

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A COMMERCIAL SERVICE PROCEDURE IN THE "R-2" 15,000 SQUARE FOOT RESIDENCE DISTRICT FOR A 1.17 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE BOULEVARD, APPROXIMATELY 100 FEET EAST OF WESTBURY DRIVE (P.Z. 18-2002 RANDALL STEGMANN)

WHEREAS, the Petitioner, Randall Stegmann, is requesting a Commercial Service Procedure in the "R-2" 15,000 square foot Residence District for a 1.17 acre tract of land located on the south side of Olive Boulevard, east of Westbury Drive; and,

WHEREAS, the Petitioner proposes to operate professional business offices at said location; and,

WHEREAS, the Planning Commission held a public hearing on September 9, 2002 to consider the matter; and,

WHEREAS, the request was considered by the Planning Commission of the City of Chesterfield, and after consideration of the request the Planning Commission recommended approval of P.Z. 18-2002 by a vote of 6-1; and,

WHEREAS, the City Council of the City of Chesterfield, having considered said request, and having made amendments clarifying transportation review authority, recommends approval of the Commercial Service Procedure, subject to conditions contained in Attachment "A".

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, which are part thereof, are hereby amended by establishing a Commercial Service Procedure (CSP) in the "R-2" 15,000 square foot Residence District for a 1.17 acre tract of land located on the south side of Olive Boulevard, east of Westbury Drive in the City of Chesterfield described below:

Description of Property

PART OF LOT 7 SHARE 5 OF THE PARTITION OF MISSOURI STEVEN'S ESTATE, U.S. SURVEYS 206 AND 207 AND 2030, TOWNSHIP 45 AND 46 NORTH, RANGE 4 EAST AND DESCRIBED AS: BEGINNING AT THE

INTERSECTION OF THE SOUTH LINE OF OLIVE STREET ROAD, 60 FEET WIDE, WITH THE LINE DIVIDING LOTS 6 AND 7 IN SHARE 5 OF SAID PARTITION OF MISSOURI STEVEN'S ESTATE; THENCE ALONG THE SOUTH LINE OF OLIVE STREET ROAD, 60 FEET WIDE, NORTH 83 DEGREES 46 MINUTES 10 SECONDS WEST 250 FEET TO A POINT; THENCE SOUTH 7 DEGREES 40 MINUTES 40 SECONDS WEST PARALLEL WITH THE LINE DIVIDING SAID LOTS 6 AND 7 A DISTANCE OF 219.99 FEET TO A POINT; THENCE SOUTH 83 DEGREES 46 MINUTES 10 SECONDS EAST 250 FEET TO THE LINE DIVIDING SAID LOTS 6 AND 7; THENCE ALONG SAID DIVIDING LINE NORTH 7 DEGREES 40 MINUTES 40 SECONDS EAST 219.99 FEET TO THE BEGINNING. SUBJECT TO RIGHT-OF- WAY OF OLIVE STREET ROAD. EXCEPTING THEREFROM THAT PART CONVEYED TO THE STATE OF MISSOURI BY GENERAL WARRANTY DEED DATED OCTOBER 17, 1995 AND RECORDED IN BOOK 10720 PAGE 780 OF THE RECORDS OF THE RECORDER OF DEED OF ST. LOUIS COUNTY.

COMMONLY KNOWN AS 13830 OLIVE BOULEVARD, CHESTERFIELD, MO 63017. THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 1.17 ACRES IS BASED ON A SURVEY BY MARLER SURVEYING CO., DATED 2/24/2002.

Section 2. The City of Chesterfield hereby approves this Ordinance subject to the terms and conditions as set out in Attachment "A" which is made a part hereof and attached hereto.

Section 3. The City Council, pursuant to the petition filed by Randall Stegmann, relative to P.Z. 18-2002, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said request be approved and after public hearing, held by the Planning Commission on the 9th day of September, 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.

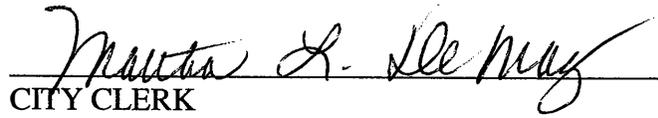
Section 4. This ordinance and the requirements thereof are exempt from the warning, summons and penalty for violations as set out in section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 2nd day of December 2007.


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
- 1.3.1 Preservation of Natural Features and Open Space
- 2.1.1 Encourage Preservation of Existing Residential Neighborhoods
- 4.1.6 Limit Curb Cuts

I. PERMITTED USES

A. The uses allowed in this "CSP" Commercial Services Procedure shall be:

This Commercial Service Procedure shall authorize the following permitted uses, not to exceed 1000 square feet in gross floor area, within a single family residence:

1. Professional, business, government or institutional office uses, including medical offices/clinics, but excluding banks.
2. Retail services of a business or educational nature, such as studios, tailors, or similar service facilities. There shall be no sale of any goods at retail or wholesale, except for accessory retail sales in association with a specific service.

II. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

A. 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 Plan. Where due cause is shown by the developer, this time interval may be extended by the City of Chesterfield by the Planning Commission in accordance with requirements of Section 1003.187 of the City of Chesterfield Zoning Ordinance. Said Site Development Plan shall include, but not be limited to, the following:

1. Outboundary plat and legal description of the property.
2. Location of all roadways adjacent to the property and general location, size, and pavement widths of all interior roadways.

