

BILL NO. 2209

ORDINANCE NO. 1985

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A COMMERCIAL SERVICE PROCEDURE WITHIN AN “NU” NON-URBAN DISTRICT FOR AN APPROXIMATELY 0.47-ACRE TRACT OF LAND LOCATED AT 14891 OLIVE BOULEVARD [P.Z. 04-2003 (14891 OLIVE BOULEVARD CSP)].**

WHEREAS, the petitioners, Dequan Zou and Shufang Zheng, have requested a Commercial Service Procedure Within an “NU” Non-Urban District for an approximately 0.47-acre tract of land located at 14891 Olive Boulevard; and

WHEREAS, the petitioner, Dequan Zou and Shufang Zheng, proposes to operate a medical office at said location; and,

WHEREAS, the Planning Commission having considered said request, recommended approval.

**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 Commercial Service Procedure Within an “NU” Non-Urban District for an approximately 0.47-acre tract of land located at 14891 Olive Boulevard; and described as follows:

A TRACT OF LAND BEING PART OF LOT 3 OF MOSS HUNTON LAND IN U.S. SURVEY 121, TOWNSHIP 45 NORTH, RANGE 4 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING FROM AN OLD IRON PIPE LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT-OF-WAY LINE OF WHITE (40' W) ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF OLIVE BOULEVARD, THENCE NORTH 41 DEGREES 45 MINUTES 04 SECONDS EAST ALONG THE SAID NORTHERN RIGHT-OF-WAY OF OLIVE BOULEVARD A DISTANCE OF 101.50 FEET TO AN OLD IRON PIPE BEING THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED TRACT; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 32 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 211.09 FEET TO AN OLD RE-BAR; THENCE NORTH 45 DEGREES 05 MINUTES 35 SECONDS EAST, A DISTANCE OF 100.00 FEET TO AN OLD IRON PIPE; THENCE SOUTH 32 DEGREES 15 MINUTES 05 SECONDS EAST, A DISTANCE OF 201.85 FEET TO AN OLD PK NAIL, SAID POINT ALSO BEING ON THE SAID NORTHERLY LINE OF OLIVE BOULEVARD; THENCE SOUTH 36 DEGREES 06 MINUTES 33 SECONDS WEST, A DISTANCE OF 31.05 FEET TO A POINT; THENCE SOUTH 41 DEGREES 45 MINUTES 04 SECONDS WEST A DISTANCE OF 71.47 FEET TO THE POINT OF BEGINNING.

**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, and made a part of.

**Section 3.** The City Council, pursuant to the petition filed by Dequan Zou and Shufang Zheng., in P.Z. 04-2003, 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 14<sup>th</sup> day of April 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.

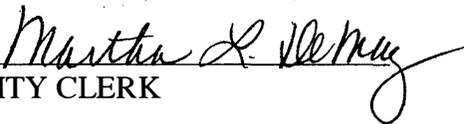
**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations, as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 17<sup>th</sup> day of NOVEMBER, 2003.

  
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
- 1.3.1 Preservation of Natural Features and Open Space
- 1.3.2 Encourage Quality Project Planning
- 2.1.1 Encourage Preservation of Existing Residential Neighborhoods
- 4.1.8 Develop Sidewalks – substantiated

### **I. PERMITTED USES**

A. This Commercial Service Procedure shall authorize the following permitted uses, not to exceed 1,850 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.

### **II. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building permit, the developer will 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 through appeal to and approval by the Planning Commission in accord with the City of Chesterfield Zoning Ordinance.

Failure to comply with aforementioned time limits or receipt of an extension prior to the aforementioned time requirements will result in the expiration of preliminary plan and will require a new public hearing. The Site Development Plan will include but not be limited to the following:

### **III. GENERAL CRITERIA**

A. The Site Development Plan will include the following:

1. Outboundary plat and legal description of the property.
2. Location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.
3. Location map, north arrow, and plan scale.

4. Parking calculations.
5. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
6. Specific structure and parking setbacks along all roadways and property lines.
7. 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.
8. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
9. Existing improvements within 150 feet of the site as directed. Road and driveways on the opposite side of 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 will be included.
10. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements and rights-of-way required for utilities, storm water drainage, grading, or other improvements.
11. Provide to Site Development Plan approval, show all existing or proposed easements and right-of-way on site.
12. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
13. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
14. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
15. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.
16. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.
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.
18. Provide the greenspace percentage.

**IV. SPECIFIC CRITERIA**

A. The Site Development Plan will illustrate adherence to the following site-specific design criteria:

1. Structure Setbacks

- a. All building setback requirements shall be in accordance with the established zoning district.

2. Parking and Loading Space Setbacks

- a. All parking setbacks shall be in accordance with the established zoning district and Commercial Service Procedure requirements.

3. Parking and Loading Requirements

- a. Parking and loading spaces for this development will be as required in Section 1003.165 of the City of Chesterfield Zoning.
- b. Adequate on-site parking for construction related vehicles and equipment shall be provided. No parking shall be permitted on the Olive Boulevard right-of-way.

4. Access

- a. The commercial entrance shall be a minimum of twenty-four (24) feet wide to the Missouri Department of Transportation right-of-way line and meet City of Chesterfield and Missouri Department of Transportation standards.

