

BILL NO. 2169

ORDINANCE NO. 1945

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A COMMERCIAL SERVICE PROCEDURE WITHIN AN "R-3" RESIDENCE DISTRICT FOR A .36 ACRE TRACT OF LAND LOCATED AT 996 CHESTERFIELD PARKWAY EAST, SOUTH OF OLIVE BOULEVARD AND NORTH OF INTERSTATE 64/HIGHWAY 40. (P.Z. 5-2003)

WHEREAS, the petitioner, Liberty Homes requested a variance to Section 1003.182(5) of the City of Chesterfield Zoning Ordinance to allow application for a Commercial Service Procedure on a non-state designated roadway which was granted by the City of Chesterfield Board of Adjustment on April 3, 2003, and;

WHEREAS, Liberty Homes then requested a Commercial Service Procedure in an "R-3" Residence District for a .36 acre tract of land located on Chesterfield Parkway East, South of Olive Boulevard and North of Interstate 64/Highway 40, and;

WHEREAS, the Planning Commission held a public hearing on May 12, 2003 to consider the matter, and;

WHEREAS, the P.Z. 5-2003 Liberty Homes was considered by the Planning Commission of the City of Chesterfield and recommended for approval 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. Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are a part thereof, are hereby amended by establishing a Commercial Service Procedure (CSP) in the "R-3" Residence District for a .36 acre tract of land located on Chesterfield Parkway East, South of Olive Boulevard and north of Interstate 64/Highway 40 as described in "Exhibit A."

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 Attachment A, which is attached hereto and made a part hereof.

Section 3. The City Council, pursuant to the petition filed by Liberty Homes in P.Z. 5-2003 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 12th day of May

2003, 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.

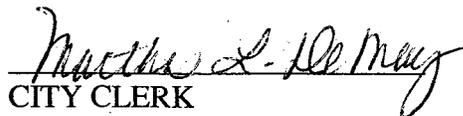
Section 4. This ordinance and the requirements thereof are exempt from the warnings and summons for violations as set out in Section 1003.410 of the zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 4th day of August, 2003.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

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

- 1.8 Urban Core
- 1.6 Lighting Plan and Program
- 3.1.1 Quality of Design
- 3.1.2 Buffering of Neighborhoods
- 3.4.1 Preserve Aesthetics and Public Safety
- 4.1 Buffering of Neighborhoods
- 7.2.1 Maintain Proper Level of Service
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 7.2.9 Access Management
- 8.2 Public Utilities
- 8.2.2 Underground Electric Service
- 8.3 Stormwater Management
- 10.1 Open Space Preservation and Creation
- 10.1.3 Landscape Buffers
- 10.2 Preservation of Natural Features and Open Space

I. PERMITTED USES

A. This Commercial Service Procedure shall authorize the following permitted uses, not to exceed 1,447square 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.

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 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/right-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 St. Louis County Department of Highways and Traffic, 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-3” 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.
3. No parking will be permitted on any part of the Chesterfield Parkway East right of way.

Access

1. Access to this site shall be limited to one curb cut onto Chesterfield Parkway East as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works.
2. The entrance shall be in accordance with St. Louis County Department of Highways and Traffic standards and shall be reviewed and approved by said agency.
3. Installation of landscaping shall be reviewed by St. Louis County Highways and Traffic and the City of Chesterfield Department of Public

Works for sight distance considerations and approved prior to installation or construction.

Landscape Plan

1. Existing trees shall be retained 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 Service Procedure. Prior to removal of any trees on the site for development, a landscape plan depicting all existing tree and those to be retained shall be submitted to the Planning Commission for review and approval.
2. The developer shall submit a landscape plan in accordance 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.
3. If the estimated cost of new landscaping indicated on the Site Development Plan 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.
4. 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-3" 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.

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 St. Louis County Department of Highways and Traffic of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
2. The developer shall provide a 12 foot wide Sidewalk and Street Lighting easement in accordance with the "Pathway on the Parkway" project.

Stormwater and Sanitary Sewer

3. No additional stormwater runoff shall be directed to adjacent parcels. Any increase in the amount of stormwater runoff produced onsite shall be handled appropriately onsite as directed.

Grading and Improvement Plans

6. 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 stormwater 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Prior to improvement plan approval, provide comments/approvals from the St. Louis County Department of Highways and Traffic, the Metropolitan St. Louis Sewer District, and the Chesterfield Fire Protection District.

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 St. Louis County Department of Highways and Traffic, 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 St. Louis County 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.

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 St. Louis County Department of Highways and Traffic and the Metropolitan St. Louis Sewer District.

XI. 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. A 15 foot wide Cross Access Easement shall be provided along the northwesterly property. The cross access easement shall be required to be executed and recorded prior to approval of the Site Development Plan.
 2. Access to the cross access area provided along the west property line shall be no closer than 80 feet as measured from the Chesterfield Parkway right of way line.
 3. The developer shall ensure that there is adequate space for turning movements such that no backing of vehicles onto Chesterfield Parkway East occurs
 4. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
 5. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accord with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
 6. Waiver of Notice of Violation per Section 1003.410(2) of the City of Chesterfield Zoning Ordinance.
 7. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty
- B. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

Legal Description
(996 Chesterfield Parkway East)

A TRACT OF LAND IN U.S. SURVEY 415 TOWNSHIP 45 NORTH, RANGE 4 EAST ST. LOUIS COUNTY, MO CITY OF CHESTERFIELD AND RECORDED IN THE DEED BOOK 2729 PAGE 165 OF THE ST. LOUIS CO. RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST RIGHT OF WAY LINE OF EAST CHESTERFIELD PARKWAY (VAR. WIDTH) SAID POINT BEING THE MOST WESTERN CORNER OF THE HEREIN DESCRIBED TRACT; THENCE LEAVING SAID EAST RIGHT OF WAY LINE OF NORTH 57 DEGREES, 26 MINUTES, 00 SECONDS EAST A DISTANCE OF 159.00 FEET TO A POINT; THENCE SOUTH 32 DEGREES, 52 MINUTES, 00 SECONDS EAST A DISTANCE OF 100.0 FEET TO A POINT IN THE NOTRHWEST LINE OF PROPERTY OF CLIFFORD & MARY STEINER AS RECORDED IN DEED BOOK 11260, PG. 2000 OF THE ST. LOUIS CO. RECORDS. THENCE ALONG SAID NORTHWEST LINE SOUTH 57 DEGREES, 26 MINUTES, 00 SECONDS WEST A DISTANCE OF 159 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF EAST CHESTERFIELD PARKWAY; THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 32 DEGREE, 52 MINUTES, 00 SECONDS WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 15,899 SQ. FEET/OR 0.365 ACRES MORE OR LESS AND BEING SUBJECT TO DEEDS, EASEMENTS AND RESTRICTIONS OF RECORD.