3. General design of the development including unit type, location of unit, and size of single-family lot.
4. Location and size of any commercial use; type of use proposed and general parking layout.
5. Zoning district lines and floodplain boundaries.
6. Site coverage calculations.
7. A graphic scale.
8. The location and size of any proposed signs.
9. The location of the proposed storm sewers, detention basins, sanitary sewers, and connection(s) to existing systems.
10. Two (2) cross section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.
11. The location and size of all right-of-way dedications.
12. Show all existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for utilities, storm water drainage, grading or other improvements.
13. Building and parking setbacks.
14. Show existing improvements within 150 feet of the site, as directed by the City of Chesterfield Department of Public Works, including roads and driveways on the opposite side of the roadways 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.
15. Provide comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District, and the Chesterfield Fire Protection District.
16. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
17. 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.

III. SITE DEVELOPMENT PLAN – SPECIFIC CRITERIA

A. The Site Development Plan shall adhere to the following specific design criteria:

Building and Structure Setbacks

1. All building setback requirements shall be in accordance with the “R-2” 15,000 square foot Residence District.

Parking Requirements

1. All parking requirements shall be in accordance with Section 1003.165 Off-Street Parking Regulations of the Zoning Ordinance. All driveways and parking areas shall be paved. Widths of interior driveways shall be as approved by the Planning Commission on the Site Development Plan.
2. All parking setbacks and buffering requirements shall be in accordance with Section 1003.182 Commercial Service Procedure of the Zoning Ordinance.

Access

1. One access to Olive Boulevard shall be permitted as directed by the Missouri Department of Transportation and the City of Chesterfield Department of Public Works.
2. The entrance shall be in accordance with Missouri Department of Transportation (MODOT) standards and shall be reviewed and approved by MODOT.
3. Installation of landscaping and ornamental entrance monument or identification signage construction, if approved, shall be reviewed by MODOT and the City of Chesterfield Department of Public Works for sight distance considerations and approved prior to installation or construction.

Landscape Plan

1. Existing vegetation shall be retained within the perimeter setbacks to the maximum extent possible. New trees and other landscaping shall be planted on the site, as approved by the Planning commission on the Site Development Plan, in accordance with the provisions of the Commercial

Services Procedure. Prior to removal of any trees on the site for development, a landscape plan depicting all existing tree masses and those to be retained shall be submitted to the Planning Commission for review and approval.

2. Six (6) pine trees shall be planted along the western side of the property between the driveway and the adjacent residential property to the west, to provide buffering between the adjacent property and the site.
3. 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 Plan or on a separate drawing to be reviewed as part of said plan.
4. 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.
5. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

Sign Requirements

1. Sign size and locations shall be in accordance with the Commercial Service Procedure Regulations and the "R-2" 15,000 square foot Residence District.

Power of Review

1. 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.

Miscellaneous

1. Any architectural alterations to the existing structure shall be reviewed and approved by the Planning Commission.
2. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property.

Lighting shall be required in compliance with the City of Chesterfield Subdivision Ordinance.

3. All references herein to the City of Chesterfield Zoning Ordinance or sections thereof shall refer to said Ordinance and amendments thereto as approved by the City of Chesterfield City Council, as of the date the petitioner submits a Site Development Plan for review and approval.
4. All deliveries and trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.
5. The businesses occupying the premises shall maintain normal business hours of operation, and hours of operation shall occur between 8:00 a.m. and 8:00 p.m.

IV. VERIFICATION PRIOR TO SITE DEVELOPMENT PLAN APPROVAL

- A. Prior to approval of the Site Development Plan, the developer shall provide the following:

Roadway Improvements and Curb Cuts

1. 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.

Stormwater and Sanitary Sewer

2. Detention/retention is to be provided for this site, unless studies undertaken prior to development determine to the satisfaction of the Department of Public Works that it is not necessary or is already provided for elsewhere. Detention of storm water runoff is required by providing permanent detention/retention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention/retention basin shall be operational prior to paving of any driveways or parking areas. The location and types of detention facilities shall be identified on the Site Development Plan.
3. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. No change in watersheds shall be permitted. The adequacy of any existing downstream storm water facilities shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Emergency overflow drainage ways to accommodate the 100-year storm

shall be provided. Off-site easements for areas inundated by headwater from on site improvements shall be provided as required by the Department of Public Works.

Geotechnical Report

4. Provide a geotechnical report, as directed by the City of Chesterfield, Department of Public Works, prepared by a Professional Engineer, licensed to practice in the state of Missouri. Said Report shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. This report shall address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendation for treatment.

Grading and Improvement Plans

5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. Prior to improvement plan approval, provide comments/approvals from the Missouri Department of Transportation, the Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Missouri Department of Natural Resources, the Monarch Chesterfield Valley Levee District and the appropriate Fire District
12. Be advised, this development may require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five (5) or more acres.
13. Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.

V. 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. Failure to record the plan within sixty (60) days of approval shall deem the plan void.

VI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to improvement plan approval, provide comments/approvals from the Missouri Department of Transportation, MSD, and the Chesterfield Fire Protection District.

VII. 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 Missouri Department of Transportation 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.

VIII. 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.

IX. 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.

X. 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

1. Prior to issuance of zoning approvals for foundation or building permits, the City of Chesterfield must receive approvals from the Missouri Department of Transportation and the Metropolitan St. Louis Sewer District.

XI. SUPPLEMENTARY DEVELOPMENT CONDITIONS

- A. Supplementary development conditions relating to the operation of this development are as follows:

1. 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.

2. 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.

XII. 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.
 4. Notice requirements set forth in Section 1003.410.2 of the Zoning Ordinance shall not apply to violations pursuant to this Attachment A.