5. Public/Private Road Improvements, Including Pedestrian Circulation

- a. The access drive shall be built to a width of twenty feet per the direction of the City of Chesterfield.

6. Landscape Plan

The developer shall submit a landscape plan in accord with the Landscape Guidelines adopted by the Planning Commission, either as part of the Site Development Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:

- a. Existing vegetation shall be retained to the maximum extent possible except where necessary to construct required access or parking.

- b. New trees and other landscape 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 (CSP).
- c. New landscaping shall be planted along the entire perimeter of the parking area, excluding parking spaces abutting the existing residential structure, to provide dense screening of vehicles. Said landscaping shall, at a minimum, meet the following density standards:
  - (1) Three (3) deciduous trees per 100 feet
  - (2) Six (6) evergreen trees per 100 feet
  - (3) Eight (8) bushes and shrubs per 100 feet
- d. 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.
- e. Prior to release of the Landscape Installation Bond/Escrow, a two (2)-year Landscape Maintenance Bond/Escrow will be required.

**7. Sign Requirements**

- a. Sign size and location shall be accordance with the City of Chesterfield Zoning Ordinance Section 1003.168 Sign Regulations and Section 1003.182 Commercial Service Procedure (CSP).Light Requirements.

**8. Lighting**

- a. All proposed lighting shall be depicted on the site development plan as approved by the Planning Commission.
- b. All proposed lighting shall be in character with existing residential lighting and meet the requirements of the Commercial Service Procedure.

**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. This Commercial Service Procedure shall comply with all regulations contained within the City of Chesterfield Zoning Ordinance or sections thereof concerning the established district and Commercial Service Procedures.
- b. All references 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 as of the date the petitioner submits a Site Development Plan for review and approval.

**V. VERIFICATION PRIOR TO APPROVAL**

- A. Prior to approval of the Site Development Plan, the developer will 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 for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
  2. Stormwater and Sanitary Sewer.
    - a. Detention/retention will be provided for this site unless studies undertaken prior to development indicate, to the satisfaction of the Department of Public Works, that it is unnecessary. Where detention is required provide permanent detention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention basin(s) will be operational prior to construction of any driveways or parking areas. The location and types of detention facilities will be identified on the Site Development Plan.
    - b. The site will provide for the positive drainage of storm water and it will be discharged at an adequate natural discharge point. No change in watersheds will be permitted. The adequacy of any existing downstream storm water facilities will 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 will be provided. Off-site easements for areas inundated by headwater from on site improvements will be provided as required by the Department of Public Works.

3. Geotechnical Report.

Provide a geotechnical report prepared by a Professional Engineer licensed to practice in the State of Missouri. Said Report will 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, will be included on all Site Development Plans and Improvement Plans. This report will address the existence of any potential sinkholes, ponds, dams, septic fields, etc., and recommendation for treatment.

4. Grading and Improvement Plans.

- a. A clearing/grading permit or improvement plan approval may be required prior to any grading on the site. The Site Development Plan must be approved prior to issuance of clearing and grading.
- b. Interim storm water drainage control in the form of siltation control and/or siltation basins is required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to approval of any clearing or grading. The SWPPP will address required erosion control practices specific to site conditions. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP's) to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. The SWPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.
- c. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will 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.
- d. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions will 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 upon demand.

- e. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area. Parking on non-surface areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked on the pavement causing hazardous roadway and driving conditions. The contractor will 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 will be cleaned at the end of each day.
- f. This development may require an NPDES Permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five or more acres. A copy of the NPDES permit must be submitted to the City of Chesterfield Department of Public Works prior to issuance of a grading permit or approval of improvement plans.

## **VI. RECORDING**

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval by the Planning Commission.

## **VII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL**

Prior to improvement plan approval, the developer will provide the following:

- 1. Comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District and the appropriate Fire District.
- 2. Copies of recorded easements for off-site work, including book and page information, shall be provided.

## **VIII. 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 will be met:

- 1. Notification of Department of Planning

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.

2. Notification of St. Louis County Department of Public Works

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.

3. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer will 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.

**IX. 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 will 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.
- C. Prior to issuance of an occupancy permit, all disturbed areas will 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.
- D. The obligations and conditions set forth in this attachment are specific to the developer. These obligations and conditions survive the issuance building permits until they are fulfilled and an occupancy permit shall not be released to the developer until they are met.

**X. FINAL RELEASE OF ESCROW**

Prior to the release of final escrow, the developer will 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.

**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. 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.
2. 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.
3. Waiver of Notice of Violation per Section 1003.410(2) of the City of Chesterfield Zoning Ordinance.
4. The entrance geometrics and drainage design will be in accordance with Missouri Department of Transportation (MoDot) standards and will be reviewed and approved by the City of Chesterfield and the Missouri Department of Transportation (MoDot).
5. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach MoDot right of way.
6. Detention may be required for the entire project site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24 hour storm event. Stormwater must be discharged at an adequate discharge point. Wetland mitigation will not be allowed in the detention basin area.
7. The developer will 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.

8. All drainage detention storage facilities will be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.
  9. 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 provisions as set forth in Section 1003.410(2) of the Zoning Ordinance.
- 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.