

**CITY OF CHESTERFIELD  
PLANNING AND ZONING COMMITTEE MEETING  
THURSDAY, JANUARY 4, 2007  
Conference Room 101  
5:30 P.M.**

**AGENDA**

**I. APPROVAL OF MEETING SUMMARY**

- A. Approval of the December 7, 2006 Planning and Zoning Committee Meeting Summary

**II. OLD BUSINESS**

**III. NEW BUSINESS**

- A. **P.Z. 4-2006 City of Chesterfield (Tree Manual):** A request to repeal City of Chesterfield Ordinance 2235 and replace it with a new ordinance that revises the procedures and requirements for reviewing and approving landscape plans, tree stand delineations, and tree preservation plans.
- B. **P.Z. 24-2006 Monarch Center (158 Long Road):** A request for a change of zoning from "NU" Non-Urban to "PC" Planned Commercial District for 10.14 acre tract of land located north of Edison Road, east of Long Road.

**IV. PENDING PROJECTS/DEPARTMENTAL UPDATE**

**V. ADJOURNMENT**

**Note:** The Planning and Zoning Committee will consider and act upon the matters listed above, and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Notice is hereby given that the Planning and Zoning Committee may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3) 1994; bidding specification (RSMo 610.021(11) 1994; and/or proprietary technological materials (RSMo 610.021(15) 1994

**I.A.**

**MEMORANDUM**

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Acting Director of Planning

DATE: December 11, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary  
**December 7, 2006**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, December 7, 2006 in Conference Room 101.

In attendance were: **Chair Mary Brown** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Barry Streeter** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Jane Durrell, Ward I; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults, Ward IV; Maurice L. Hirsch, Jr., Planning Commission Chair; Lynn O'Connor, Planning Commissioner; Mike Herring, City Administrator; Mike Geisel, Acting Director of Planning; Annissa McCaskill-Clay, Assistant Director of Planning; Jennifer Yackley, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Brown called the meeting to order at 5:32 p.m.

**I. APPROVAL OF MEETING SUMMARY**

- A.** Approval of the October 30, 2006 Planning and Zoning Committee Meeting Summary

**Councilmember Streeter made a motion to approve the Meeting Summary of October 30, 2006.** The motion was seconded by Chair Brown and **passed by a voice vote of 4 to 0.**

**II. OLD BUSINESS - None**

### **III. NEW BUSINESS**

#### **A. P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.)**

**L.P.)**: A request for a change of zoning from "M3" Planned Industrial District to "PC" Planned Commercial District for a 7.8 acre parcel of land located on Chesterfield Airport Road at its intersection with Goddard Avenue. (18026 Chesterfield Airport Road/17V230055)

#### **Staff Report**

Mr. Geisel pointed out a correction to be made to the Attachment A on page 8, Section I.K.4 regarding "Access" as follows:

The nearest edge of any street, access or driveway intersecting the entrance street shall be located a minimum of eighty (80) feet from the edge of pavement of ~~Chesterfield Airport Road~~ **Goddard Avenue**, as directed by the Department of Public Works.

Ms. Annissa McCaskill-Clay noted the following outstanding issue for this petition:

#### **Open Space**

The Comprehensive Plan guidelines for the Valley, in general, suggest 30% open space. However, Ordinance 1747 requires 40% open space for retail development. The subject development has several proposed uses with only Lot 5 showing retail use at the Preliminary Plan stage. Accordingly, the Attachment A is currently written as follows:

A minimum of thirty percent (30%) open space is required for this development overall with the exception that Lot 5 shall be developed in accord with City of Chesterfield Ordinance 1747.

Ordinance 1747 allows a variance to the 40% open space provided the developer can show any type of good planning practice or extraordinary circumstances of the site.

The Petitioner is requesting an amendment to the above language as follows:

A minimum of thirty percent (30%) open space is required for this development overall with the exception that ~~Lot 5 shall be developed in accord with City of Chesterfield Ordinance 1747.~~

#### **Planning Commission Report**

Planning Commission Chair Hirsch reported that the Planning Commission voted on a motion to exclude "drive-thru" on the subject site, which failed by a vote of 4 to 5.

To decrease the required 40% open space for retail use would have required six affirmative votes of the Planning Commission for passage. The issue died due to the lack of a motion to amend the open space for the entire development to 30%.

Chair Hirsch stated that some the Planning Commissioners feel that too many petitions are being submitted with building footprints too large for the sites. As a result, some of the Commissioners are not willing to waiver from the requirements of Ordinance 1747.

## DISCUSSION

### Uses

Councilmember Streeter objected to the uses of “gas station” and “fast-food restaurant with a drive-thru”. It has been his understanding that Council has wanted these types of uses east of Long Road.

Councilmember Flachsbart also objected to the use of a “drive-thru”.

### Open Space

Councilmember Flachsbart stated he agreed with the 40% open space requirement.

Mr. Geisel clarified that the generic open space requirement for this area is 30%. Ordinance 1747 states:

“... 40% minimum open space for retail development adjacent to commercial uses.”

It was noted that the adjacent properties include Porta-Fab and Crown Industrial Park. All the surrounding sites are zoned “M3”, including the subject site.

Councilmember Streeter pointed out that the City is receiving a number of petitions requesting reductions from the requirements. He felt it would be interesting to have the Planning Department research the total number of petitions received and noting how many of these have requested reductions.

Chair Brown stated that she does not object to the 30% overall open space because there are two different standards for the same piece of property.

Councilmember Hurt agreed with enforcing the 40% open space.

### Petitioner's Report

Mr. Mike Doster, attorney for the Petitioner, stated the following:

- Uses for “M3” vs. “PC” vary quite significantly. He pointed out that Ordinance 1747 requires 40% minimum open space for retail development adjacent to commercial uses and he noted that everything around the subject site is zoned “M3” – light industrial. The only use that deviates

- from the “light industrial” is O&W. He questioned whether this performance standard even applies since the site is not adjacent to “commercial” uses.
- Ordinance 1747 is written so that reductions can be granted if certain things are shown.
  - The performance standard in Ordinance 1747 for floor area ratio requires a minimum of .25 – the petitioner is showing .15. He feels that because this performance standard exceeds the minimum, the petitioner should be allowed the reduction in open space.
  - There are developments north of Chesterfield Airport Road and west of Long Road that have restaurant and filling station uses approved. A service station has been approved for the Terra Corporate Park development.
  - He feels that the site will be a “green jewel” in the area with the 30% open space because of all the light industrial surrounding it.
  - The retail use is at the rear of the site - where the 40% open space is required. He noted that the retail use is next to a light industrial site and away from Chesterfield Airport Road.
  - The petitioner intends to install a traffic signal at Goddard Avenue and Chesterfield Airport Road, which will benefit all motorists using Goddard Avenue north and south of Chesterfield Airport Road. This is a considerable expense for the petitioner and in order to recoup the expense, they request greater density and uses that would generate an economic return to justify the investment. Mr. George Stock stated that St. Louis County has agreed to the signalized intersection.

### **Curb Cut**

Councilmember Hurt did not feel the curb cut on Eads Avenue to the east is necessary.

Mr. George Stock stated that the access point on Eads Avenue would help ease traffic and allow movement further from the intersection. The Petitioner had requested cross-access with Porta-Fab but Porta-Fab denied cross-access.

Councilmember Fults stated that Eads Road is an internal drive between the developments and she does not agree with restricting the curb cuts on Eads.

Mr. Geisel clarified that Eads Road is dedicated as a public street as part of the Air Park. In its current condition, one would not consider Eads a “street” – it is more of a “driveway”. The street is not maintained by the City or County. The road would have to be maintained by the adjacent property owners. He noted that there is a difference between a “dedication” and an “acceptance” – Eads Road has not been accepted.

Councilmember Geiger questioned whether Eads Road is the type of road that motorists should be using to exit the development. Mr. Geisel replied that Eads

Road is not a road that meets City standards but he feels it is important to have a secondary exit onto Goddard Avenue.

**Councilmember Hurt made a motion to eliminate the east curb cut on Eads Avenue.** The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 3 to 1. (Chair Brown voted "no".)

### **Traffic Light**

Councilmember Streeter asked why the County has not installed a traffic signal at the intersection of Goddard and Chesterfield Airport Roads if a need exists for one. Mr. Geisel replied that the current volume of traffic does not warrant a traffic signal at the intersection; however, the Master Plan includes a traffic signal at this intersection some time in the future considering forecasted traffic volume.

Councilmember Flachsbart pointed out the issue of the traffic signal is not an issue for the City – it is an issue between the developer and St. Louis County.

### **Drive-thru restaurants**

Councilmember Flachsbart felt a drive-thru is not appropriate for this site and would cause problems with the traffic.

Councilmembers Hurt and Streeter expressed concern about having a restaurant at this site.

Councilmember Fults pointed out that there are other restaurants in this area.

**Councilmember Flachsbart made a motion to amend Section I.C.1. regarding "Permitted Uses" as follows:**

#### **q. Restaurants, fast food, excluding drive-up facilities**

The motion was seconded by Councilmember Streeter and passed by a voice vote of 3 to 1. (Chair Brown voted "no").

### **Filling Stations**

Councilmember Flachsbart made a motion to amend Section I.C.1 regarding "Permitted Uses" as follows:

#### **h. Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.**

The motion was seconded by Councilmember Streeter and passed by voice vote of 3 to 1. (Chair Brown voted "no").

### Ancillary Uses

Councilmember Hurt made a motion to amend Section I.C.1. of the Attachment A regarding “Permitted Uses” as follows:

c. ~~Automatic vending facilities for:~~

- (i) ~~Ice and solid carbon dioxide (dry ice);~~
- (ii) ~~Beverages;~~
- (iii) ~~Confections~~

and adding Section I.C.3. as follows:

**Ancillary Uses:**

a. **Automatic vending facilities for:**

- (i) **Ice and solid carbon dioxide (dry ice);**
- (ii) **Beverages;**
- (iii) **Confections**

The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 4 to 0.

### Open Space

Chair Brown made a motion to amend Section I.D.3.a. of the Attachment A regarding “open space” as follows:

Open space: Open space includes all areas excluding the building or areas for vehicular circulation.

A minimum of thirty percent (30%) open space is required for this development ~~due to the increased Floor Area Ratio over the minimum standard, and the other good planning practices as shown in this development.~~ overall with the exception that Lot 5 shall be developed in accord with City of Chesterfield Ordinance 1747.

The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 4 to 0.

### Sign Package

It was noted that a sign package would have to be submitted at the time of Site Plan review.

### Commendations to Petitioner

Councilmember Flachsbart commended the Petitioner for clearly listing all the uses.

Councilmember Hurt commended the Petitioner for keeping access off Chesterfield Airport Road.

**Councilmember Flachsbart made a motion to forward P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.), as amended, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Streeter and passed by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the January 3, 2007 City Council Meeting.  
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.).]

**B. P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors):** A request for a change of zoning from a "NU" Non-Urban District to an "E-One Acre" Estate District for a 4.3 acre tract of land located at the northwest corner of Wildhorse Creek Ridge Road and Cripple Creek Road.

Chair Brown announced that P.Z. 20-2006 has been passed by the Planning Commission. She has been informed that a Protest Petition will be filed requiring a hearing before the Committee. City Attorney Heggie has recommended that the Committee discuss the petition but that a final vote be held.

#### **Staff Report**

Ms. Yackley outlined the following issues raised by the neighboring residents:

- Easement – Regarding the easement on Wild Horse Ridge Road and access from Wild Horse Creek Road through Bentley Place Drive, the City Attorney's position is that this a private matter. The Petitioners believe they have all the necessary easements and that the easements are shown on record plats. The neighboring residents do not agree with the Petitioner's interpretation.
- Subdivision – Question was raised as to whether a particular parcel is part of the Wild Horse Ridge Subdivision. The City Attorney has determined that the subject parcel is a stand-alone parcel and not part of the Wild Horse Ridge Subdivision.
- Storm Water Run-off – Residents of the Country Ridge Subdivision expressed concern about storm water run-off into their dry creek bed. Public Works has reviewed the storm water issue. The development will have to comply with all the storm water requirements.

Staff is proposing the following amendments to Section I.E. of the Attachment A:

- 1.a. ~~Fifty Twenty-five (25) feet from the eastern property line of this E-1 Acre Estate District bearing S 00° 55' 33"W~~ **Wild Horse Ridge Road roadway easement.**
- 1.b. ~~Fifty-five Twenty-five (25) feet from the southern property line of this E-1 Acre Estate District bearing N 89° 54' 27"W~~ **Cripple Creek Road roadway easement.**
- 2.a. Front yard setback: Twenty-five (25) feet from ~~any roadway~~ **the roadway easement.**

## DISCUSSION

### Surrounding Zoning

Country Place Subdivision has a minimum lot size of 28,000 square feet, as zoned under St. Louis County.

Chair Brown felt that this site has a lot of similarities to what was done with the E-Two acre zoning in Tuscany Reserve next to Pacland Place. She noted that Wild Horse Ridge Subdivision is zoned Non-Urban with three acre lots or larger. The property to the north of the subject site is comprised of six acres along Wild Horse Creek Road, and there are four acres in the middle of this area.

Councilmember Fults stated that if the subject site is zoned E-One Acre, the City should be looking at the surrounding parcels with the thought that these too will be coming in for rezoning. She questioned whether the City wants E-One Acre zoning for this entire area. She felt it would be inconsistent to zone the subject site E-One Acre when it is surrounded by three acre lots or larger.

### Presentation from Residents

Mr. Tom Fleming, Trustee of Wild Horse Ridge Subdivision, stated the following:

- When the area was developed in 1976, it was developed under St. Louis County. All the lots that were sold prior to 1976 were sold under metes and bounds. After January 1, 1977, St. Louis County changed its ordinance to require surveyed lot subdivisions so all lots sold after this point, were sold under this new requirement.
- Since 1976, all these lots have functioned as a subdivision. They have eight residences and four empty lots. All the empty lots have been empty since their original purchase.
- Speaker feels that the petition would set a precedent for spot-zoning.
- They ask that the City protect the character of their subdivision by keeping it large lot zoning. They feel the subject site should have a single home built on it.

- The subject area has a lot of green space utilized by the residents for walking and playing.
- All the neighboring residents are opposed to the subject petition, with the exception of the homeowner who is trying to sell his four-acre site for development.

Ms. Yackley clarified the use of the word “subdivision” by Mr. Fleming and by herself. When she has used the word “subdivision”, she was referring to the record plat recorded with St. Louis County, which does not include all of the parcels Mr. Fleming referred to when he used the word “subdivision”.

Mr. Ken Aston, homeowner in Wild Horse Ridge Subdivision which is part of the record plat, stated the following:

- He has a contract with a developer, who is interested in purchasing his property if this petition is approved.
- If the petition is approved, Speaker stated he would probably sign the contract because the character of his subdivision would change.
- The proposed contract he has would include seven homes of a smaller size, and less expensive, than those being proposed by Mayer Homes.

Councilmember Fults pointed out that the whole area could result in a hodgepodge of different builders, different home sites, different roads, and different layouts of the land.

#### **Petitioner's Presentation:**

Mr. Magre, representing Mayer Homes, stated the following:

- The Comprehensive Plan calls for one-acre density in the subject area.
- He does not feel they are “spot-zoning” because R-1A and R-1 zoning is adjacent to the subject site with lots as small as one-half acre.
- He pointed out that nothing ever prevented the recording of a plat with three-acre lots. This would have required property owners to place their property under subdivision indentures but no such thing was done.
- Although the owner of the subject site is bound by a Road Maintenance Agreement to contribute to the maintenance of the road, this does not mean he is part of a subdivision or subject to any subdivision indentures.

Chair Brown felt the Committee should review the surrounding zoning to determine what is appropriate for the area.

#### **Access to the South**

Councilmember Streeter expressed concern about access to the properties to the south. He asked what modifications would be necessary to allow access to the south.

Mr. Geisel noted that this proposal requires that a full-width street be constructed to City standards from Bentley Place up to the intersection of Cripple Creek

Road. If a lot fronts on Cripple Creek Road, they would also be responsible for half of the improvements to Cripple Creek Road. However, the road is a single way in and a single way out, which is contrary to what Public Works would recommend.

Councilmember Fults pointed out that if all 80 acres are developed at one-acre density, the road is not capable of handling that amount of traffic.

**Councilmember Streeter made a motion to hold P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors) and directed Staff to do an analysis of the road system regarding its adequacy with the possible development of the properties to the south.** The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 4 to 0.

