areas shall conform to the structure setback provisions of Section 1003.151 "M-1" Industrial District Regulations of the City of Chesterfield Zoning Ordinance.

Parking, Loading, and Internal Drive Setbacks

- c. All parking, loading and internal drive areas, excepts points of ingress and egress, shall conform to the provisions of Section 1003.151 "M-1" Industrial District Regulations of the City of Chesterfield Zoning Ordinance. The side yard setback for parking from the west property line of the Anheuser Busch Hangar, locator number 17V21-0013, shall be reduced to zero feet subject to the following conditions:
 - The pipe that replaces the ditch shall be a minimum of 48 inches in diameter and manholes shall be located so that access points to the pipe are no more than 250 feet apart.
 - The property owner is required to provide routine cleaning and maintenance of the pipe. Non-maintenance of the pipe will result in a zoning violation. Should the primary use of this site change from being a hanger, the parking setback of ten (10) feet shall be restored and the pavement removed from the setback area.

Parking and Loading Requirements

- d. Minimum parking and off-street loading space requirement shall be as set forth in Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Access

- e. Access shall be as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

- f. Cross access easements and temporary slope construction license, or other appropriate legal instrument or agreement, may be required as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

Road Improvements

- g. Conform to the requirements of the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

Landscape Requirements

- h. As part of the development plan to be reviewed by the Planning Commission, the developer shall submit a landscape plan to comply with the following:
 - i. All new required landscaping material shall meet the following criteria:
 - (1) Deciduous trees - two (2) inch minimum caliper.
 - (2) Evergreen trees - four (4) feet minimum height.
 - (3) Shrubs - eighteen (18) inch minimum diameter.
 - j. Building and paved area setbacks shall contain adequate landscaping as approved by the Planning Commission on the Site Development Plan.

Lighting and Flagpole Requirements

- k. The location of all lighting standards and flagpoles shall be as approved by the Planning Commission on the Site Development Plan. No on-site light standards shall be so situated that light is cast directly on adjoining properties or public roadways.

Signs

- l. With the exception as noted, signs shall be permitted in accord with the provisions of Section 1003.151 "M-1" Industrial District Regulations of the City of Chesterfield Zoning Ordinance. No advertising signs shall be permitted. The location of all free-standing signs shall be as approved by the City of Chesterfield on the Site Development Plans.

Outdoor Storage

- m. Any proposed outdoor storage areas shall be located to the rear of the property, enclosed with sight-proof fencing, and shall be depicted on the Site Development Plan.

Miscellaneous Conditions

- n. All exterior trash areas shall be enclosed with a six (6) foot high sight-proof fence.
- o. Parking, circulation and other applicable site design features shall comply with Chapter 1101, Section 512.4 "Physically Handicapped and Aged" of S.L.C.R.O. 1974, as amended.
- p. All mechanical equipment, rooftop or ground mounted, shall be adequately screened by roofing or other screening, as approved by the Planning Commission.
- q. Architectural elevations, styles, colors and exterior materials for all building facades and fencing shall be approved by the Planning Commission in conjunction with the Site Development Plan.
- r. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction, if proposed, shall be reviewed by the St. Louis County Department of Highways and Traffic and/or the City of Chesterfield for sight distance considerations and approved prior to installation or construction.

7. VERIFICATION PRIOR TO SITE DEVELOPMENT PLAN APPROVAL

Prior to the approval of the Site Development Concept and Section Plans, the developer shall provide the following:

Stormwater

- a. A preliminary engineering plan approved by the City of Chesterfield, showing that adequate handling of the stormwater drainage of the site is provided.
 - (1) The developer is required to provide adequate stormwater systems in accordance with the City of Chesterfield standards and in accordance with the Chesterfield Valley Stormwater Drainage Master Plan.
 - (2) All stormwater shall be discharged at an adequate natural discharge point by means of bleeder ditches and/or construction of portions of the main channel as outlined in the Chesterfield Valley Master Drainage Plan, or other means approved by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. Stormwater drainage easement(s) for the required Chesterfield Valley Master Drainage Plan ditches, including associated bleeder ditch(es), shall be required.
 - (3) Any proposed drainage modifications to the Chesterfield Valley Master Drainage Plan must meet all drainage performance criteria (i.e., required storage/volume capacity, sufficient conveyance positive drainage, etc.) as outlined in the Chesterfield Valley Master Drainage Plan. Any proposed design (modifications) must not alter the modeled hydraulic elevations on

this site and/or surrounding sites as outlined/required in the Chesterfield Valley Master Drainage Plan. The City of Chesterfield reserves the right to deny approval of improvement plans based on non-conformance with the Chesterfield Valley Master Drainage Plan.

