

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-2” SHOPPING DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A .25 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD AND EAST OF WOODS MILL ROAD (P.Z. 08-2002 SOLON GERSHMAN, INC.).

WHEREAS, the petitioner, Solon Gershman, Inc., has requested a change in zoning from a “C-2” Shopping District to a “PC” Planned Commercial District for a .25 acre tract of land located on the north side of Olive Boulevard and east of Woods Mill Road; and,

WHEREAS, the Planning Commission, having considered said request, recommends approval of the request for a change of zoning from a “C-2” Shopping District to a “PC” Planned Commercial District for a .25 acre tract of land located on the north side of Olive Boulevard and east of Woods Mill Road, with conditions in the Attachment A regarding access, signage, and roadway improvements; and,

WHEREAS, the City Council, having considered said request, recommends approval of the request for a change of zoning from a “C-2” Shopping District to a “PC” Planned Commercial District for a .25 acre tract of land located on the north side of Olive Boulevard and east of Woods Mill Road, with conditions in the Attachment A regarding roadway improvements.

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 .25 acre tract of land located on the north side of Olive Boulevard and east of Woods Mill Road, and described as followed:

A tract of land being in U.S. Survey 367, Township 46 North, Range 5 East, St. Louis County, Missouri and being more particularly described as follows:

Commencing at a point being the intersection of the eastern line of property now or formerly conveyed to Bettie Gershman as recorded in Book 8938 Page 1539 of the St. Louis County Records with the northern right-of-way line of Olive Street Road as widened, thence south 80 degrees 03 minutes 44 seconds west along said northern right-of-way line of Olive Street Road a distance of 129.54 feet to a point; thence south 76 degrees 18 minutes 00 seconds west continuing along said right-of-way Olive Street Road, a distance of 42.86 feet to the point of beginning; thence south 76 degrees 18 minutes 00 seconds west along said right-of-way of Olive Street Road, a distance of 67.60 feet to a point; thence south 81 degrees 29 minutes 40 seconds west along said right-of-way of Olive Street Road, a distance of 34.56 feet to a point; thence north 08 degrees 32 minutes 18 seconds east leaving said right-of-way of Olive Street Road, a distance of 114.08 feet to a point; thence north 81 degrees 29 minutes 40 seconds east

a distance of 100.00 feet to a point; thence south 08 degrees 32 minutes 18 seconds west a distance of 107.68 feet to the point of beginning containing 10,706 square feet more or less according to available records.

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

Section 3. The City Council, pursuant to the petition filed by Solon Gershman, Inc., in P.Z. 08-2002, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 8th day of April, 2002, 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.

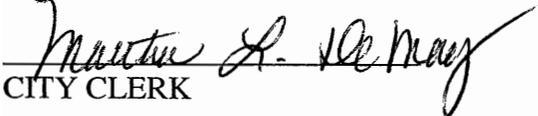
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 18th day of September, 2002.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

In keeping with the following Comprehensive Plan policies, these conditions have been developed:

- 1.1.1 Conservation of Existing Quality of Life
- 1.1.2 Reinforce Existing Development Pattern
- 1.2.2 Quality New Development
- 1.3.2 Encourage Quality Project Planning
- 4.1.6 Limit Curb Cuts
- 4.1.12 Internal Commercial Circulation

I. PERMITTED USES

The uses allowed in this "PC" Planned Commercial District shall be:

1. Restaurants, fast food

II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

A. The following requirements shall apply to the permitted uses:

1. The uses permitted within this "PC" Planned Commercial District shall be contained in one (1) building.
2. Gross floor area constructed for the development shall not exceed 1,170 square feet.
3. Building height shall not exceed two (2) stories or thirty (30) feet, whichever is less, as measured from the average finished ground elevation of the building. The above shall be exclusive of rooftop mechanical equipment.
4. The permitted building and any fencing shall be of architectural style and construction type approved by the Planning Commission on building elevations and architectural renderings reviewed in conjunction with the Site Development Plan.

III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the preliminary development plan approval date by the City of Chesterfield and prior to issuance of any building permit, the developer shall

submit to the City of Chesterfield for their review and approval a Site Development Concept Plan. Within twelve (12) months of the Site Development Concept Plan approval date, the developer shall submit the first Site Development Section Plan to the City of Chesterfield for review and approval. Where due cause is shown by the developer, this time interval may be extended by the City of Chesterfield.