- C. **P.Z. 21-2006 Precision Plaza (Precision Properties, LLC):** A request for a change of zoning from "NU" Non-Urban to "PI" Planned Industrial for an approximately 14.28 acre tract of land located at 496 N. Eatherton north of the intersection of Wings Corporate Drive and Eatherton Road.

**Staff Report**

Ms. Yackley stated that there are no outstanding issues on this petition.

**Runway Protection Zone**

It was noted that the Runway Protection Zone is allowed under the "PI" zoning. The Attachment A restricts the use in this area.

**Curb Cuts**

Discussion was held on the number of proposed curb cuts on the site. The Petitioner stated that one entrance would serve Lot 1, with the other one serving Lots 2 and 3. It was noted that there is more than 500 feet between the two curb cuts.

Mr. Geisel stated that the existing roadway was not set up to be a collector/distributor roadway for the adjacent properties. He would be concerned about running all the traffic through the parking lots. The spacing for the proposed curb cuts is more than sufficient.

As part of this development, the developer is required to construct a deceleration/entrance lane. The developer is also providing for the half-width improvements for a full three-lane section.

Councilmember Hurt felt that Eatherton Road needs to be carefully monitored in order to limit the number of future curb cuts.

### **Extension/Improvements to Highway 109 and Dedicated Right-of-Way**

Mr. Geisel stated that the State and County have said Highway 109 will not be extended. The City has met with St. Louis County and the State, and neither the County nor the State want additional lanes and will not take the dedication.

Councilmember Flachsbart asked if the City could take the dedication. Mr. Geisel replied that this is a County road but the City could take the dedication if so desired. He noted that there is not extra space for road improvements due to the major storm water channel that parallels the roadway.

Councilmember Flachsbart felt that Highway 109 will eventually have to be widened – even though it may be way in the future.

**Councilmember Flachsbart made a motion directing the Acting Director of Planning to add language to the Attachment A requiring dedication of the right-of-way for any future expansion of Highway 109.** The motion was seconded by Councilmember Streeter.

The Petitioner stated that there is no way to dedicate because of the drainage easement.

The motion requiring dedication of the right-of-way **passed by a voice vote of 3 to 1.** (Chair Brown voted "no".)

Councilmember Flachsbart noted that the Acting Director of Planning may advise the Committee that the dedication is not possible – but he does want the issue researched.

**Councilmember Streeter made a motion to forward P.Z. 21-2006 Precision Plaza (Precision Properties, LLC), as amended, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4 to 0.**

**Note:** One bill, as recommended by the Planning Commission, will be needed for the January 3, 2007 City Council Meeting.  
See Bill #

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 21-2006 Precision Plaza (Precision Properties, LLC).]

**D. Tech Park II (THF Chesterfield Four Development) Ordinance**

**Amendment:** A request for an amendment to City of Chesterfield Ordinance Number 1928 for an amendment to the greenspace requirement, structure setbacks and parking setbacks for Chesterfield Commons Four an approximately 21.6 acre tract of land, zoned "PI" and located east of the intersection of Chesterfield Airport Road and Public Works Drive.

**Staff Report**

Ms. Yackley stated that the Petitioner is requesting the following three Ordinance amendments to build the proposed Flex Building:

1. **Section D. Building Requirements:** Requires a minimum of twenty-eight percent (28%) green space. The petitioner is requesting a change to allow for a minimum of thirty percent (30%) open space.
2. **Section E. Structure Setbacks:** Requires a one hundred and forty (140) foot structure setback from the eastern boundary. The petitioner requests a one hundred (100) foot structure setback from the eastern boundary.
3. **Section E. Parking Setbacks:** Requires a seventy-five (75) foot parking setback from Edison Avenue right-of-way. The petitioner requests a twenty foot (20) setback from Edison Avenue right-of-way.

**DISCUSSION**

**Open Space/Green Space**

The current open space on the site is 32.7% without the Flex Building. With the construction of the Flex Building, the open space will be 31.2%

The green space with the Flex Building will be 25.6%.

Councilmember Flachsbart indicated his opposition to all three requested amendments and then **made a motion to deny Tech Park II (THF Chesterfield Four Development) Ordinance Amendment.** The motion died due to the lack of a second.

**Setbacks**

Mr. Geisel pointed out that because of the planned nature of these districts, the setbacks were established based on the construction of the theater and its specific plan. The setbacks were not established as part of performance criteria in the Comprehensive Plan and, therefore, the petitioner is asking for an adjustment.

**Parking**

Councilmember Streeter opposed the proposed parking near the seepage berm.

Committee members expressed concern that parking for the theater is not adequate, especially on weekend evenings.

It was noted that if the petition is approved, the current parking would be reduced by 50 spaces from 836 spaces to 786 spaces. The required parking is 772 spaces – 1 space/3 theater seats.

Councilmember Flachsbart requested that the Planning Commission review the City's parking requirements for theater complexes.

**Councilmember Hurt made a motion to amend the site as follows:**

- **Move the Flex Building closer to the road;**
- **Eliminate the internal access points into the parking lot on the east side of the building. Traffic should enter from Edison Road and drive around the building and enter the parking area from the west;**
- **Provide all parking inside the development;**
- **Eliminate the following uses for the Flex Building in order to provide more parking for the theater:**
  - **r. Restaurants, fast food**
  - **s. Restaurants, sit down**
  - **v. Vehicle repair facilities**
  - **w. Vehicle service centers**
  - **x. Vehicle washing facilities**

The motion was seconded by Councilmember Flachsbart.

Mr. Geisel pointed out that there is a limit to how far south the building can be moved because of the seepage berm. Planning Chair Hirsch stated that if the building is moved, some parking may be eliminated.

Mr. Doster asked that the motion be withdrawn to allow the Petitioner time to re-configure the plans taking into consideration the suggestions made.

Councilmember Hurt withdrew his motion.

Chair Brown stated that she does not agree with the suggestions made in the above motion with respect to access and removing the restaurant use.

Mr. Doster stated that Wehrenberg and THF have been in consultation with respect to the parking and they are in agreement that the location of the building will not adversely affect the theater's parking based upon their experience to date. He will provide some statistics on this issue for the Committee.

**Councilmember Flachsbart made a motion to hold Tech Park II (THF Chesterfield Four Development) Ordinance Amendment.** The motion was seconded by Councilmember Streeter and passed by a voice vote of 4 to 0.

The agenda was changed to discuss item IV.A. next.

**A. Update of Telecommunications (Cell Tower) Ordinance**

Mr. Geisel reported that Staff has been directed by City Council to review and revise the Cell Tower Ordinance. He asked for specific direction or comments to be taken into consideration. The following issues were noted:

- Should cell towers be allowed in "NU"/residential areas?
- Should cell towers ever be administratively approved?
- Should cell towers be allowed in residential areas only to the height of the tree line?
- Should public hearings be held for all proposed cell towers?
- Review the implications of having a Conditional Use Permit on all cell towers.
- Should City Council review all cell towers? If so, the request should have two readings.
- Review notification requirements.
- If a petitioner requests a tower in a residential area that will go above the tree line, the petitioner needs to provide proof that there is no other way to provide cell service.

Lauren Strutmann noted that the FCC policies allow municipalities, within their zoning codes, to govern where cell towers go.

Mr. Geisel stated that the City Attorney will be involved in the updating of the City's ordinance with respect to cell towers.

Councilmember Durrell felt that if strict guidelines are established, some cell towers could be administratively approved. After discussion, the Committee agreed that cell towers should not be administratively approved.

Mr. Geisel was directed to do the research on cell towers and report back to the Committee.

(Councilmember Flachsbart left the meeting at this point.)

#### **E. Discussion re: Demolition of Minna Waldman House by Missouri Department of Conservation**

Councilmember Durrell reported that the house was demolished this morning by the State.

It was been suggested that the land be rezoned to Parks & Scenic, as designated in the Comprehensive Plan. Mr. Geisel stated that this would not prevent the State from building an office on the site if it so desired.

Mr. Geisel stated that property cannot be rezoned involuntarily. Since the State of Missouri is a higher form of government than the City of Chesterfield, they do not have to come to the City for any permits or approvals. Trying to impose City criteria or municipal law on a State government, won't work. If the State would sell the property, there is a deed restriction on the property which would still apply. If sold to a third party private entity, the City does have the ability to rezone or establish restrictions.

**Councilmember Hurt made a motion directing Staff to send a letter to the State asking them to allow the City to proceed with a zoning petition for Parks and Scenic to comply with the City's Comprehensive Plan.** The motion was seconded by Councilmember Streeter and passed by a voice vote of 3 to 0.

#### **IV. PENDING PROJECTS/DEPARTMENTAL UPDATE**

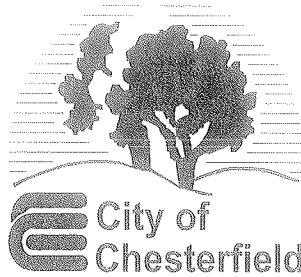
##### **B. 2007 Meeting Schedule**

Due to the City election on April 3<sup>rd</sup>, Councilmember Streeter made a motion to omit the April 5<sup>th</sup> Planning & Zoning Committee Meeting from the 2007 tentative schedule. The motion was seconded by Chair Brown and passed by a voice vote of 3 to 0.

**Councilmember Hurt made a motion to approve the 2007 Meeting Schedule, as amended.** The motion was seconded by Councilmember Streeter and passed by a voice vote of 3 to 0.

#### **V. ADJOURNMENT**

The meeting adjourned at 7:45 p.m.



I.L.A.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

December 13, 2006

Planning and Zoning Committee  
City of Chesterfield  
690 Chesterfield Pkwy W  
Chesterfield, MO 63017

RE: P.Z. 4-2006 City of Chesterfield (Tree Manual): A request to repeal City of Chesterfield Ordinance 2235 and replace it with a new ordinance that revises the procedures and requirements for reviewing and approving landscape plans, tree stand delineations, and tree preservation plans.

Dear Planning and Zoning Committee:

At the December 11, 2006 City of Chesterfield Planning Commission meeting, a recommendation for approval of the above-referenced matter was approved by a vote of 8-0.

Please see the attached memo that outlines the proposed changes as well as a copy of the Tree Manual as approved by the Planning Commission.

Respectfully submitted,

Jennifer L. Yackley  
Project Planner

Respectfully submitted,

Aimee E. Nassif  
Senior Planner of  
Zoning Administration

Cc: Rob Heggie, City Attorney  
Michael G. Herring, City Administrator  
Michael Geisel, Acting Director of Planning

Attachments

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## INTEROFFICE MEMORANDUM

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**TO:** PLANNING AND ZONING COMMITTEE  
**FROM:** JENNIFER YACKLEY, PROJECT PLANNER  
**SUBJECT:** P.Z. 4-2006 CITY OF CHESTERFIELD (TREE MANUAL)  
**DATE:** 12/13/2006  
**CC:** MIKE GEISEL, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER/ACTING  
DIRECTOR OF PLANNING  
AIMEE NASSIF, SENIOR PLANNER

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The following changes to the Tree Manual were presented to the Planning Commission at the December 11, 2006 meeting.

1. Section III “Definitions”, page 4  
**City’s Tree Specialist.** A Tree Specialist retained by the City to review tree protection and preservation issues at the City’s request. ~~This person is not a member of City staff.~~
2. Section IX “Preservation Requirements on Construction Site”, page 11
  - A. 2. The developer shall not disturb the critical root zone area of any tree to be preserved. ~~to satisfy the canopy coverage requirements.~~
3. Section IX “Preservation Requirements on Construction Site”, page 11
  - A. 3. A tree specialist shall be named and employed by the developer. Said tree specialist should be available for on-site inspections as directed by the ~~Director of Planning~~ City of Chesterfield.
4. Section X “Special Conditions”, page 12
  - A. 2. Property zoned commercial or industrial which will allow for clearing of the lot for the development of the square footage as previously approved by the current ordinance in place by the City of Chesterfield or the St. Louis County on the date of the adoption of the original Tree Ordinance **Number 1345 enacted on November 17, 1997;** or
5. Section XI “Mitigation Plan”, page 13
  - D. Where site constraints or other factors prevent replacement on or off site, the developer shall make a cash contribution to the ~~Chesterfield~~ Tree Preservation Account, **according to Section XV of this manual**, in an amount equal to the cost of replacing the trees which are not able to be preserved. Said costs shall include labor and plant material.

6. Section XIII Landscape Proposals Table 2 (page 15)  
Inserted language to require buffers along collector and arterial roadways for all developments, as required in other Tree Manuals.
7. Section XIII Landscape Proposals (page 19)  
Language was added to prevent the placement of street trees and shrubs within lines of sight and/or the sight distance triangle.
8. Section XIII Landscape Proposals Table 4 (page 19)  
Requirements were added for tree size and tree species for non-residential subdivisions.
9. Appendix A-Recommended Tree List-Street Tree Category  
The Street Trees, listed in Appendix A, are now compatible with the 2006 City Council Approved Street Tree List.
10. Appendix A-Recommended Tree List  
Removed Green Ash trees because of overpopulation and increased susceptibility to disease.
11. Appendix A-Recommended Tree List  
To allow for greater flexibility, the true tree species and any generic tree varieties are listed, when applicable. This is the same format as the 2006 City Council Street Tree List.

**BILL NO. \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE  
2235 AND REPLACING IT WITH A NEW TREE MANUAL ORDINANCE  
THAT REVISES THE PROCEDURES AND REQUIREMENTS FOR  
REVIEWING AND APPROVING LANDSCAPE PLANS, TREE STAND  
DELINEATIONS, AND TREE PRESERVATION PLANS. (P.Z. 4-2006  
CITY OF CHESTERFIELD/TREE MANUAL)**

**WHEREAS,** The City of Chesterfield seeks to revise the process for review of landscape plans, tree stand delineations, and tree preservation plans as described in Ordinance 2235; and,

**WHEREAS,** the Planning Commission Landscape Review Committee has recommended approval of the modification; and,

**WHEREAS,** the Planning Commission concurred with the recommendation of the Landscape Review Committee and voted to recommend the proposed tree manual by a vote of 8-0.

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

**Section 1.** The City of Chesterfield Zoning Ordinance is hereby amended and agrees to make necessary changes thereto, as set out in Attachment "A" which is attached hereto and made a part hereof.

**Section 2.** The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 4-2006, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on December 11, 2006, 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 3.** This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

**Section 4.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007

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MAYOR

ATTEST:

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CITY CLERK



**City of  
Chesterfield**

**DEPARTMENT OF PLANNING**

**TREE MANUAL**



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**APPENDIX A      CITY OF CHESTERFIELD RECOMMENDED TREE LIST**

**APPENDIX B      SAMPLE TREE STAND DELINEATION MAP**

## **I. INTRODUCTION.**

The purpose of this section is to provide a detailed guide for the preservation and planting of trees within the City of Chesterfield. Tree preservation and planting in the City of Chesterfield represents an ongoing effort to maintain the character and benefits derived from trees. Whether trees exist as a natural occurrence of native tree species or as planted trees around older developments, their protection can only be assured when developers utilize tree protection measures. By selecting the trees that will be preserved before the final stages of planned development, tree protection design standards can be created and included prior to the early stages of development of the site. Planting of new trees should be used to supplement a site's landscaping, not replace it.

## **II. APPLICABILITY.**

- A. The terms and provisions of the City of Chesterfield Tree Manual shall apply to all vacant or undeveloped land and all property to be redeveloped including additions and alterations.
- B. The Tree Stand Delineation and Tree Preservation provisions of the City of Chesterfield Tree Manual shall apply to all-vacant or undeveloped land and all property to be redeveloped including additions and alterations with 5,000 or more square feet of wooded area or any site that meets the definition of a monarch tree.
- C. Single Residential Lots of less than one (1) acre that have been subdivided for more than two (2) years are exempt from the provisions of this Tree Manual.

## **III. DEFINITIONS.**

The following list of definitions has been developed to clarify the usage of specific terminology.

1. **Afforestation.** The conversion of open land into forest through tree planting.
2. **Buffer Strip.** A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
3. **Caliper.** A measurement of a trunk of a tree equal to the diameter of its trunk measurement at six (6) inches above natural grade, primarily used for measurement of new trees for planting.
4. **Canopy Tree.** Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity.