Road Improvements and Curb Cuts

- b. Provide verification of approval by the St. Louis County Department of Highways and Traffic and the City of Chesterfield of the location of proposed curb cuts, areas of new right-of-way dedication, and roadway improvements.

Geotechnical Report

- c. Submit, as deemed necessary by the City of Chesterfield Director of Public Works, a geotechnical report prepared by a professional engineer licensed in the State of Missouri for review and approval by the Department of Public Works. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions. A statement of compliance with this study, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans.

8. RECORDING

Within sixty (60) days of approval of any Site Development Plan by the Planning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

9. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the issuance of any building permit, the developer shall provide the following:

Sanitary Sewers

- a. Verification to the St. Louis County Department of Public Works, M.S.D., and the City of Chesterfield that adequate sanitary services are provided.
- b. Developments governed by this Ordinance may require an NPDES Permit. NPDES permits are applicable to construction activity that disturbs five (5) or more acres. The developer will have to provide the City of Chesterfield with a copy of this permit application.
- c. A Flood Plain Development Permit/Application may be required for developments governed by this Ordinance. If it is required, it must be submitted and approved prior to issuance of any permits, including grading permits.

- d. A 404 Permit or waiver from the U.S. Army Corps of Engineers may also be required for developments governed by this Ordinance. If it is required, it must be submitted and approved prior to issuance of any permits, including grading permits.

Landscape Bonds or Escrows

- e. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds an estimated cost of one thousand dollars (\$1,000), as determined by a plant nursery, the developer shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping. Prior to the release of the landscape escrow or bond, a two (2) year Landscape Maintenance Bond or Escrow, sufficient in amount to guarantee the replacement of landscaping, shall be furnished. Said bond shall be based on costs determined by a plant nursery and approved by the Department of Planning.

Notification to the City of Chesterfield

- f. Prior to the issuance of foundation or building permits, all approvals from the Metropolitan St. Louis Sewer District, Chesterfield Fire Protection District, and the St. Louis County Department of Highways and Traffic must be received by the City of Chesterfield.

10. SUPPLEMENTARY DEVELOPMENT CONDITIONS

- a. Every use of land or building on said tract shall operate in conformance with the following limitations on external effect:
 - (1) Vibrations: Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the boundary of the district in which the use is located.
 - (2) Noise: Every use shall be so operated that the maximum volume of sound or noise generated does not exceed seventy-five (75) decibels at any point on the lot line of the lot on which the use is located.
 - (3) Odor: Every use shall be so operated that no offensive or objectionable odor is perceptible at any point on the boundary of the district in which the use is located.
 - (4) Smoke: Every use shall be operated so that no smoke from any source shall be emitted of a greater density than the density described as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines.
 - (5) Toxic gases: Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases.
 - (6) Emission of dirt, dust, fly ash and other forms of particulate matter: Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed 0.85 pounds per 1000 pounds of gases of which amount not to exceed 0.5 pounds per 1000 pounds of gases shall be of such size as to be retained in a

325 mesh U.S. Standard Sieve. In the case of emission of fly ash or dust from a stationary furnace or combustion device these standards shall apply to a condition of fifty percent excess air in the stack at full load, which standards shall be varied in proportion to the deviation of the percentage of excess air from fifty percent.

- (7) Radiation: Every use shall be so operated that there is no dangerous amount of radioactive emissions.
- (8) Glare and heat: Any operation producing intense glare or heat shall be conducted in a manner as to effectively screen the glare from view at any point on the lot line of the lot on which the use is located and to dissipate the heat so that it is not perceptible without instruments at any point on the lot line of the lot on which the use is located.

- b. The developer, his assigns or heirs, shall be responsible for the maintenance of all on-site stormwater improvements, including primary channel(s) and bleeder ditches, until such responsibility is accepted by the Metropolitan St. Louis Sewer District.

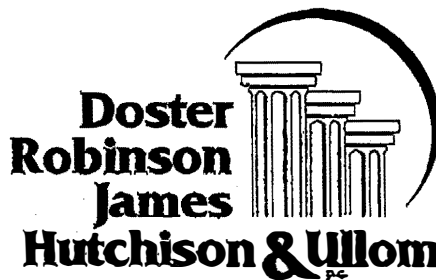
11. GENERAL DEVELOPMENT CONDITIONS

General development conditions relating to the operation, construction, improvement, and regulatory requirements to be adhered to by the developer are as follows:

- a. A grading permit from the City of Chesterfield is required prior to any grading on the site. No change in watershed shall be permitted.
- b. Adequate temporary off-street parking for construction employees shall be provided. 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.
- c. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
- d. Interim stormwater drainage control in the form of siltation control measures are required.
- e. If roadways in this development are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) forever.