Failure to comply with aforementioned time limits will result in the expiration of the preliminary plan/site development concept plan for that portion not developed and will require a new public hearing. Said Site Development Plans shall include but not be limited to the following:

IV. GENERAL CRITERIA - CONCEPT PLAN

A. The Site Development Concept Plan shall include the following:

1. Outboundary plat and legal description of the property.
2. Conceptual location, design (with design statement), materials, and size, including height, of all proposed buildings, parking and loading areas, and lots.
3. Specific structure and parking setbacks along all roadways and property lines.
4. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
5. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
6. Preliminary stormwater and sanitary sewer facilities.
7. Show existing improvements, including roads and driveways on the opposite side of roadways adjacent to the site.
8. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
9. The scale to which the Site Development Concept Plan will be drawn shall be no greater than one (1) inch equals one hundred (100) feet.

10. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
11. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
12. Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

V. GENERAL CRITERIA - SECTION PLANS

A. Site Development Section Plans shall include the following:

1. Location and size, including height, of all uses, buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, other above ground structures and landscaping.
2. Existing and proposed contours at two (2) foot intervals extending 150 feet beyond the limits of the site.
3. Existing and proposed roadway, drives, and walkways on and adjacent to the property in question, including location of curb cuts, necessary right-of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of the development.
4. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for cross access, utilities, storm water drainage, grading or other improvements.
5. Specific structure and parking setbacks along all roadways and property lines.
6. The location of the proposed storm sewers, detention basins, sanitary sewers, and connection(s) to existing systems.
7. Location and size of all parking areas.
8. A landscape plan, including, but not limited to, location, size, and type of all plant and other material to be used.

9. All existing and proposed improvements.
10. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines.
11. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
12. Provide comments/approvals from the Missouri Department of Highways and Transportation, the Metropolitan St. Louis Sewer District, and the appropriate Fire District.
13. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.

VI. SITE DEVELOPMENT PLAN SUBMITTAL OPTION

In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may instead submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the Preliminary Development Plan by the City. Said Plan shall be submitted in accord with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.

VII. SPECIFIC CRITERIA

- A. The Site Development Concept and Section Plans shall illustrate adherence to the following specific design criteria. Information to be shown on the Site Development Concept Plan shall be limited to those items specified in Section A, General Criteria-Concept Plan.
 1. Structure Setbacks
 - a. Ten (10) feet from the southern limits of the "PC" District.
 - b. Thirty-five (35) feet from the eastern limits of the "PC" District.

- c. Fifty (50) feet from the northern limits of the "PC" District.
- d. Ten (10) feet from the western limits of the "PC" District.
- e. No building or structure, other than boundary walls, retaining walls, signs, light standards, flagpoles or fences, shall be located within these setbacks.

2. Parking and Loading Space Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress, shall be located within zero (0) feet from all limits of the "PC" District.

3. Parking and Loading Requirements

- a. Parking shall be prohibited along southern face of the existing building.
- b. Parking and Loading Requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance, or as required by the City of Chesterfield.
- c. The surrounding Chesterfield Plaza development must have received a total parking reduction of not more than 20% from the City of Chesterfield prior to Site Development Plan approval, in order to utilize any parking on the adjacent lot.
- d. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.

4. Access

- a. The curb cut for the access to this development from Olive Boulevard shall be no more than thirty-eight (38) feet in width and shall be constructed in accordance with the standards of the Missouri Department of Transportation.
- b. The curb design shall include a bump out section between the cross access point with the site to the west and the south entrance of the site as shown on the preliminary plan.

5. Public/Private Road Improvements, Including Sidewalks

- a. The Developer shall provide any additional right-of-way and construct any improvements to Olive Boulevard (Highway 340) as required by the Missouri Department of Transportation and the City of Chesterfield's Department of Public Works.
- b. Sidewalks and crosswalks shall be provided in such a manner to provide pedestrian circulation from parking lots to the building entrances, or as approved by the City of Chesterfield.
- c. If, in the future, the City of Chesterfield and the Missouri Department of Transportation determine that left turns into and out of the subject site at Olive Boulevard (Highway 340) are no longer acceptable from a public safety perspective, the Missouri Department of Transportation may extend the median on Olive Boulevard (Highway 340) across the entrance to the subject site. The cost of the median extension shall be paid by agreement between the petitioner and the Missouri Department of Transportation.
- d. There shall be no left turn permitted from the site onto eastbound Olive Boulevard (Highway 340) and signage to that effect shall be erected at the exit of the site.