5. **City's Tree Specialist.** A Tree Specialist retained by the City to review tree protection and preservation issues at the City's request.
6. **Critical Root Zone (CRZ).** The critical root zone is defined by a circle around the tree with one (1) foot of radius for each one (1) inch of trunk diameter at D.B.H.
7. **Diameter at Breast Height. (DBH)** The size of the trunk of a tree, in inches of diameter, measured at "breast height" four-and-one-half (4.5) feet above the original soil or natural grade. If a tree forks or separates into two or more trunks below 4.5 feet, then the trunk is measured at its narrowest point below the fork.
8. **Disturb.** Shall include the intentional, unintentional or negligent removal, destruction, or killing of any tree, or causing the loss of the tree canopy coverage or critical root zone of individual trees or group of trees.
9. **Do Not Disturb Zone.** An area within which all existing vegetation shall be preserved for the purpose of retaining the natural character of the area and providing screening from adjacent uses on public or private street. Protective fencing is provided along the edge of this area.
10. **Drip line.** The location on the ground which is just below the outer reach of the tree branches where rainwater will drip from the branches.
11. **Grading.** Clearing, excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.
12. **Greenspace.** Greenspace is determined by a fraction: the numerator of which is all green area plus all non-paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.
13. **Grove.** A group of trees similar in species or size and significant enough to be given special attention. See also Monarch Tree Stands.
14. **Limit of Disturbance.** A line that identifies the location on the ground where fencing will be installed to protect the trees from clearing, grading, soil filling, storage of materials, parking of vehicles, utility installation or other construction activity of any kind.
15. **Monarch Tree.** A tree in fair or better condition, with a life expectancy of more than fifteen (15) years, which is to be given special attention during development, and equals or exceeds the following diameter sizes:
  - 1) For Hardwoods (oak, hickory, maple, ash, etc.) - 24" DBH

- 2) Softwoods (pine, spruce, fir, including bald cypress, etc)-20"  
DBH

A lesser-sized tree can be considered a Monarch Tree if:

- 1) It is a rare or unusual species, or
- 2) It is of exceptional quality, or
- 3) It has historical significance, or
- 4) It will be specifically used by the developer as a focal point in a project or landscape

**16. Monarch Tree Stand.** A contiguous grouping of at least eight trees which has been determined to be of high value or comprised of Monarch Trees. Determination is based on the following criteria:

- 1) A relatively mature even aged stand of trees, or
- 2) A stand of trees with a purity of species composition, or
- 3) A stand of trees which are rare or unusual in nature, or
- 4) A stand of trees with historical significance, or
- 5) A stand of trees with exceptional aesthetic quality or size that is a principle feature of a site.

**17. Ornamental Tree.** A small highly visual tree species that can attain a mature height of 20-35 feet.

**18. Openspace:** areas consisting of pervious surfaces that can absorb water. They may include all water ponds, grassy, treed, landscaped, floral, sod, and other pervious surfaces.

**19. Public Tree.** Any tree located on city owned or controlled property including parks, street right-of-ways, parkways, public facilities, etc.

**20. Sight Distance Triangle.** The triangular area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the point of intersection of the projected property lines.

**21. Street Tree.** Any tree that is currently located or proposed for planting as part of the row of trees required along streets and highways.

**22. Tree Canopy.** The upper portion of a tree or trees made up of branches and leaves.

**23. Tree Canopy Coverage.** The area in square feet of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area that is covered by the branch spread of a single tree or clump or grove of trees. When trees are relatively close together, but the branches are not touching, the general area covered by this group can be used to determine the area of tree canopy coverage.

**24. Tree Specialist.** A person who meets one of the following criteria:

- 1) Arborist – a person who is a full-time owner or employee of a commercial tree service with at least five (5) years of field experience.
- 2) Certified Arborist – a person certified through the International Society of Arboriculture.
- 3) Forester –a person with a degree in forestry and at least five (5) years of field experience.
- 4) Certified Forester– a person certified through the Society of American Foresters.

If a person reviewing a submittal does not meet the five (5) years experience criteria, then a certified supervisor, with at least five (5) years experience, shall sign off on the work completed by his/her employee.

**25. Tree Topping.** Drastic removal or cutting back of large branches in mature trees, leaving large open wounds which subject the tree to disease and decay, and encourage weak, superficial, and hazardous growth

**26. Ultimate Tree Canopy.** Ultimate tree canopy is determined by assigning the following area values for planted trees, and the tree sizes may be used in combination to attain the necessary density for tree planting.

- Large tree - 400 sq. ft.
- Medium tree - 300 sq. ft.
- Small tree - 200 sq. ft.

**27. Understory Tree.** Understory trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity.

**28. Wooded Area.** Any parcel of land having more than 5,000 sq. ft. of tree canopy coverage and where the tree canopy is primarily comprised of trees equal to or larger than five (5) inches in DBH. The 5,000 sq. ft. may be in a single grouping or comprised of several single trees or groupings of scattered trees in old yards or old fields, as well as land with thick tree cover or forested lands. The 5,000 sq. ft. need not be contiguous.

## IV. OVERVIEW OF SUBMITTAL PROCESS.

| <b>City of Chesterfield Development Phase</b>          | <b>Plan Submittal*</b>  | <b>Entity Review</b>  | <b>Decision Making Authority</b>   |
|--|---|---|--|
| <b>Rezoning</b>  | Tree Stand Delineation  | Staff Review, City's Tree Specialist to review site at the request of the Department of Planning.   | Planning Commission to approve plans and make recommendations for trees to be preserved  |
| <b>Preliminary Plan/ Site Development Concept Plan</b> | Tree Stand Delineation, Tree Preservation Plan, Conceptual Landscape Plan           | Staff Review  | Planning Commission  |
| <b>Site Development Plan</b>                           | Tree Stand Delineation, Tree Preservation Plan, Landscape Plan                      | Staff Review  | Planning Commission  |
| <b>Site Development Section Plan</b>                   | Tree Stand Delineation, Tree Preservation Plan, Landscape Plan                      | Staff Review  | Planning Commission  |
| <b>Subdivision Plan</b>                                | Tree Stand Delineation, Tree Preservation Plan, Landscape Plan                      | Staff Review  | Planning Commission  |
| <b>Municipal Zoning Approval<sup>^</sup></b>           | Tree Stand Delineation, Tree Preservation Plan                                      | Staff Review  | City Staff   |
| <b>Grading Permit</b>                                  | Approved Tree Preservation Plan <b>with no</b> modifications from approved TPP plan | Staff Review, City's Tree Specialist to review Tree Protection measures prior to approval of permit | City Staff - If no modifications from approved TPP   |
| <b>Grading Permit</b>                                  | Approved Tree Preservation Plan <b>with</b> modifications from approved TPP plan    | Staff Review, City's Tree Specialist to review Tree Protection measures prior to approval of permit | City Staff- if modifications less than 10% reduction in preserved canopy   |
| <b>Grading Permit</b>                                  | Tree Preservation Plan <b>with</b> modifications from approved TPP plan             | Staff Review, City's Tree Specialist to review Tree Protection measures prior to approval of permit | Planning Commission Review- if modifications more than 10% reduction in preserved canopy; or if new reduction total is greater than 70% removal of existing canopy; or when removing a monarch tree previously shown as preserved. |
| <b>Bond Release</b>                                    | No plan submittal required  | City's Tree Specialist to review trees approved to be preserved are saved                           | City Staff Review  |

\* The Tree Stand Delineation and Tree Preservation provisions of the City of Chesterfield Tree Manual shall apply to all vacant or undeveloped land and all property to be redeveloped including additions and alterations with 5,000 or more square feet of wooded area or any site that contains a monarch tree.

<sup>^</sup> Single residential lots of less than 1 acre that have been subdivided for more than two years are not required to submit any of these items

## **V. PROTECTION OF PUBLIC OR PRIVATE TREES.**

- A. It is unlawful for any person to attach any sign, advertisement, notice, fence or any other man made object to any tree in the public right of way, park, or any other City property. Exception: temporary devices used for normal installation or maintenance of planted trees or as permitted by the City of Chesterfield.
- B. It is unlawful for any person to damage, cut down, destroy, top or injure any tree, shrub or plant. This provision shall not apply to any ordinary care and maintenance or removal of hazardous trees or tree parts by a governmental entity or its designee authorized to exercise jurisdiction over the right of way, park, or other infrastructure public property or to provide regular road maintenance.
- C. The Director of Planning has the authority to order the removal of trees or shrubs on private property which endanger life, health, safety, or property of the public. The Director of Public Works has the authority to order the removal and disposal of trees or shrubs within the City of Chesterfield right-of-way or other public property.
  - 1. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice.
  - 2. Disposal of trees with communicable diseases shall be performed in a manner which prevents the spread of disease.
  - 3. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the costs of removal as well as any costs for fees to record or release any lien as a special assessment represented by a special tax bill against the real property affected, and shall be filed by the City Clerk and deemed a personal debt against the property owner and shall remain a lien on the property until paid.
- D. The Director of Public Works may authorize the removal of street trees for public or private construction projects on a case by case basis.

## **VI. TREE STAND DELINEATION (TSD).**

### **A. TREE STAND DELINEATION (TSD) CRITERIA.**

The purpose of a TSD is to provide a general accounting of existing vegetation so that a conceptual design of the proposed development can be done. TSD shall include the following:

- 1. Detailed description and location of individual trees and groups of trees including specific size and estimate number within a natural area.
- 2. Identification of existing roads, building footprints, parking lots, stormwater structures and utilities.

3. Signed by a tree specialist.
4. For trees larger than 5" DBH, either BAF-10 study or ocular estimate method may be utilized.
5. As directed by the City of Chesterfield, submit a site plan with a tree stand delineation overlay. An overlay is defined as a transparent sheet containing the proposed TSD linework which will be superimposed over the proposed site plan.
6. The City's Tree Specialist may be asked to verify the tree information, including tree locations in the field, shown on the TSD at the request of Planning Commission or the Department of Planning.

## **VII. TREE PRESERVATION PLAN (TPP).**

A TPP is a plan based upon information provided by a tree specialist that delineates areas where trees are to be saved and details measures to be taken to ensure protection and survivability of trees to be saved, prior to and during construction, and also complies with guidelines which are listed in this Manual.

### **A. TREE PRESERVATION PLAN CRITERIA.**

1. A minimum 30% of any wooded area shall be maintained as wooded area without disturbing the roots of trees in the protected wooded area.
2. The developer should save tree groupings within wooded areas to maintain the trees' structural integrity and natural aesthetics.
3. The developer shall not include any trees or wooded area in easements, building areas, or rights-of-way as "preserved" or "protected" to satisfy the canopy coverage requirements.

### **B. TREE PRESERVATION PLAN REQUIREMENTS.**

The following is a list of all items and information that must be included in the TPP.

1. Provide detailed description and location of individual and groups of trees to be preserved and the protection measures.
2. Plan must be at the same scale as the site development plan or grading plan.
3. Signed and sealed by a Missouri Landscape Architect.
4. Table listing the following:
  - a. total site area
  - b. square footage of existing tree canopy
  - c. square footage of tree canopy coverage proposed for removal
  - d. square footage of tree canopy coverage provided for preservation
5. Existing and proposed contours.
6. Location of existing tree canopy.
7. Locations of all improvements with proposed utilities as shown on the site development plan, including building areas, easements, or rights-of-way.
8. Limit of Disturbance Line.
9. General or conceptual locations of all sediment control devices and structures.

10. The location, type, size, and proposed removal or preservation, of all Monarch Trees as shown on the Tree Stand Delineation and the critical root zone for those trees within fifty feet (50') of the limit of disturbance.
11. Tree protection notes shall include the following language:
  - a. Clearing limits shall be rough staked or marked by the Developer's surveyor in order to facilitate location for trenching and fencing installation.
  - b. No clearing or grading shall begin in areas where tree treatment and preservation measures have not been completed.
  - c. Protective devices with details (aeration systems, retaining walls, etc.).
  - d. Early maintenance schedule (i.e. pruning, injection fertilizing, etc.).
  - e. Name of tree specialist and company.

## VIII. CONSTRUCTION STANDARDS FOR FIELD PRACTICE.

- A. Protective fencing shall be installed along the Limit of Disturbance to prevent damage to the roots, trunk, and tops of protected trees. This protective fence shall constitute the Limit of Disturbance, and shall protect the tree and its roots from clearing, grading, soil filling, storage of materials, parking of vehicles, utility installation or other construction activity of any kind.
- B. Signs designating tree protection areas shall be posted along the Limit of Disturbance.
- C. Root Pruning or trenching shall occur when roots, within the critical root zone of a protected tree, will be damaged as a result of nearby excavation or the addition of fill over the root system.
- D. Trenches should approach no closer than the drip line of the tree.
- E. **Sediment and Erosion Control Structures must be used to keep eroded soil from covering roots of protected trees. Siltation screens, etc., are appropriate.**
- F. Tunneling may be required when utilities are to run through a tree's critical root zone. Tunneling shall occur under the tree's drip line. Tunneling must adhere to the requirements set forth in Table 1.

| <b>TABLE 1: TUNNELING STANDARDS</b> |  |
|-------------------------------------|--|
| <i>Tree Diameter (DBH)</i>          | <i>Tunnel Distance from trunk of tree measured in all directions</i> |
| Less than six inches (6")           | 3'   |
| 6-9"                                | 5'   |
| 10-14"                              | 10'  |
| 15-19"                              | 12'  |
| Over 19"                            | 15'  |

## **IX. PRESERVATION REQUIREMENTS ON CONSTRUCTION SITE.**

### **A. TREE PROTECTIVE MEASURES AND PROTECTED AREAS.**

1. No plant material shall be removed or planted in a Do Not Disturb Zone without approval from the City of Chesterfield. The location of Do Not Disturb Zones shall be as determined during the establishment of the site specific ordinance or as established on the approved Tree Preservation Plan.
  2. The developer shall not disturb the critical root zone area of any tree to be preserved.
  3. A tree specialist shall be named and employed by the developer. Said tree specialist should be available for on-site inspections as directed by the City of Chesterfield.
  4. During the erection, altering, or repairing of any building structure, street, sidewalk, underground pipe or utility, the contractor shall place guards, fences, or barriers to prevent injury to the trees.
- B. Prior to the issuance of any occupancy permits, should any preserved tree die or be damaged beyond repair as a result of grading or construction damage the developer will pay a fine to the City equal to the value of the trees that die or are damaged beyond repair as certified and determined by the City's Tree Specialist. Said cost shall include the cost of appraisal incurred by the City of Chesterfield. The City will withhold occupancy permits until the fine is paid. Tree values shall be based on procedures in "Guide for Plant Appraisal", latest edition, published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation Account according to Section XV of this Tree Manual.
- C. Should any tree die, or be damaged beyond repair, as a result of grading or construction within a two (2) year period after the last occupancy permit is issued

the developer shall be responsible for replacing the tree. Failure to replace shall constitute default and the City of Chesterfield shall be entitled to proceed against the surety or the cash escrow.

- D. Refer to Section XIV for Surety and Escrow Procedures.

## X. SPECIAL CONDITIONS.

The Department of Planning, upon written application by the applicant/owner for consideration of special conditions, may consider granting special conditions modifying the requirements of this Tree Manual with the procedures and limitations as set forth below. Modifications will require that a minimum of 30% of the wooded portion of the lot must be preserved or be replanted with acceptable tree species. Special conditions may be granted in whole, or in modified form with conditions or denied by the Department of Planning, after consideration of the requisites presented.

### A. QUALIFYING PROJECTS.

1. Property for which:
  - a. an ordinance, detailing development requirements, has been in existence as a result either by the City of Chesterfield or St. Louis County (prior to the City's incorporation), and;
  - b. a valid Site Development Concept Plan, Site Development Plan, Site Development Section Plan or a Final Development Plan has been approved prior to the adoption of the original Tree Ordinance Number 1345 enacted on November 17, 1997; or
2. Property zoned commercial or industrial which will allow for clearing of the lot for the development of the square footage as previously approved by the current ordinance in place by the City of Chesterfield or the St. Louis County on the date of the adoption of the original Tree Ordinance; or
3. Property for which a tree specialist determines that the applicant is unable to provide tree preservation in accordance with this manual due to highly unique and severe circumstance such as extremely poor quality of trees, extreme topography, unusual lot shape, or other similar condition.

### B. APPLICATION FOR SPECIAL CONDITIONS.

The information to be submitted as a part of the application for special conditions shall include but not be limited to the following:

1. A Tree Stand Delineation with overlay of the existing conditions.
2. An engineering plan and/or drawings which shows and describes that development of the structures as proposed or authorized is impossible because of the unique character of the site which is not generally applicable to other sites.