- f. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices, and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
- g. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion if adequate stormwater detention and erosion control devices have not been provided.
- h. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments and Commissions.
- i. In the event of any transfer of ownership or lease of property in said tract, said transfer or lease agreement shall include a provision that the purchaser or lessee agrees to be bound by the conditions of this Ordinance.
- j. The Zoning Enforcement Officer of the City of Chesterfield, Missouri shall enforce the conditions of this Ordinance in accord with the Site Development Concept Plan approved by the City of Chesterfield and any Site Development Section Plans approved by the Planning Commission and/or the Department of Planning.

MICHAEL J. DOSTER
JAMES J. ROBINSON
CHARLES A. JAMES
MICHAEL H. JAMES
THOMAS F. HUTCHISON**
JESS W. ULLOM
JOY D. MCMILLEN*
PATRICK N. MEHAN
STEPHEN L. UKMAN



LEGAL ASSISTANTS:
ANGELA ANDERSON
CHRISTINA L. MERTZ
JENNIFER J. CLEARY

* Also Licensed in Illinois
** Also Licensed in Kansas

ATTORNEYS AT LAW

16476 Chesterfield Airport Road, Suite 200 - Chesterfield, Missouri 63017
(314) 532-0042 - Fax: (314) 532-1082 - E-mail: drjhu@drjhu.com

July 15, 1998

Via Facsimile & Hand Delivery

Mr. Michael Herring, City Administrator
City Of Chesterfield
922 Roosevelt Parkway
Ste. 100 City Of Chesterfield
Chesterfield, MO 63017

*✓
8/16/98*

Re: Bill No. 1538, P.Z. #20-97, Spirit Airpark

Dear Mr. Herring:

Please accept this letter as the request to place this matter on the agenda for the next City Council meeting which is Monday night.

I have enclosed a copy of a letter from Marshall Kleiman, Lead Inspector, Commercial Building Inspections, St. Louis County. His letter advises that St. Louis County does not retain records for more than five (5) years. Since the subject building was constructed in 1988, St. Louis County is unable to tell us if a building permit was issued.

However, the client's contractor provided us with a copy of a letter dated June 9, 1988, issued by L.A. Gates, Chief of Code Enforcement Inspection, St. Louis County, that indicates that a Building Permit was issued. I believe this may be the only open issue. Please advise me if there are others, and I will respond accordingly. Thank you.

Very truly yours,

Michael J. Doster

MJD/clc
Enclosures
cc: Carm Natoli
John McCartney



ST. LOUIS COUNTY, MISSOURI
BUZZ WESTFALL, COUNTY EXECUTIVE
Department of Public Works

June 17, 1998

Mr. John McCartney
660 Goddard Avenue
Chesterfield, MO 63017

RE: 660 Goddard Avenue

Locator # 17V240252

Dear Mr. McCartney:

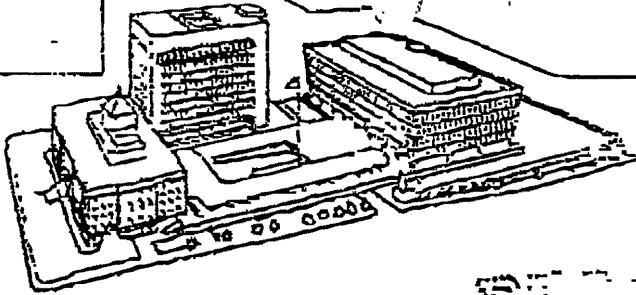
This commercial structure was constructed in 1988. St. Louis County Department of Public Works retains records for a period of only five (5) years, therefore there are no permits or plans available.

If we can be of further assistance, please do not hesitate to call at 889-2140.

Sincerely,

Marshall Kleiman, Lead Inspector
Commercial Building Inspections

MK:bq



ST LOUIS COUNTY, MISSOURI

GENE McNARY, COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

JAN H. FAYNTON, DIRECTOR

June 9, 1988

Structural Systems
816 South Kirkwood
St. Louis, MO 63122

Re: Temporary Occupancy Permit
Blg. Permit # 5860-88
660 Goddard

Your application for Temporary Occupancy has been granted. However, before a Final Building inspection can be approved, the following items must be corrected, or completed:

1. Complete parking lot as required on approved site plan.

When these conditions are met, you are required to request a Final Building inspection, please call 899-2804 for the required inspection.

This Temporary Occupancy Permit expires on July 9, 1988. Any extensions of this permit must be by special request and well justified.

Yours very truly,

L.A. Gates
Chief of Code Enforcement Inspection
889-3315

LG/pl

cc: Mr. Jan H. Paynton, Director