6. Landscape Plan

- a. The developer shall submit a landscape plan in accord with the Landscape Guidelines adopted by the Planning Commission, either as part of the appropriate Site Development Concept Plan or on a separate drawing to be reviewed as part of said plan.
- b. If the estimated cost of new landscaping indicated on the Site Development Section Plans as required by the Planning Commission 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.
- c. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

7. Sign Requirements

- a. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield department of Public Works, and/or the St. Louis County Department of Highways and traffic, for sight distance considerations prior to installation or construction.
- b. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
- c. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This landscaping shall be as approved by the Planning Commission on the Site Development Plan.
- d. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.
- e. A sign shall be placed at the end of the drive-through lane that states, "No Left Turn Onto Olive."

8. Architectural elevations

The developer shall submit architectural elevations and building materials. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission.

9. Power of Review

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval. The City Council will then take appropriate action relative to the proposal.

10. Miscellaneous

- a. All trash enclosures shall be enclosed by a six (6) foot high sight proof fence and be constructed of a similar material as the building.
- b. The location of the menu board/order location for the drive-through shall be located such that the maximum queue length shall be obtained. The final location of the menu board/order location shall be as directed by the City of Chesterfield.
- c. All utilities shall be installed underground. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site. Utilities Easements that cross over Chesterfield Valley Master Stormwater Easement shall be subordinate to the Chesterfield Valley Stormwater Easements.
- d. Sleeves for future telecommunication services shall be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

VIII. VERIFICATION PRIOR TO APPROVAL

- A. Prior to approval of the Site Development Concept and Section Plans, the developer shall provide the following:
 1. Roadway Improvements and Curb Cuts
 - a. Obtain approval from the City of Chesterfield Department of Public Works and the Missouri Department of Transportation of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
 - b. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area. Parking on non-surfaced areas is 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. The contractor shall keep the roads in the area clear of mud and debris related to his construction at all times. The streets

surrounding this development and any street used for construction access thereto shall be cleaned continuously throughout each day.

2. Grading and Improvement Plans

- a. A clearing/grading permit or improvement plan approval is required prior to any clearing or grading on the site. Be advised, the Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and grading permit. No change in watersheds will be permitted. Interim storm water drainage control in the form of siltation control and/or siltation basins is required. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to any clearing, grading, and/or improvement plan approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.
- b. Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil. Construct temporary settlement basins during construction to allow for settling of sediment, prior to the discharge of stormwater from this site.
- c. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the Director of Public Works/City Engineer.
- d. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.

- e. Prior to issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates defined in Appendix “A” of the City of Chesterfield’s “Model Sediment & Erosion Control Guidelines” or sodded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions.

IX. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan shall be recorded with the St. Louis County Recorder of Deeds.

X. PRIOR TO IMPROVEMENT PLAN APPROVAL

- A. Prior to improvement plan approval, provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.
- B. Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.

XI. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

- A. Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements shall be met:

Notification of Department of Planning

- 1. Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

Notification of St. Louis County Department of Public Works

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

Certification of Plans

3. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

XII. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
- B. Prior to final occupancy of any building the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

XIII. FINAL RELEASE OF ESCROW

Prior to the release of final escrow, the developer shall provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XIV. VERIFICATION PRIOR TO BUILDING PERMITS

- A. Subsequent to approval of the appropriate development plan and prior to issuance of any building permit, the following requirements shall be met:

Sanitary Sewers

1. Provide verification to the St. Louis County Department of Public Works and the City of Chesterfield of provision of adequate sanitary services.

Notification of City of Chesterfield

2. Prior to issuance of zoning approvals for foundation or building permits, the City of Chesterfield must receive approvals from the St. Louis County Department of Highways and Traffic and the Metropolitan St. Louis Sewer District.

XV. GENERAL DEVELOPMENT CONDITIONS

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
 1. The developer is advised that utility companies will require compensation for relocation of their utility facilities within 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 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.
 2. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments and Commissions.
 3. The City of Chesterfield, Missouri shall enforce the conditions of this ordinance in accord with the Site Development Concept Plan approved by the City of Chesterfield and any Site Development Section Plans approved by the City of Chesterfield.