3. A statement certified by a tree specialist that development cannot preserve the existing trees because of species or condition, but a minimum 30% of the original wooded area will be replanted to permanent tree cover.
4. Each applicant seeking mitigation or a variance from the terms and conditions of this Tree Manual shall pay as a fee to offset the cost of administration an amount equal to the value of each tree that is removed from the required minimum 30% tree preservation area. The value of each tree is to be determined by the tree specialist.
5. A reforestation bond shall be posted to cover mitigation cost.

C. Refer to Section XIV for Surety and Escrow Procedures.

## **XI. MITIGATION PLAN.**

The purpose of a Mitigation Application is to deter removal of trees. If the applicant/owner has established special conditions in accordance with Section X, then mitigation in accordance with an approved mitigation plan as authorized by the Department of Planning shall include the following:

- A. Selective clearing and supplemental planting shall be displayed on an overlay plan.
- B. An on site afforestation plan using larger or smaller stock; the number of trees will depend on the species selected and the ultimate tree canopy; based on tree sizes noted in the list of trees in Appendix A of this manual.
  1. 400 sq. ft. for large trees
  2. 300 sq. ft. for medium trees
  3. 200 sq. ft. for small treesPlanting must achieve the dedication of a minimum 30% of the area of the original tree canopy coverage.
- C. Applicants submitting mitigation plans must utilize a mix of trees that vary in species, size, growth rate, and life span and consists of no more than 20% of one category.
- D. Where site constraints or other factors prevent replacement on or off site, the developer shall make a cash contribution to the Tree Preservation Account, according to Section XV of this manual, in an amount equal to the cost of replacing the trees which are not able to be preserved. Said costs shall include labor and plant material.

## **XII. PLANT SELECTIONS.**

- A. All trees shall be selected from the Recommended Tree List in the City of Chesterfield's Tree Manual.
- B. All trees within five (5) feet of existing or proposed rights-of-way or public sidewalks shall be taken from the Street Tree category in the Recommended Tree List in the City of Chesterfield's Tree Manual.
- C. A variety of trees from the Recommended Tree List must be utilized so that there is a mix of tree species, growth rate, and tree size.
- D. A minimum of thirty percent (30%) of the trees must be of a species with a slow or medium growth rate.
- E. For projects in which more than fifty (50) trees will be installed, a variety of tree species within each category of deciduous, evergreen, and ornamental trees must be utilized. Each category shall provide a minimum of twenty (20%) of the total trees to be planted. For projects that require only street trees, each category of deciduous and ornamental shall provide a minimum of twenty (20%) of the total trees to be planted.

## **XIII. LANDSCAPE PROPOSALS.**

Landscape plans must be submitted to the Director of Planning in conjunction with a proposed development or redevelopment. A Conceptual Landscape Plan shall be submitted with the Site Development Concept Plans. A Conceptual Landscape Plan indicates the proposed landscaping along arterial and collector roadways. The City of Chesterfield requires the use of a mix of trees that vary in species, size, growth rate, and life span to promote the enhancement of the community.

### **A. LANDSCAPE PLAN REQUIREMENTS.**

The information to be submitted as a part of the landscape plan shall include but not be limited to the following:

1. A map prepared to a scale no greater than one (1) inch equals one hundred (100) feet.
2. The landscape plan shall be of the same size and scale as the applicable site plan(s) submitted to the city.
3. A plan produced by a Missouri Landscape Architect, whose name and seal are attached.
4. Trees shall be selected from the Recommended Tree List included in Appendix A.

5. All proposed trees shall be a minimum of 2.5 caliper inches.
6. Tree locations, species, and numbers which shall be identified on the scaled drawing.
7. Elevations and plan views of proposed landscaping as requested by the City of Chesterfield.
8. A map legend identifying the symbols for the various types of trees.
9. Tree protection measures around all existing trees.
10. List the percent of greenspace in relation to total area.
11. A summary table for all plant materials listing Common and Scientific name and variety, Deciduous, Evergreen or Ornamental, Quantity, Maturity, Height and Caliper.

#### B. LANDSCAPE BUFFERS, SETBACKS, BERMS, OR WALLS

1. Landscape buffers are required per the criteria set forth in Table 2 below. Landscape buffers shall contain a combination of deciduous trees, evergreen trees, and shrubs and should enhance and preserve native vegetation.

| <b>TABLE 2: LANDSCAPE BUFFER REQUIREMENTS</b>                      |   |
|--|---|
| <b>TYPE OF SUBDIVISION</b>   | <b>LANDSCAPE BUFFER REQUIRED</b>  |
| When a Residential Subdivision Abuts a Residential Subdivision     | Minimum 20 foot wide buffer strip, 10 feet of which may be satisfied by landscaping on the abutting property if provided. |
| When a Residential Subdivision Abuts a Non-Residential Subdivision | Minimum 30 foot wide buffer strip.  |
| When a Non-Residential Subdivision Abuts a Residential Subdivision | Minimum landscaped buffer strip 30 feet in width. Up to 10 feet may be satisfied by landscaping on the abutting property. |
| When a Residential Subdivision Abuts a non-subdivision street      | Minimum of 30 foot wide buffer strip.   |
| For all property zoned as an "E" District                          | Minimum of 30 foot wide buffer strip. The buffer strip shall not be counted towards minimum lot size.                     |
| Development along collector or arterial roadway                    | Minimum of 30 foot wide buffer strip.   |

2. Landscaped berms, walls or fences are required to screen automobile headlights from areas zoned residential or non-urban.

3. Flexible residential landscape buffer requirements may be granted in cases where it can be demonstrated that the proposed landscape buffer encourages a creative design solution to the issue of buffering adjacent land uses.
4. For all districts, landscape buffers must be outside of the right-of-way dedication.
5. For all districts, no plantings are allowed within drainage swales or ditches.
6. For all districts, entrance islands and cul-de-sacs shall be landscaped as directed by the City of Chesterfield.

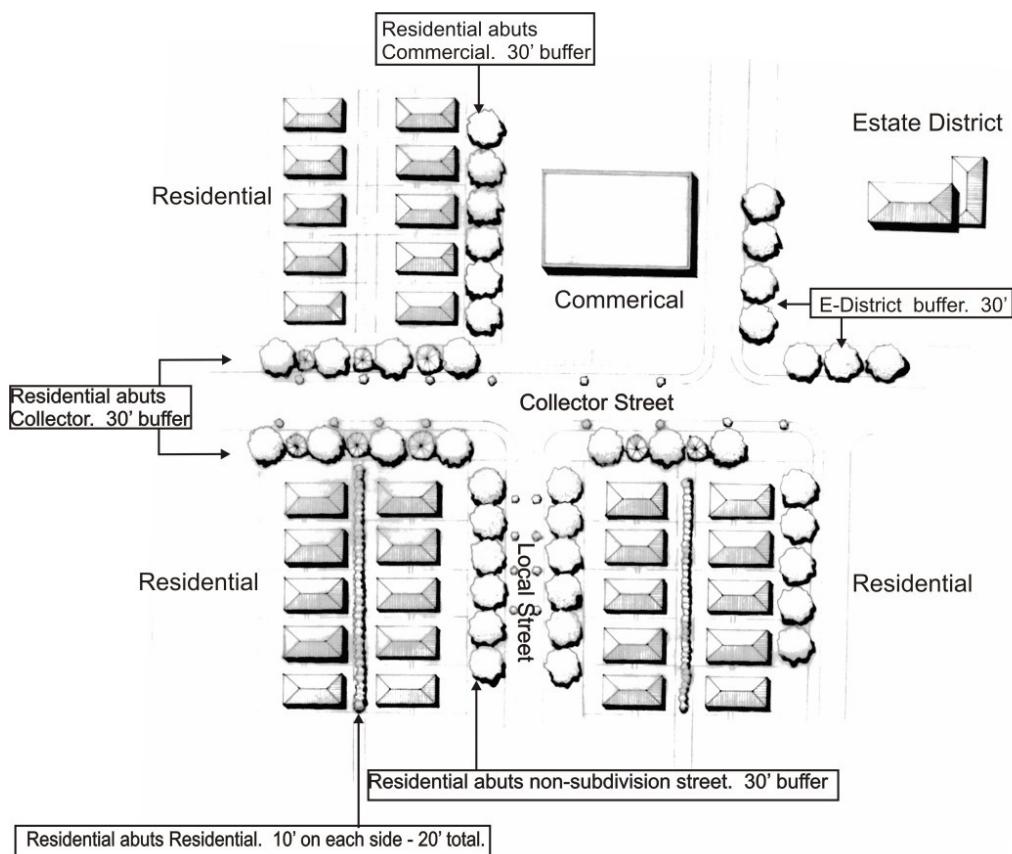


Figure 1: Buffer Requirements

### C. LANDSCAPING FOR PARKING LOTS AND TREE ISLANDS.

#### 1. Tree Islands:

- a. Landscaped islands shall be placed at the ends of parking aisles and within aisles.
- b. Islands shall have plantings consisting of ground covers such as shrubs, ivy, flowers, and grasses.
- c. Tree Islands shall be landscaped in accordance with Table 3 below:

**TABLE 3: LANDSCAPE REQUIREMENTS FOR TREE ISLANDS**

| Type of Island                                | Landscape Required   |
|---|--|
| Single Island                                 | One deciduous tree required. Minimum landscape width of six (6) feet.  |
| Single Island at end of single row of parking | A minimum area of one-hundred (100) square feet placed at the ends of a single row of parking. Two (2) deciduous trees are required that do not block required line of sight for exiting vehicles.                     |
| Double Island                                 | Two (2) deciduous trees are required per double landscaped island.   |
| Double Island at end of double row of parking | There shall be a double island of two-hundred-ten (210) square feet placed at the ends of a double row of parking. Two (2) deciduous trees are required that do not block required line of sight for exiting vehicles. |

2. Parking Lots:

- a. No parking space shall be further than fifty (50) feet from a tree.
- b. All vehicular areas should have minimum fifteen (15) feet landscape setback from existing or proposed rights-of-way lines.
- c. Parking islands are not required to have a tree in instances where the adjacent parking spaces are within fifty (50) feet of a tree in other areas of the development.
- d. Trees planted in parking islands at no time shall block the required vehicle sight lines.

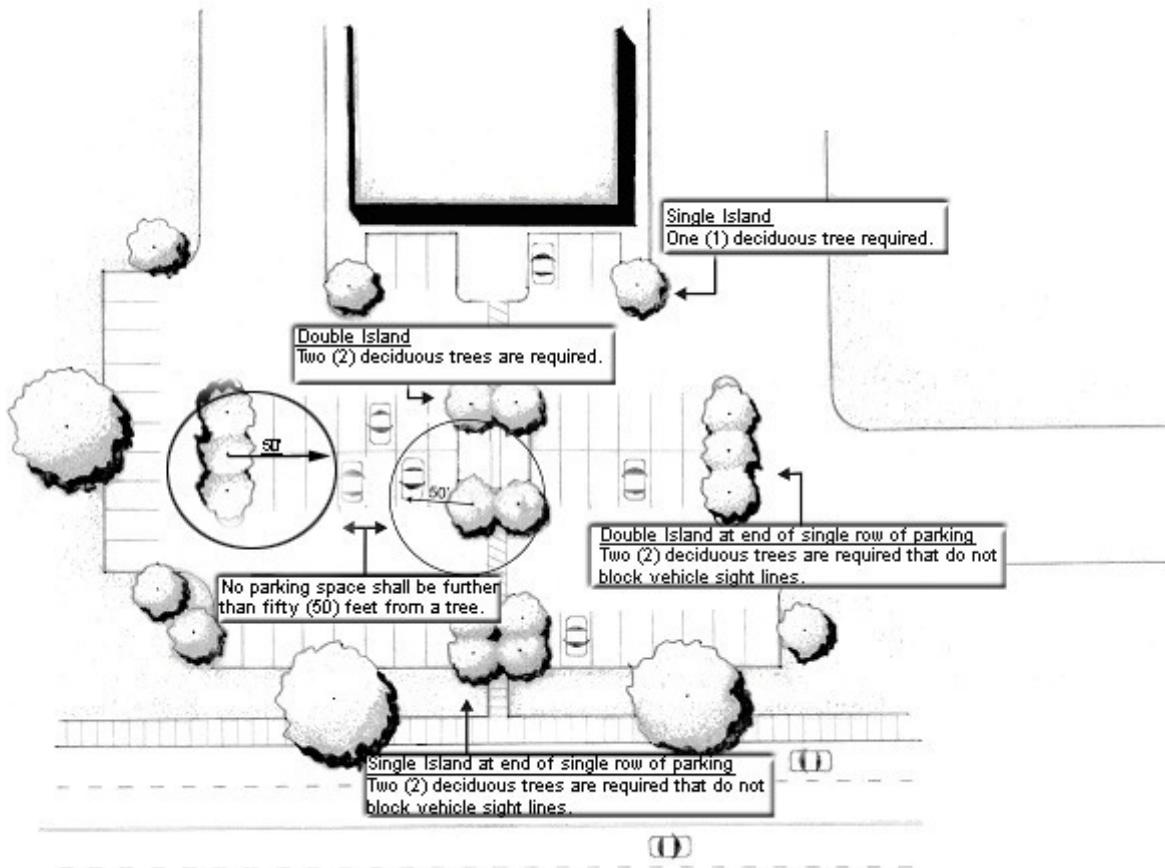


Figure 2: Typical Parking Lot Planting

#### D. STREET TREES, SHRUBS AND PLANTINGS.

1. The use of street trees and shrubs in landscaping for residential and non-residential subdivisions shall adhere to the requirements set forth by Table 4. Acceptable street trees for residential and non-residential subdivisions are approved by Council policy and are listed in Appendix A.
2. The Director of Planning may require that street trees are to be provided for all public streets within and adjacent to any proposed development where insufficient street trees presently exist. Proper approvals and permits must be obtained from the applicable agency. Planting locations will be guided by specifications found in this Tree Manual.

**TABLE 4: STREET TREE PLACEMENT FOR RESIDENTIAL AND NON-RESIDENTIAL SUBDIVISIONS**

| <b>PLACEMENT</b>                                      |  |
|---|--|
| <b>Tree Frontage Requirement</b>                      | A minimum of one (1) street tree for every forty (40) feet of lot frontage for single family subdivisions and fifty (50) feet of street frontage for multi-family subdivisions, including common land, and non-residential subdivisions. |
| <b>Tree Size</b>                                      | Street trees shall be at least two and one-half (2 ½) inches in caliper.   |
| <b>Tree Species Utilized</b>                          | A maximum of twenty (20) percent of one species may be utilized for street trees.  |
| <b>Location of tree to right-of-way</b>               | Street trees shall be located within a street right-of-way unless so approved by variance.   |
| <b>Location of tree to curb</b>                       | Street trees shall not be planted closer than three (3) feet to any curb.  |
| <b>Location of tree to street lights</b>              | Street trees shall not be placed within twenty-five (25) feet of street lights.  |
| <b>Location of tree to street inlets or manholes.</b> | Street trees shall not be planted within ten (10) feet of street inlets or manholes.   |

3. For all districts, landscaped entrance islands shall not block required lines of sight for intersecting vehicles.
4. For all districts, no tree, shrub or planting shall be placed within the sight distance triangle or the area of adjacent right of way bounded by the street pavement and the extension of the third leg of the sight distance triangle.\*
5. Shrubs at mature size shall not extend over pavement or sidewalks. Trees shall be placed such that they can be trimmed to provide a minimum clearance of 10 feet over City-maintained sidewalks. Trees shall not obstruct the view of street signage.\*

\*These requirements apply to shrubs and plantings that at mature height exceed three (3) feet above the elevation of the adjacent pavement or sidewalk and trees that at mature height have bottom branches less than seven (7) feet above the adjacent pavement.

#### E. INSTALLATION AND MAINTENANCE.

1. Consideration must be given to year round appearance.
2. All landscaped areas, including islands, shall be provided with mechanical, in-ground irrigation system.

3. Cul-de-sacs shall be required to have sleeves for future irrigation. Refer to the Subdivision Ordinance Section 1005.180 for requirements.
4. All landscaped areas should be curbed or protected by parking stops. Consideration should be given to access for mowing equipment.
5. Burlap and twine shall be removed from at least top one third of the root ball before backfilling.
6. Mulch may be used instead of grass or in combination with grass. When mulch is used, it shall completely cover the root ball with a maximum of 2-4 inches of mulch.

#### F. LANDSCAPE BONDS.

Prior to the signing of any mylar for recording at St. Louis County, a landscape bond shall be posted. The requirements for landscape installation and landscape maintenance bonds in the City of Chesterfield are set forth in Table 5.

**TABLE 5: LANDSCAPE BOND REQUIREMENTS**

| Type of Landscape Bond      | Requirements   |
|-----------------------------|--|
| Landscape Installation Bond | When the estimated materials costs for new landscaping shown on the site development plan exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping. |
| Landscape Maintenance Bond  | Upon release of the Landscape Installation Bond, a two (2) year Landscape Maintenance Bond is required.  |

#### G. SPECIAL STUDIES.

When deemed appropriate due to the nature of the existing vegetation on the site, the Planning Commission may require the developer to provide a landscape or forestry study by an Independent Urban Forester or a Missouri Landscape Architect.

### XIV. SURETY AND ESCROW PROCEDURES.

1. Prior to the signing of any mylar to be recorded at St. Louis County, a surety or cash escrow shall be posted to account for trees that die, or are damaged beyond repair, as a result of grading or construction damage. The surety or cash escrow will remain for:
  - a. Two (2) year period after the issuance of occupancy permits for individual developments not within a subdivision or.
  - b. Two (2) years after the issuance of the last occupancy permit in developments of two structures or more.

2. The amount of the surety or cash escrow shall be in the amount of \$20,000 for each acre contained in the tree preservation area. The amount may be pro-rated for any tree preservation area less than one (1) acre.
3. The number of replacement trees is determined by matching the total caliper inches of trees to be planted with the total DBH inches of trees that were lost.
4. A Landscape Plan shall be developed for the replacement trees according to specifications shown in this Tree Manual.
5. Failure to replace trees shall constitute default and the City of Chesterfield shall be entitled to proceed against the surety or cash escrow. Monies collected from fines will be placed in the Tree Preservation Account according to Section XV of this Tree Manual.

## **XV. TREE PRESERVATION ACCOUNT.**

There is hereby established a "Tree Preservation Account" which shall be held as a separate account from the City's general fund. The monies paid as a result of fines or payments under the mitigation provisions of this ordinance or monies paid into this account pursuant to any other term of this ordinance, shall be used only for tree plantings on public property in the City of Chesterfield.

## **XVI. APPEAL.**

- A. Decisions of the Director of Planning regarding the application of this ordinance may be appealed to the Board of Adjustment in accordance with applicable procedures as established by the Board of Adjustment.
- B. Decisions of the Director of Public Works regarding the application of this ordinance may be appealed to the Public Works Board of Variance in accordance with the applicable procedures as established by the Department of Public Works.

## **XVII. ADMINISTRATION AND ENFORCEMENT.**

Administration and enforcement of the provisions of this manual shall be in accordance with the Zoning Ordinance of the City of Chesterfield Section 1003.200 which is adopted herein by reference. Subject to the exceptions noted in this manual, any person, firm, organization, society, association or corporation, or any agent or representative thereof who violates any section of this Tree Manual is subject to the penalties shown in Section XVIII. The removal of each tree in violation of this ordinance shall constitute a separate punishable offense. Violations occurring in the right of way shall be subject to the penalties as described in Chapter 26 of the City of Chesterfield Municipal Code.

## **XVIII. PENALTY FOR VIOLATION.**

- A. A violation of this section shall be a municipal violation and, in addition to any fines or other requirements of this manual, punishable by a fine of not less than five (\$5) dollars and not more than five-hundred dollars (\$1,000) or by imprisonment for a period not to exceed three (3) months or by both fine and imprisonment. Each occurrence, location, and failure to conform to the requirements of this ordinance shall constitute a separate offense, and each and every day that such violation shall continue shall be an additional violation with each violation being punishable by a separate fine and/or imprisonment.
- B. In addition to the penalties herein above and authorized and established, the City Attorney shall take such other actions at law or in equity, as may be required to halt, terminate, remove or otherwise eliminate any violations of this section.
- C. The City shall withhold occupancy permits until the fine is paid.

## APPENDIX A *City of Chesterfield Recommended Tree List*

| Scientific Name                      | Common Name                 | Street Tree* | Parking Lot or Island | Valley Sites | Evergreen | Ornamental | Mature Height feet | Growth Rate and Size class |
|--------------------------------------|-----------------------------|--------------|-----------------------|--------------|-----------|------------|--------------------|----------------------------|
| <i>Abies concolor</i>                | Fir, White (Concolor)       |              | x                     |              | x         |            | 45+                | Slow/Med (Large)           |
| <i>Acer ginnala</i>                  | Maple, Amur                 |              | x                     |              |           | x          | 20-25              | Med (Small)                |
| <i>Acer platanoides</i>              | Maple, Norway               | x            |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Acer platanoides 'Columnare'</i>  | Maple, Norway, Columnar     |              | x                     | x            |           |            | 45+                | Med (Large)                |
| <i>Acer rubrum</i> Varieties         | Maple, Red and Varieties    | x            | x                     | x            |           |            | 45+                | Fast (Large)               |
| <i>Acer saccharinum</i>              | Maple, Silver               |              |                       | x            |           |            | 45+                | Fast (Large)               |
| <i>Acer saccharum</i> Varieties      | Maple, Sugar and Varieties  | x            | x                     |              |           |            | 45+                | Slow/Med (Large)           |
| <i>Acer tataricum</i>                | Maple, Tatarian             |              | x                     | x            |           |            | 15-25              | Med (Small)                |
| <i>Acer x freemanii 'Jeffersred'</i> | Maple, Hybrid, Autumn Blaze |              | x                     | x            |           |            | 45+                | Med/Fast (Large)           |
| <i>Acer x freemanii 'Scarsen'</i>    | Maple, Scarlet Sentinel     |              | x                     | x            |           |            | 45+                | Fast (Large)               |
| <i>Aesculus glabra</i>               | Buckeye, Ohio               |              | x                     | x            |           | x          | 25-35              | Slow (Medium)              |
| <i>Aesculus hippocastanum</i>        | Horsechestnut               |              |                       | x            |           | x          | 30-45              | Med (Medium)               |
| <i>Aesculus pavia</i>                | Buckeye, Red                |              | x                     |              |           | x          | 20-30              | Slow (Slow)                |
| <i>Alnus glutinosa</i>               | Alder, European             | x            |                       | x            |           |            | 45+                | Med/Fast (Large)           |

\*Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee of City Council and the City Council and can be amended from time to time.

| Scientific Name                               | Common Name              | Street Tree* | Parking Lot or Island | Valley Sites | Evergreen | Ornamental | Mature Height feet | Growth Rate and Size class |
|---|--------------------------|--------------|-----------------------|--------------|-----------|------------|--------------------|----------------------------|
| <i>Amelanchier arborea</i>                    | Serviceberry, Downy      |              | x                     |              |           | x          | 25-30              | Slow/Med (Medium)          |
| <i>Amelanchier laevis 'Cumulus'</i>           | Serviceberry, Cumulus    |              | x                     |              |           | x          | 25-30              | Slow/Med (Medium)          |
| <i>Amelanchier x grandiflora 'Robin Hill'</i> | Serviceberry, Robin Hill |              | x                     |              |           | x          | 25-30              | Slow/Med (Medium)          |
| <i>Carpinus betulus</i>                       | Hornbeam, European       | x            | x                     | x            |           |            | 35-40              | Slow/Med (Medium)          |
| <i>Carpinus caroliniana</i>                   | Hornbeam, American       | x            | x                     |              |           | x          | 20-35              | Med (Small)                |
| <i>Carya illinoensis</i>                      | Pecan                    |              |                       | x            |           |            | 45+                | Med/Fast (Large)           |
| <i>Carya laciniosa</i>                        | Hickory, Shellbark       |              |                       | x            |           |            | 45+                | Slow/Med (Large)           |
| <i>Carya ovata</i>                            | Hickory, Shagbark        |              |                       | x            |           |            | 45+                | Slow (Large)               |
| <i>Catalpa speciosa</i>                       | Catalpa, Northern        |              |                       | x            |           |            | 45+                | Fast (Large)               |
| <i>Celtis laevigata</i>                       | Sugarberry               | x            |                       | x            |           |            | 45+                | Fast (Large)               |
| <i>Celtis occidentalis</i> Varieties          | Hackberry, and Varieties | x            |                       | x            |           |            | 45+                | Med/Fast (Large)           |
| <i>Cercidiphyllum japonicum</i>               | Katsura                  |              | x                     |              |           | x          | 45+                | Med/Fast (Large)           |
| <i>Cercis canadensis</i>                      | Redbud, Eastern          |              | x                     | x            |           | x          | 25-30              | Fast (Medium)              |
| <i>Cladrastis kentukea</i>                    | Yellowwood               | x            |                       |              |           |            | 30-50              | Slow/Med (Large)           |

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| <i>Scientific Name</i>   | <i>Common Name</i>                                   | <i>Street Tree*</i> | <i>Parking Lot or Island</i> | <i>Valley Sites</i> | <i>Evergreen</i> | <i>Ornamental</i> | <i>Mature Height feet</i> | <i>Growth Rate and Size class</i> |
|--|--|---------------------|------------------------------|---------------------|------------------|-------------------|---------------------------|-----------------------------------|
| <i>Cornus florida</i>  | Dogwood, Flowering                                   |                     | x                            |                     |                  |                   | 15-25                     | Slow/Med (Small)                  |
| <i>Crataegus crus-galli</i>  | Hawthorn, Cockspur                                   |                     | x                            |                     |                  | x                 | 15-20                     | Med (Small)                       |
| <i>Crataegus laevigata 'Superba'</i>                               | Hawthorn, Crimson Cloud                              | x                   | x                            | x                   |                  | x                 | 15-20                     | Med (Small)                       |
| <i>Crataegus phaenopyrum</i>                                       | Hawthorn, Washington                                 |                     | x                            |                     |                  | x                 | 20-30                     | Med (Small)                       |
| <i>Crataegus virdis</i>  | Hawthorn, Green                                      |                     |                              | x                   |                  | x                 | 25-30                     | Med (Small)                       |
| <i>Crataegus virdis 'Winter King'</i>                              | Hawthorn, Winter King                                |                     | x                            | x                   |                  | x                 | 25-30                     | Med (Small)                       |
| <i>Eucommia ulmoides</i>   | Rubbertree, Hardy                                    | x                   | x                            |                     |                  |                   | 45+                       | Med (Large)                       |
| <i>Fagus grandifolia</i>   | Beech, American                                      | x                   |                              | x                   |                  |                   | 45+                       | Slow/Med (Large)                  |
| <i>Fagus sylvatica</i>   | Beech, European                                      |                     |                              | x                   |                  |                   | 45+                       | Slow/Med (Large)                  |
| <i>Fraxinus Americana Varieties</i>                                | Ash, White and Varieties                             | x                   | x                            |                     |                  |                   | 45+                       | Med/Fast (Large)                  |
| <i>Ginkgo biloba-Male</i>  | Ginkgo (male)  | x                   | x                            |                     |                  |                   | 45+                       | Slow/Med (Large)                  |
| <i>Gleditsia triacanthos inermis</i> -Thornless, Podless Varieties | Honeylocust-Varieties that are Thornless and Podless | x                   | x                            | x                   |                  |                   | 45+                       | Fast (Large)                      |
| <i>Gymnocladus dioicus</i>   | Kentucky Coffeetree                                  |                     | x                            |                     |                  |                   | 45+                       | Med/Fast (Large)                  |
| <i>Halesia carolina</i>  | Silverbell   |                     | x                            | x                   |                  | x                 | 20-30                     | Slow (Medium)                     |

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| Scientific Name                | Common Name             | Street Tree* | Parking Lot or Island | Valley Sites | Evergreen | Ornamental | Mature Height feet | Growth Rate and Size Class |
|--------------------------------|-------------------------|--------------|-----------------------|--------------|-----------|------------|--------------------|----------------------------|
| <i>Ilex decidua</i>            | Holly, Deciduous        |              | x                     | x            |           | x          | 45+                | Slow (Large)               |
| <i>Ilex opaca</i>              | Holly, American         |              |                       | x            | x         |            | 45+                | Slow (Large)               |
| <i>Juniperus virginiana</i>    | Redcedar, Eastern       |              | x                     | x            | x         |            | 30-40              | Med (Medium)               |
| <i>Juniperus chinensis</i>     | Juniper, Chinese        |              | x                     |              | x         |            | 20-30              | Slow/Med (Small)           |
| <i>Koelreuteria paniculata</i> | Goldenrain Tree         | x            | x                     |              |           |            | 25-40              | Med/Fast (Medium)          |
| <i>Liquidambar styraciflua</i> | Sweetgum                |              |                       | x            |           |            | 45+                | Fast (Large)               |
| <i>Liriodendron tulipifera</i> | Tuliptree               |              |                       | x            |           |            | 45+                | Fast (Large)               |
| <i>Magnolia acuminata</i>      | Cucumbertree            |              | x                     |              |           |            | 45+                | Slow/Med (Large)           |
| <i>Magnolia grandiflora</i>    | Magnolia, Southern      |              |                       | x            |           | x          | 45+                | Med (Large)                |
| <i>Magnolia virginiana</i>     | Magnolia, Sweetbay      |              | x                     | x            |           | x          | 15-25              | Med (Small)                |
| <i>Magnolia x soulangiana</i>  | Magnolia, Saucer        |              | x                     | x            |           | x          | 20-30              | Slow/Med (Medium)          |
| <i>Ostrya virginiana</i>       | Hophornbeam             | x            | x                     |              |           |            | 30-40              | Slow/Med (Medium)          |
| <i>Oxydendron arboreum</i>     | Sourwood, (Sorrel Tree) |              | x                     | x            |           |            | 20-30              | Slow/Med (Medium)          |
| <i>Picea glauca</i>            | Spruce, White           |              | x                     | x            | x         |            | 30-40              | Med (Medium)               |
| <i>Picea pungens</i>           | Spruce, Colorado Blue   |              | x                     | x            | x         |            | 30-40              | Med (Medium)               |

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| Scientific Name                       | Common Name                 | Street Tree* | Parking Lot or Island | Valley Sites | Evergreen | Ornamental | Mature Height feet | Growth Rate and Size Class |
|---------------------------------------|-----------------------------|--------------|-----------------------|--------------|-----------|------------|--------------------|----------------------------|
| <i>Pinus densiflora</i>               | Pine, Japanese Red          |              | x                     |              | x         |            | 45+                | Med (Large)                |
| <i>Pinus flexilis</i>                 | Pine, Limber                |              | x                     |              | x         |            | 30-40              | Med (Large)                |
| <i>Pinus resinosa</i>                 | Pine, Red                   |              |                       | x            | x         |            | 45+                | Med (Large)                |
| <i>Pinus strobus</i>                  | Pine, Eastern White         |              | x                     | x            | x         |            | 45+                | Fast (Large)               |
| <i>Pinus thunbergiana</i>             | Pine, Japanese Black        |              | x                     | x            | x         |            | 45+                | Med (Large)                |
| <i>Platanus occidentalis</i>          | Sycamore                    |              |                       | x            |           |            | 45+                | Fast (Large)               |
| <i>Platanus x acerifolia</i>          | Planetree, London           | x            |                       | x            |           |            | 45+                | Fast (Large)               |
| <i>Platycladus orientalis</i>         | Arborvitae, Oriental        |              | x                     |              | x         | x          | 30-40              | Slow (Medium)              |
| <i>Prunus cerasifera</i>              | Plum, Purple-leaf           |              | x                     |              |           | x          | 15-25              | Med (Small)                |
| <i>Prunus sargentii 'Columnaris'</i>  | Cherry, Sargent, Columnar   |              | x                     |              |           | x          | 30-40              | Med (Medium)               |
| <i>Prunus serrulata</i>               | Cherry, Flowering, Japanese |              | x                     |              |           | x          | 25-35              | Med (Medium)               |
| <i>Pyrus calleryana 'Chanticleer'</i> | Pear, Callery, Chanticleer  |              |                       | x            |           | x          | 15-25              | Med (Small)                |
| <i>Pyrus calleryana 'Redspire'</i>    | Pear, Callery, Redspire     |              | x                     |              |           | x          | 35-45              | Med (Medium)               |
| <i>Quercus acutissima</i>             | Oak, Sawtooth               | x            |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Quercus alba</i>                   | Oak, White                  |              |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Quercus bicolor</i>                | Oak, Swamp White            | x            |                       | x            |           |            | 45+                | Med (Large)                |

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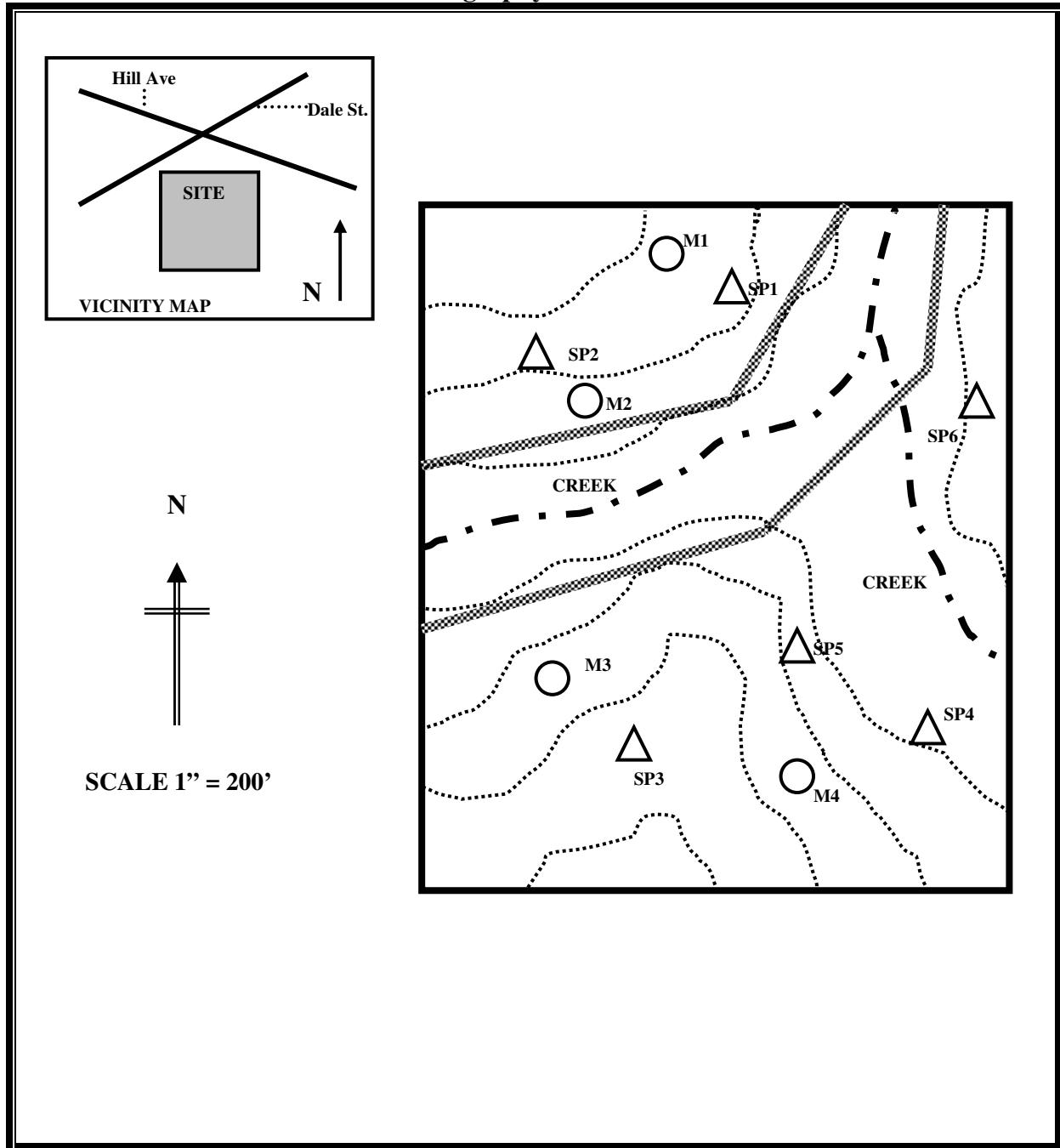
| Scientific Name                                | Common Name          | Street Tree* | Parking Lot or Island | Valley Sites | Evergreen | Ornamental | Mature Height feet | Growth Rate and Size Class |
|--|----------------------|--------------|-----------------------|--------------|-----------|------------|--------------------|----------------------------|
| <i>Quercus coccinea</i>                        | Oak, Scarlet         | x            |                       | x            |           |            | 45+                | Med/Fast (Large)           |
| <i>Quercus falcata</i> var. <i>pagodafolia</i> | Oak, Cherrybark      |              |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Quercus imbricaria</i>                      | Oak, Shingle         | x            |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Quercus macrocarpa</i>                      | Oak, Bur             |              |                       | x            |           |            | 45+                | Slow/Med (Large)           |
| <i>Quercus michauxii</i>                       | Oak, Swamp Chestnut  | x            |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Quercus muehlenbergii</i>                   | Oak, Chinkapin       | x            |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Quercus robur</i>                           | Oak, English,        | x            |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Quercus rubra</i>                           | Oak, Northern Red    | x            | x                     |              |           |            | 45+                | Med/Fast (Large)           |
| <i>Quercus stellata</i>                        | Oak, Post            |              |                       | x            |           |            | 45+                | Slow (Large)               |
| <i>Quercus velutina</i>                        | Oak, Black           |              |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Quercus shumardii</i>                       | Oak, Shumard         | x            |                       | x            |           |            | 45+                | Med/Fast (Large)           |
| <i>Quercus prinus</i>                          | Oak, Chestnut        |              |                       | x            |           |            | 45+                | Med (Large)                |
| <i>Salix nigra</i>                             | Willow, Black        |              |                       | x            |           |            | 30-40              | Fast (Medium)              |
| <i>Sassafras albidum</i>                       | Sassafras            |              |                       | x            |           |            | 30-40              | Med (Medium)               |
| <i>Sophora japonica</i>                        | Pagodatree, Japanese |              |                       | x            |           | x          | 45+                | Med (Large)                |

\*Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee and the City Council and can be amended from time to time.

| <i>Scientific Name</i>           | <i>Common Name</i>               | <i>Street Tree*</i> | <i>Parking Lot or Island</i> | <i>Valley Sites</i> | <i>Evergreen</i> | <i>Ornamental</i> | <i>Mature Height feet</i> | <i>Growth Rate and Size Class</i> |
|----------------------------------|----------------------------------|---------------------|------------------------------|---------------------|------------------|-------------------|---------------------------|-----------------------------------|
| <i>Syringa reticulata</i>        | Lilac, Japanese Tree             |                     | x                            |                     |                  | x                 | 25-30                     | Med (Small)                       |
| <i>Taxodium distichum</i>        | Baldcypress                      |                     |                              | x                   |                  |                   | 45+                       | Med (Large)                       |
| <i>Tilia americana</i>           | Basswood, American (Linden)      | x                   |                              | x                   |                  |                   | 45+                       | Med/Fast (Large)                  |
| <i>Tilia cordata</i> Varieties   | Linden, Littleleaf and Varieties | x                   | x                            |                     |                  |                   | 45+                       | Slow/Med (Large)                  |
| <i>Tsuga canadensis</i>          | Hemlock, Canadian                |                     | x                            | x                   | x                |                   | 45+                       | Slow/Med (Large)                  |
| <i>Ulmus americana</i> Varieties | Elm, American and Varieties      | x                   |                              | x                   |                  |                   | 60-80                     | Med/Fast (Large)                  |
| <i>Ulmus parvifolia</i>          | Elm, Chinese (Lacebark)          | x                   |                              | x                   |                  |                   | 45+                       | Med/Fast (Large)                  |
| <i>Zelkova serrata</i> Varieties | Zelkova and Varieties            | x                   |                              | x                   |                  |                   | 45+                       | Fast (Large)                      |

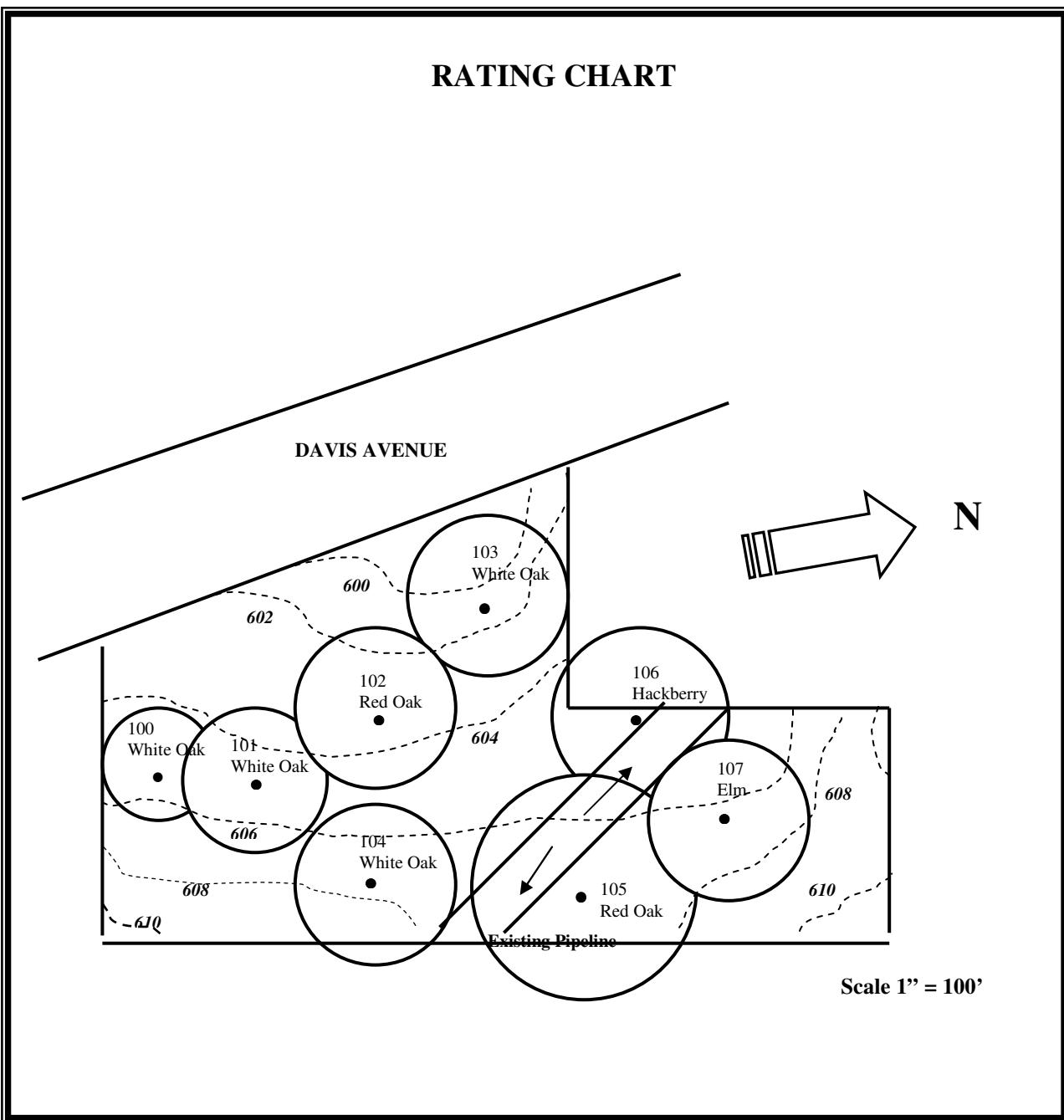
\*Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee and the City Council and can be amended from time to time.

SAMPLE TREE STAND DELINEATION MAP  
Aerial Photography/BAF 10 Method



SAMPLE TREE STAND DELINEATION MAP  
Ocular Estimate Method

RATING CHART







HIL. B.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

December 28, 2006

Planning and Zoning Committee  
City of Chesterfield  
690 Chesterfield Pkwy W  
Chesterfield, MO 63017

RE: P.Z. 24-2006 Monarch Center (158 Long Road): A request for a change of zoning from "NU" Non-Urban to "PC" Planned Commercial District for 10.14 acre tract of land located north of Edison Road, east of Long Road. (17U120188)

Dear Planning and Zoning Committee:

At the November 26, 2006 City of Chesterfield Planning Commission meeting, a recommendation for approval of the above-referenced matter was approved by a vote of 7-0 with the following amendment:

1. Removal of "bait shops" from use "n" as a permitted use.

The Petitioner had also requested a reduction of the open space requirements from 40% to 33%. A motion to approve said request was denied by a vote of 4-3.

The Petitioner has submitted an amended preliminary plan with a new open space percentage of 35% for your consideration. Attached is also a letter from the Petitioner regarding the request for reduction in open space.

**Section 1003.140 of the City of Chesterfield Zoning Ordinance allows the open space requirement to be amended, by a majority vote of the City Council, if the Petitioner has demonstrates that said amendment will encourage, promote, and reward good architecture and urban planning.**

In addition to the amendment made by Planning Commission, the following amendments are being requested for the Attachment A:

## **AMENDMENT 1**

To account for the easement being required by St. Louis County for Long Road, the following amendment to the setback is being requested:

### **E. SETBACKS, PAGE 4**

#### **1. STRUCTURE SETBACKS**

No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- c. One hundred forty five (145) feet from the western boundary of the "PC" District with bearing N01°24'00"E.
  - i. For Building "A": ~~ninety-six (96) feet from the western boundary of the "PC" District with bearing N01°24'00"E.~~ ~~eighty (80) feet from the roadway easement for Long Road.~~

## **AMENDMENT 2**

The petitioner has provided on the preliminary plan the conceptual location of several loading spaces. Two of the buildings on the site do not currently have loading spaces shown, but may elect to have a loading space in the future. Staff is requesting that the loading space setbacks be incorporated into the parking setbacks. In addition, two amendments are being requested to the parking setbacks.

### **E. SETBACKS, PAGE 4**

#### **2. PARKING SETBACKS**

No parking stall, **loading space**, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:

- a. Sixty-five (65) ~~Twenty (20)~~ feet from the eastern boundary of the "PC" District with bearing S00°34'00"W.
- c. Forty eight (48) feet from the western boundary of the "PC" District with bearing N01°24'00"E.
  - i. For Building "A": ~~ninety-six (96) feet from the western boundary of the "PC" District with bearing N01°24'00"E.~~ ~~Fifteen (15) feet from the roadway easement for Long Road.~~

#### **3. LOADING SPACE SETBACKS**

~~No loading space will be located within the following setbacks:~~

- a. Two hundred fifty (250) feet from the eastern boundary of the "PC" District with bearing S00°34'00"W.
- b. Sixty (60) feet from the northern boundary of the "PC" District with bearing S89°27'00"E.
  - i. For Building "A": eighty (80) feet from the northern boundary of the "PC" District with bearing S89°27'00"E.
- c. One hundred seventy five (175) feet from the right-of-way of Edison Road.

**AMENDMENT 3:**

St. Louis County Department of Highways and Traffic has advised that at this time, they would not permit access to this development from Long Road. However, upon review of the preliminary development plan, the City of Chesterfield does not have any issue with the possibility of future access from Long Road and requests the following amendment:

**K. ACCESS/ACCESS MANAGEMENT, PAGE 7**

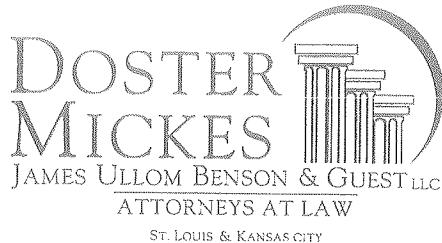
- 1. Access to this development from Long Road will not be permitted. Access to this development from Long Road will not be permitted unless specifically approved by the Department of Public Works, the St. Louis County Department of Highways and Traffic, and/or the Missouri Department of Transportation.

Respectfully submitted,

  
Aimee E. Nassif  
Senior Planner of Zoning Administration

Cc: Michael G. Herring, City Administrator  
Rob Heggie, City Attorney  
Michael O. Geisel, Director of Public Works / City Engineer/Acting Director of Planning  
Brian McGownd, Deputy Director of Public Works / Assistant City Engineer

St. Louis  
17107 Chesterfield Airport Rd.  
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Chesterfield, Missouri 63005  
(636) 532-0042  
(636) 532-1082 (fax)



Michael J. Doster  
mdoster@dostermickes.com

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4600 Madison  
Suite 711  
Kansas City, Missouri 64112  
(816) 531-1888  
(816) 531-7020 (fax)

Reply to St. Louis Office

December 28, 2006

HAND DELIVERED

Ms. Mary Brown, Chairperson  
Planning & Zoning Committee  
Chesterfield City Council  
690 Chesterfield Parkway West  
Chesterfield, MO 63017-0760

Re: P.Z. 24-2006 ----- Monarch Center

Dear Ms. Brown:

The issue of open space is still an outstanding issue for the *Monarch Center* development that the P&Z Committee will discuss at its January 4<sup>th</sup> meeting. The Planning Commission recommended approval of this petition with a 40% open space requirement. We are requesting that this be reduced to 35% based on the following points which collectively constitute good architecture and urban planning:

1. The Preliminary Development Plan presented at the Public Hearing on October 23, 2006 showed 30% open space. Since this hearing the Petitioner has endeavored to increase the open space percentage, and the Preliminary Development Plan as revised shows 35% open space.

There have been two changes to the parking space arrangement since the November 27<sup>th</sup> Planning Commission vote meeting. The Petitioner has removed fifty (50) spaces from the front and rear of the development. This increased the open space percentage from 33% to 35%. Also, five (5) spaces have been moved from the front to the back of the development, allowing for larger landscaped islands and planting beds in the more visible front portion of the center.

The following areas adjoining the southern and eastern boundaries of the site should be considered:

- (a) Right-of-way dedication by Petitioner for Edison Avenue in lieu of condemnation encompassing 14,895 unpaved square-feet;

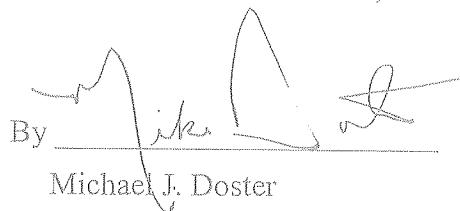
- (b) The triangular piece of ground at the southeast corner of the site comprising 3,267 square-feet, owned by the Monarch Levee District but will not be used by the District;
- (c) Petitioner conveyed adjoining property east of the site to the St. Louis Family Church, 14,300 square-feet of which is subject to a stormwater drainage easement on the eastern boundary of the site; this area will remain open and green.

*If the above-mentioned areas were included in the calculations, the open space would be 42.7%.*

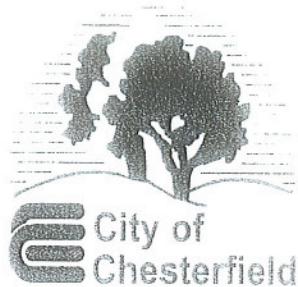
2. There is a six (6) foot landscaped island proposed between each row of parking, much more than most other developments of this type, providing a much "greener" looking parking lot. Eighty (80%) of the trees are within thirty-five (35) feet of a tree. The City requires each tree to be within fifty (50) feet of a tree.
3. The Floor Area Ration (F.A.R.) for the development is 0.15, substantially less than the 0.25 maximum set by Ordinance 1747.
4. The Petitioner is proposing to install a public art feature in one of the enlarged landscaped islands, just south of the west side of Building "C".
5. Several pedestrian walkways are proposed from the Bus Stop on Long Road to each of the buildings on site.
6. An outdoor seating and plaza area is proposed for the area between Buildings "C" and "D", greatly enhancing the site's aesthetics.

We look forward to the Planning & Zoning Committee meeting on January 4, 2007.  
Please call if you have any questions. Thank you.

Respectfully submitted,  
Doster Mickes James Ullom, Benson & Guest L.L.C.

By   
Michael J. Doster

cc: Bill Kirchoff  
Brandon Harp, Civil Engineering & Design Consultants, Inc.



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November 21, 2006

Planning Commission  
City of Chesterfield  
690 Chesterfield Pkwy W  
Chesterfield, MO 630170-0760

Dear Commission Members:

*The following petition is hereby submitted for your consideration:*

Petition: **P.Z. 24-2006 Monarch Center (158 Long Road):**

Petitioner: Brandon Harp, Civil Engineering Design Consultants

Request: A request for rezoning from "NU" Non-Urban District to "PC" Planned Commercial District

Location: North of Edison, East of Long Road.

Hearing Date: October 23, 2006

Speakers: In favor 0  
In opposition 0  
Neutral 0

**Petitioner's Request**

Brandon Harp, of Civil Engineering Design Consultants, is seeking approval of a rezoning from "NU" Non-Urban to "PC" Planned Commercial District.

**Area Land Use and Zoning**

The subject site consists of a 10.14 acre tract of land located north of Edison Road, east of Long Road.

### Surrounding Land Use and Zoning

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

North: The property located to the north of this site is zoned "C8" Planned Commercial District.

South: The property located to the south of the site is zoned "NU" Non Urban District.

East: The property located to the east of the site is zoned "PI" Planned Industrial District.

West: The property located to the west of the site is zoned "PC" Planned Commercial District.



**Site Area History**

The subject site was zoned "NU" Non-Urban prior to the City of Chesterfield's incorporation in 1988.

**Infrastructure Improvements and Related Comments**

The Metropolitan St. Louis Sewer District (MSD), the Monarch Fire Protection District, the City of Chesterfield Department of Public Works, St. Louis County Department of Highways and Traffic, and Spirit of St. Louis Airport have all submitted comments concerning this petition.

**Comprehensive Plan and Policies**

According to the City of Chesterfield Comprehensive Plan, retail, office, and warehouse are the appropriate uses for this site.

A Public Hearing was held on October 23, 2006. At that time several issues were identified as remaining open as well as new issues introduced. For the purpose of this report staff responses will include:

**Issue has been addressed-** The Department of Planning has reviewed the material submitted and found the information complete and therefore the issue has been addressed. Unless directed by Planning Commission, this issue will be considered resolved and will be removed from future reports.

**Petitioner has addressed the issue-** The Department of Planning has reviewed the material submitted and request direction from the Planning Commission whether the issue has been resolved.

**Issue remains open-** The Department of Planning has reviewed the petitioner's response to this issue and finds it incomplete. The Planning Commission has an opportunity to clarify the issue with Staff and request additional information.

1. Section 1003.140 requires a minimum open space of 40% for retail development. The preliminary plan submitted provides only for a "greenspace" calculation. A variance to this requirement may be considered by the Planning Commission if it is demonstrated that said amendment will encourage, promote, and reward good architecture and urban planning. Said consideration would require a two thirds vote of the Planning Commission.

**Petitioner's Response:** "We have revised the site plan and open space calculation. The current open space is 33% in lieu of the required 40%. In justification of the decrease of open space the plan provides:

- a. Open space distributed throughout the parking area exceeding that required by the City's Tree Manual. Each bay of parking is separated with a landscaped island the total length of the parking bay.
- b. Agree to exceed the tree coverage so that every parking space in 80% of the parking area is within 35 feet of a tree in lieu of the minimum 50 feet required."

**Staff Response:** The City of Chesterfield Zoning Ordinance requires an open space percentage of 40% for retail developments adjacent to commercial uses. The petition before you has an open space of 33%.

Section 1003.140 allows the open space requirement to be amended if the petitioner has demonstrates that said amendment will encourage, promote, and reward good architecture and urban planning.

If the Commission wants to amend this requirement, a separate two-thirds vote (six) of the Planning Commission will be required.

2. The Monarch Fire Protection District has advised that they cannot approve the plan as shown. Attached are those comments. Please provide approval from the Fire District.

**Petitioner's Response:** "The plans have been revised to reflect the Fire District's comments."

**Staff Response:** Issue addressed. Monarch Fire Protection District has reviewed the amended plans and their issues are now addressed.

3. Consider amending the proposed uses for this development. Specifically consider removal of use (c.). If this use remains, please advise as to what this use would look like, how it would fit into the development.

**Petitioner's Response:** "We agree to amending the proposed uses by removing uses (c) and (y)."

**Staff Response:** Issue addressed. Uses for apartment dwellings (c) and for mortuaries (y) have been removed.

4. Will you be requesting a sign package for this development?

**Petitioner's Response:** "The proposed signage will be submitted as a sign package at a later date."

**Staff Response:** Issue addressed. Language permitting a sign package has been added to Section H, page 5 of the Attachment A.

5. Discuss how pedestrian circulation, mainly internally throughout the site, has been addressed in this development.

**Petitioner's Response:** "The revised plan reflects on-site pedestrian circulation from building to building and to public right of way along Long Road via concrete sidewalks."

**Staff Response:** Issue addressed. Language has been added to Section L, page 7 of the Attachment A.

6. The development shall adhere to the City of Chesterfield Tree Manual.

**Petitioner's Response:** "Will comply."

**Staff Response:** Issue addressed. Language has been added to Section G, page 5 of the Attachment A.

7. The development shall adhere to the City of Chesterfield Lighting Ordinance.

Petitioner's Response: "Will comply."

**Staff Response:** Issue addressed. Language has been added to Section I, page 6 of the Attachment A.

8. The centerline of the westernmost entrance onto Edison Road appears to be closer than 330 feet from the centerline of Long Road.

**Petitioner's Response:** "The entrances are dimensioned from centerline to centerline and meet the 330 foot requirement."

**Staff Response: Issue addressed.**

9. St. Louis County Highways and Traffic has submitted development conditions to be included in the Attachment A. Attached are those comments. Please note, comment #4 should read "fifty (50) foot requirement."

**Petitioner's Response:** "The plans have been revised to reflect St. Louis county Department of Highways and Traffic comments."

**Staff Response: Issues addressed. Language has been added to Section K, page 7 of the Attachment A.**

10. MSD has submitted development conditions to be included in the Attachment A. Attached are those comments.

Petitioner's Response: "The plans have been revised to reflect Metropolitan St. Louis Sewer District comments."

**Staff Response: Issues addressed. Language has been added to Section Q, page 8 of the Attachment A.**

Respectfully submitted,



Aimee E. Nassif

Senior Planner of Zoning Administration

Cc: Michael Herring, City Administrator

Rob Heggie, City Attorney

Brian McGownd, Deputy Director of Public Works / Assistant City Engineer

Brandon Harp, Petitioner

Attachments:

1. Attachment A
2. Preliminary Plan
3. Tree Stand Delineation
4. Agency Comments
5. Comp Plan Policies

**BILL NO. \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "NU" NON URBAN DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 10.14-ACRE TRACT OF LAND LOCATED NORTH OF EDISON ROAD, EAST OF LONG ROAD [P.Z. 24-2006 Monarch Center (158 Long Road)]**

**WHEREAS**, the petitioner, Brandon Harp, of Civil Engineering Design Consultants, has requested a change in zoning from a "NU" Non Urban District to a "PC" Planned Commercial District for a 10.14 acre tract of land located north of Edison Road and East of Long Road; and,

**WHEREAS**, the Planning Commission, having considered said request, recommended approval of the rezoning request and recommended denial of the Petitioner's request to reduce the open space requirement; and,

**WHEREAS**, the City Council, having considered said request, voted to approve the change of zoning with an amendment to the structure and parking setback requirements, and an amendment to the access requirement to Long Road.

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

**Section 1.** The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District for a 10.14 acre tract of land located north of Edison Road and east of Long Road and described as follows:

A tract of land being part of Adjusted Parcel 2 of the Boundary Adjustment Plat of Plat 4 of The Valley Center, and Part of Share 7 of The Estate of Peter Steffan and Part of Lot 1 of Kroenung Estate in U.S. Survey 126, Township 45, Range 4 East, a subdivision recorded in Plat Book 347 Page 13 ff The St. Louis County Land Records Office in St. Louis County, Missouri, more particularly described as follows:

Beginning at a found concrete monument at the northwestern corner of said Adjusted Parcel 2, said monument being on the eastern right of way of Long Road (variable width); thence leaving said right of way along the southern line of Gene V. Mainini as recorded in Book 9625 Page 2246, south 89 degrees 27 minutes 00 seconds east a distance of 178.00 feet to a point, from which a found  $\frac{1}{2}$ " iron pipe bears south 31 degrees 28 minutes west a distance of 0.10 feet; thence along said eastern line of aforesaid Gene V. Mainini parcel, north 01 degrees 24 minutes 00 seconds east a distance of 208.00 feet to a set of  $\frac{1}{2}$ " x 18" rebar with cap stamped "Marler 347-D" (typical), said point being on the northern line of aforesaid Adjusted Parcel 2; thence eastwardly along said northern line of Adjusted Parcel 2 and the southern line of Adjusted Parcel 1 of a Boundary Adjustment Plat recorded in Plat Book 346 Page 760, south 89 degrees 27 minutes 00 seconds east a distance of 888.45 feet to a set  $\frac{1}{2}$ " x 18 rebar with cap; thence southwardly along the eastern line of Adjusted Parcel

2 of Plat Book 347 Page 13, south 00 degrees 34 minutes 00 seconds west a distance of 309.57 feet to a point on the northern right of way of Edison Road (variable width) as less and excepted by Deed Book 13096 Page 1766; thence westwardly along said right of way along a curve to the left having a radius of 937.96 feet, an arc length of 144.79 feet and a chord bearing and distance of south 15 degrees 46 minutes 19 seconds west a distance of 144.65 feet to a point; thence along northern line of a tract of land less and excepted by Deed Book 12565 Page 0335, south 82 degrees 58 minutes 27 seconds west a distance of 131.37 feet to a point; thence south 33 degrees 50 minutes 39 seconds west a distance of 65.79 feet to a point, said point being on the northern right of way line of Edison Road (variable width); thence along said right of way, south 65 degrees 31 minutes 27 seconds west a distance of 116.03 feet to a point; thence along a curve to the right having a radius of 565.42 feet, an arc length of 255.41 feet and a chord bearing distance of south 80 degrees 40 minutes 15 seconds west a distance of 253.24 feet to a set  $\frac{1}{2}$ " x 18" rebar; thence north 88 degrees 35 minutes 38 seconds west a distance of 70.95 feet to a set  $\frac{1}{2}$ " x 18" rebar; thence north 83 degrees 50 minutes 38 seconds west a distance of 120.76 feet to a set  $\frac{1}{2}$ " x 18" rebar; thence north 88 degrees 35 minutes 38 seconds west a distance of 104.77 feet to a set  $\frac{1}{2}$ " x 18" rebar; thence north 54 degrees 23 minutes 35 seconds west a distance of 125.01 feet to a set  $\frac{1}{2}$ " x 18" rebar; thence north 88 degrees 34 minutes 53 seconds west a distance of 13.62 feet to a set  $\frac{1}{2}$ " x 18" rebar, said point being on the intersection of the northern line of Edison Road and the eastern right of way line of Long Road; thence along said eastern right of way line of Long Road, north 01 degrees 24 minutes 00 seconds east a distance of 216.92 feet to the point of beginning containing 440,773 square feet or 10.11 acres as surveyed by Marler Surveying Company, Inc. during the month of June 2006.

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

**Section 3.** The City Council, pursuant to the petition filed by Brandon Harp, in P.Z. 24-2006, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 23rd day of October, 2006, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

---

MAYOR

ATTEST:

---

CITY CLERK

FIRST READING HELD: \_\_\_\_\_

P.Z. 24-2006

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. Funds shall be payable to the Treasurer, St. 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, 2007 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.

Trust Fund contributions shall be deposited with Saint Louis County in the form of a cash escrow prior to the issuance of building permits.

8. The amount of the required contribution/improvements, if not approved for construction by January 1, 2007, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

In addition, we request the following general conditions be met:

1. 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.
2. 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.

cc: Monarch Center (158 Long Road), C/O MW Weber Architects, 173 Long Road,  
Suite 100, Chesterfield, Missouri 63005  
Civil Engineering Design Consultants, Inc., 11402 Gravois Road, Suite 100,  
St. Louis, Missouri 63126

# MONARCH FIRE PROTECTION DISTRICT

13725 Olive Blvd., Chesterfield, MO 63017-2640

Phone: 314-514-0900, ext 313 Fax: 314-514-0696

[www.monarchfpd.org](http://www.monarchfpd.org)

## BOARD OF DIRECTORS

Michelle Sleet, President

Richard Gans, Secretary

David A. Terschluse, Treasurer

## FIRE CHIEF

Clifford (Chip) Biele

November 22, 2006

Mr. Brandon A. Harp, P.E.  
Civil Engineering Design Consultants, Inc  
11402 Gravois Rd, Suite 100  
St. Louis, MO 63126

Re: Revised Preliminary Development Plan for Monarch Center, northeast corner of Long Road & Edison Avenue

Dear Mr. Harp:

I have reviewed the above site plan and it now provides adequate access for our emergency vehicles. Dumpster locations are also approved.

Two fire hydrants must be relocated. Seven additional fire hydrants are required.

1. Move the hydrant at the SE corner of Building D, 12 feet north.
2. Move the hydrant at the NE corner of Building D, 20 feet west.
3. Install a hydrant 30 feet east of the dumpster behind Building C.
4. Install three hydrants at Building A:
  - a. One in the island at the NW corner of the building.
  - b. One in the island at the south end of the west wall.
  - c. One in the island at the SE corner of the building.
5. Install two hydrants at Building B.
  - a. One in the island at the SW corner of the building.
  - b. One in the island at the NE corner of the building.
6. Install one hydrant at Building E
  - a. Install it at the center of the east wall, behind the sidewalk.

All buildings must be addressed off Edison Avenue. There is no access to Long Road.

If I can answer any questions, please call me at 314-514-0900, ext 313.

Sincerely,

David B. Nichols  
Fire Marshal

cc: Marty Coad, Chesterfield Planning Department, via email

cc. T. Price, M. Lafond, A. Nassif 10/23/2006

From: "Michael Buechter" <MTBUEC@stlmsd.com>  
To: "Martha Coad" <MCoad@chesterfield.mo.us>  
Date: Sat, Oct 21, 2006 2:22 PM  
Subject: P.Z. 24-2006 Monarch Center (158 Long Road)

P.Z. 24-2006 Monarch Center (158 Long Road)

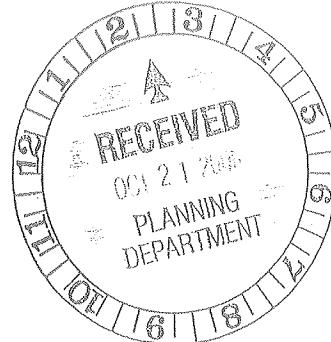
Treatment shall be required at this site for water quality per MSD February 2006 (Chapter 4) guidelines.

Stormwater shall be controlled as required by the Chesterfield Valley Master Facility Plan. Certification by the City of Chesterfield that the design is in accordance with the Stormwater Master Plan shall be provided.

This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2750.00 per acre.

Downstream sanitary sewers (including force mains and pumping stations) need to be evaluated to ensure adequate capacity.

Formal plan submittal and approval is required by the District prior to the issuance of permits.



CENTER (158 Long Road)

**SPIRIT**

Of St. Louis

**Airport**

SINCE 1964

**Business Aviation  
Center of the U.S.**

Charlie A. Dooley,  
County Executive

Richard E. Hrabko, A.A.E.  
Director of Aviation

September 20, 2006

Mr. Brandon A. Harp, P.E.  
Civil Engineering Design Consultants, Inc.  
11402 Gravois Road Suite 100  
St. Louis, MO 63126

Re: Monarch Center - Chesterfield  
Site Development Plan

Dear Sir,

We have reviewed the site development plan for Monarch Center located on the corner of Edison Avenue and Long Road. We have no objections at this time, but will require that a FAA Form 7460-1 be submitted to the FAA Central Region office in Kansas City, Missouri. The form can be located in the "forms" section of the faa.gov web site. Both the proposed structure and any associated construction equipment (usually cranes) must also be listed on the 7460-1 and submitted to the FAA for airspace review. All FAA findings need to be received prior to initiating construction on the project.

If you have any questions or require additional information, please advise.

Sincerely,

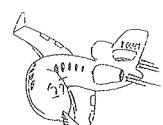


Angel E. Ramos, P.E.  
Airport Engineer

cc: Ms. Teresa Price, City of Chesterfield



18270 Edison Avenue • Chesterfield, Missouri 63005 • Voice/TDD 636-532-2222 • Fax 636-532-4886 • [www.spiritairport.com](http://www.spiritairport.com)





Fuller, Mossbarger, Scott & May  
Engineers, Inc.  
1856 Craig Park Court  
St. Louis, Missouri  
63146

314-878-6800  
314-878-6801 Fax  
[www.fmsmengineers.com](http://www.fmsmengineers.com)

## MEMORANDUM

November 20, 2006

TO: David R. Human / Leslie Wienstroer, Monarch-Chesterfield Levee District,  
314-480-1500, 480-1505 fax)

FROM: Stephen L. McCaskie (314-878-6800, 878-6801 fax)

SUBJECT: Review of Proposed Monarch Center, Preliminary Development Plan  
(11/14/06), City of Chesterfield, Monarch-Chesterfield Levee District, FMSM  
Project No. SL2002001

We have reviewed the Proposed Monarch Center, Preliminary Development Plan (11/14/06), prepared by Civil Engineering Design Consultants. The project site is located on the northeast corner of Edison Avenue and Long Road in Chesterfield Valley. The site improvements include: 5 retail / bank / restaurant buildings, roadway and parking areas.

Based on our review of the information made available, considering their distance from any levee / flood control system component, the proposed site improvements are not expected to have an adverse effect on the Monarch-Chesterfield Levee System nor flood protection of Chesterfield Valley from the Missouri River or Bonhomme Creek.

It should be noted that we have not reviewed nor analyzed any aspect of the stormwater drainage system with respect to the proposed improvements. We have no other comments at this time. Should you have any questions, or require additional information, please call us.

cc: Brandon Harp (Civil Engineering Design Consultants 314-729-1404 fax)  
Aimee Nassif (Chesterfield 636-537-4798 fax)  
Marty Coad (Chesterfield 636-537-4798 fax)

Charlie A. Dooley  
County Executive

Saint Louis  
**COUNTY**  
HIGHWAYS & TRAFFIC

Garry W. Earls, P.E.  
Acting Director

October 12, 2006

Ms. Teresa Price  
Director of Planning, City of Chesterfield  
690 Chesterfield Parkway West  
Chesterfield, Missouri 63017-0760

Subject: Monarch Center  
158 Long Road

Dear Ms. Price:

In regard to the public hearing on October 23, 2006, the attachment contains the comments and recommendations of the Saint Louis County Department of Highways and Traffic. This information is provided for inclusion in the ordinance conditions that may be adopted to regulate the development. For standard rezoning petitions that do not generate a site-specific ordinance with conditions, this information is intended to apprise the petitioner and City officials of the road improvement responsibilities connected with the tract being developed.

We are forwarding a copy of our comments to the petitioner and their engineer/architect.

If you require additional information, please contact me at (314) 615-8517 or by e-mail at [lsargent@stlouisco.com](mailto:lsargent@stlouisco.com).

Attachments: Comments to PZ 24-2006

Sincerely,

  
Liane M. Sargent, P.E.  
Engineering Supervisor

Our mission: plan, build, and maintain a safe and efficient transportation network.

P.Z. 24-2006 Monarch Center (158 Long Road)

Relative to this rezoning, we request that the following special conditions be met:

1. The developer shall be responsible for providing all necessary right-of-way, easements, Temporary Slope Construction License, etc., as required for Saint Louis County Project Number AR-863(B). All on-site improvements shall be compatible with this project.
2. Access to this development from Long Road will not be permitted.
3. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
4. It is recommended that parking be prohibited along both sides of the main driveway. Parking lot aisles, where possible, should intersect the main and minor driveways at right angles and be logically located opposite minor driveways and other parking lot aisles. The main and minor driveways shall not have speed bumps. Stop signs shall not be installed for traffic on the main driveway. Minor driveways shall not intersect the main driveways closer than one hundred (50) feet from Edison Avenue right-of-way and directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield. *Should read 50 ft*  
*(An)*
5. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction shall be reviewed by the Saint Louis County Department of Highways and Traffic for sight distance consideration and approved prior to installation or construction.
6. 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 and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
7. The developer shall be required to contribute to the Chesterfield Valley Trust Fund.

Roads

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chester Valley Road

P.Z. 24-2006

Improvement Plan on file with the Saint Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed based on the following:

| <u>Type of Development</u> | <u>Required Contribution</u>     |
|----------------------------|----------------------------------|
| Commercial                 | \$2.05/sq. ft. of building space |
| Office                     | \$1.43/sq. ft. of building space |
| Industrial                 | \$4,937.22/acre                  |

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

Credits for roadway improvements required will be awarded as directed by the Saint Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development shall be retained in the trust fund.

The roadway improvement contribution 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 Highways and Traffic. Funds shall be payable to the Treasurer, Saint Louis County.

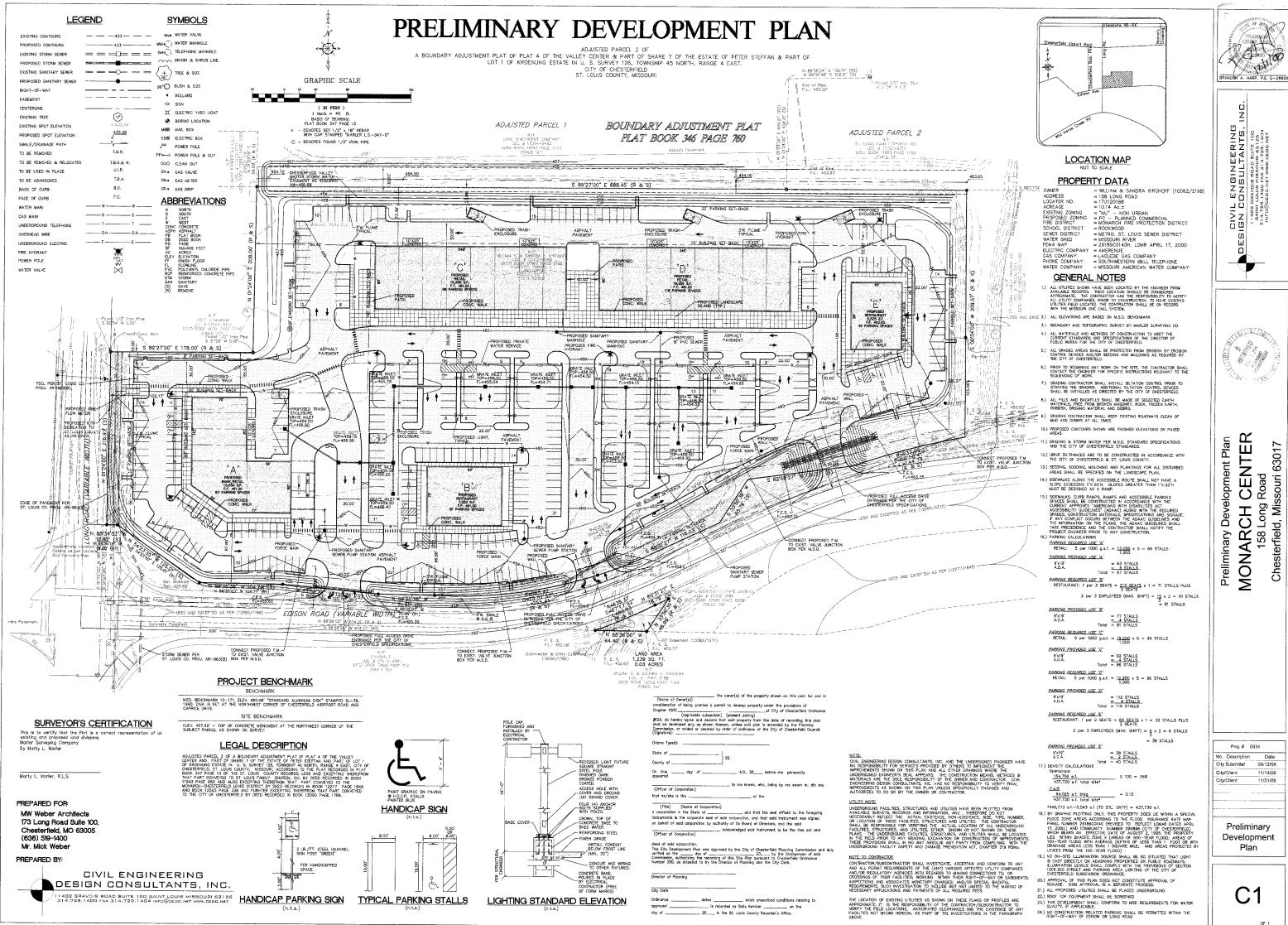
Water Main

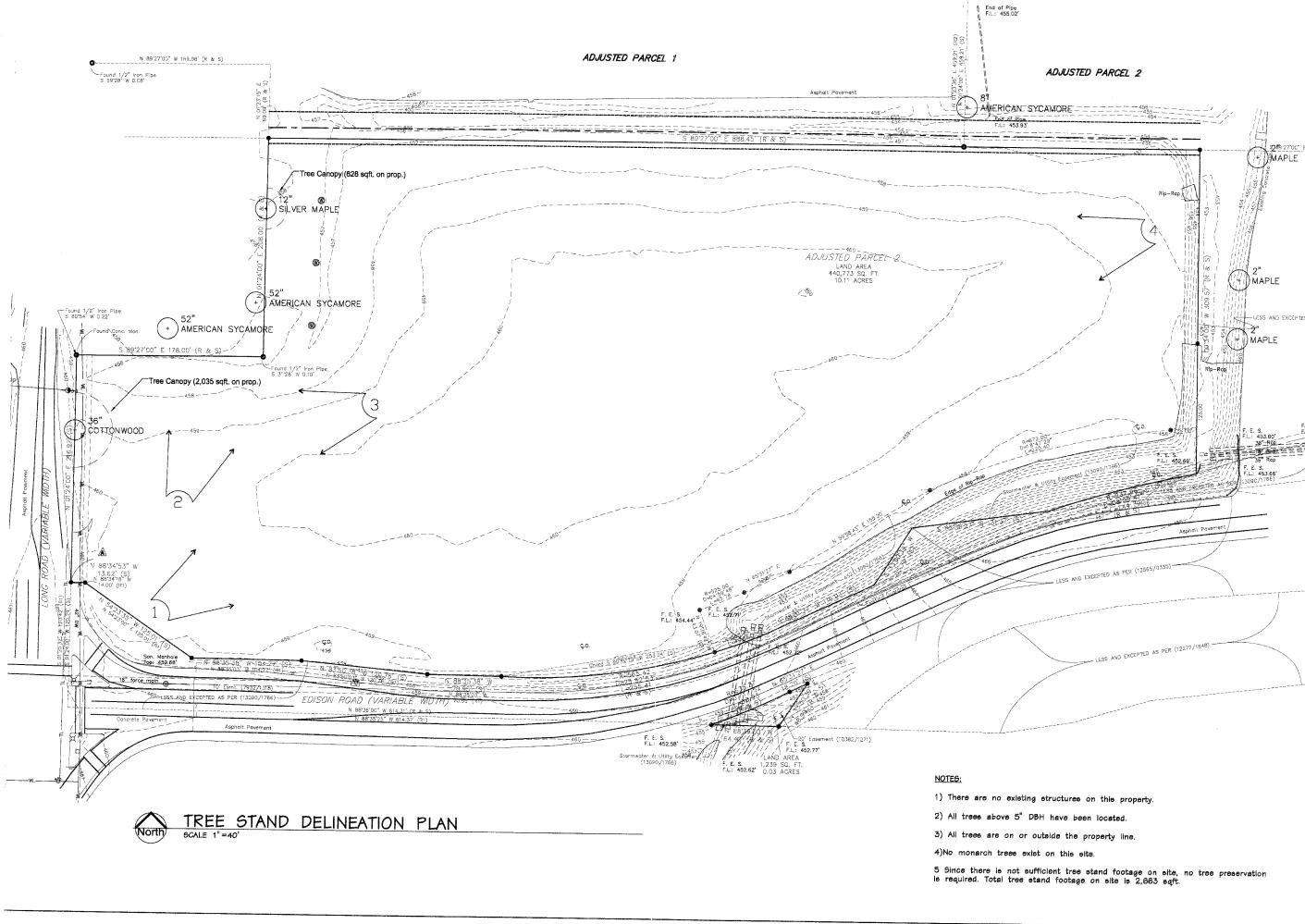
The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$648.18 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

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

Storm water

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by Saint Louis County and the Metropolitan Saint Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,056.58 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with the Saint Louis County Department of Highways and





Kirchoff Retail  
Long Road & Edison

Chesterfield, MO



|                         |  |
|-------------------------|--|
| <b>loomisAssociates</b> | <br>Landscape Architects<br>1000 University Avenue, Suite 200<br>Chico, CA 95928-4120<br>(530) 895-2020 |
| <b>Sheet Title:</b>     | Tree Stand Delineation Plan  |
| <b>Sheet No:</b>        | TSD-   |