

BILL NO. 2420

ORDINANCE NO. 2241

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A RESIDENTIAL BUSINESS USE PROCEDURE WITHIN AN "R-2" DISTRICT FOR A 0.48 ACRE TRACT OF LAND LOCATED AT 14310 OLIVE ROAD. [P.Z. 29-2005 Chris Schulenburg (Clark Financial Services)]

WHEREAS, the petitioner, Chris Schulenburg, has requested a Residential Business Use Procedure within an "R-2" district for an approximately 0.48 acre tract of land located at 14310 Olive Road; and,

WHEREAS, the petitioner proposes to operate a business office; and,

WHEREAS, the Planning Commission having considered said request, recommended approval with conditions regarding the variance request to maintain a two (2) foot landscape buffer along the side yard of the subject site.

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 Residential Business Use Procedure for a .48-acre tract of land located at 14310 Olive Road and described as follows:

A tract of land being Lot A of Zierenberg Subdivision, according to the plat thereof recorded in Plat Book 287 Page 47 in the Office of the Recorder of Deeds for St. Louis County, excepting there from that part described in warrant deed to Missouri Highway and Transportation Commission recorded in Book 8943 Page 1007,. And in St. Louis County Missouri, and said also described as follows:

Beginning at the southeasterly corner of said Lot A; thence along the southerly line of said Lot A, south 63 degrees 00 minutes 00 seconds west 175.45 feet to the easterly line of Glenfield Ridge Court, 40 feet wide; thence along said easterly line, and also the easterly line of the common ground in Glenfield Subdivision, as per plat thereof recroded in Plat Book 277 page 97 of said county records, north 17 degrees 21 minutes 00 seconds west 132.38 feet to the southerly line of Olive Street Road, as widened in said Book 8943 page 1007; thence along said southerly line, north 68 degrees 44 minutes 13 seconds east 172.83 feet to the easterly line of said Lot A; thence along said easterly line south 17 degrees 21 minutes 00 seconds east 111.75 feet to the point of beginning, and containing 21, 047 square feet, more or

less or 0.48 acre, more or less, according to Survey Nop. 189543 executed by James Engineering & Surveying Co., Inc., in July, 2005.

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

Section 3. The City Council, pursuant to the petition filed by Chris Schulenburg in P.Z. 29-2005, 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 24th day of October, 2005, 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.

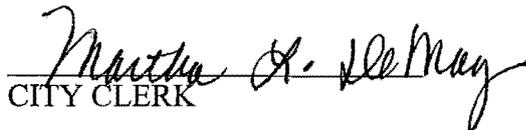
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 6th day of FEBRUARY, 2006.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

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

- 1.5 Diversity of Development
- 2.1.1 Conservation of Existing Quality of Life
- 2.1.3 Encourage Preservation of Existing Residential Neighborhoods
- 4.1 Buffering of Neighborhoods
- 7.2.4 Encourage Sidewalks

I. SPECIFIC CRITERIA

A. Information to be shown on the Site Development Plans and Site Development Section Plans shall adhere to specific design criteria.

B. Definitions

- 1. Site Development Concept Plan is a conceptual plan for development in a planned district being done in phases. A concept plan provides an overall picture of a development that is being divided into sections to be developed in phases.**
- 2. A Site Development Section Plan is a plan for development for sections of the overall concept plan.**
- 3. Site Development Plan is a plan for development in planned districts that is being done in one phase.**

C. PERMITTED USES

- 1. The Residential Business Use Procedure shall authorize the following permitted uses, not to exceed 1,800 square feet in gross floor area, within an existing single family residence:**
 - a. Professional, business, government or institutional office uses, excluding medical offices/clinics and financial institutions.**
 - b. The hours of operation shall be Monday thru Friday 8:00 a.m. to 5:00 p.m..**

D. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. FLOOR AREA

- a. Total building floor area shall not exceed 652.70 square feet.

E. STRUCTURE AND PARKING SETBACKS

1. STRUCTURE SETBACKS

- a. All building setback requirements shall be in accordance with the established zoning district.
- b. The setback requirement for the retaining wall shall be as follows:
 - i. One (1) foot from the eastern boundary of the "R-2" District.
 - ii. Four (4) feet from the southern boundary of the "R-2" District.

2. PARKING AND LOADING SPACE SETBACKS

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

- a. Sixty (60) feet from the right-of-way of Olive Street Road.
- b. Ten (10) feet from the southern boundary of the "R-2" District.
- c. Two (2) feet from the eastern boundary of the "R-2" District.
- d. One-hundred fifteen (115) feet from the western boundary of the "R-2" District.

F. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code, with the exception that parking calculations utilized for 3 1/3 cars per one thousand (1,000) square feet.
- 2. Construction Parking
 - a. No construction related parking shall be permitted within the State Route 340 right-of-way.

G. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall submit a landscape plan, tree stand delineation, and tree preservation plan in accordance with the City of Chesterfield Code.
2. 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.
3. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.
4. Landscape buffer requirement for the easternmost boundary of the site shall be two (2) feet and shall include decorative fencing with near ground planting. The length of the fence shall be as approved by the Department of Planning.

H. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.
2. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.

I. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code as directed by the City of Chesterfield.
2. The location and height of the light standards will be as approved by the Planning Commission.
3. Except for required street lighting, no source of illumination will be situated so that light is cast on any public right-of-way or adjoining property.

J. ARCHITECTURAL

1. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission as directed by the City of Chesterfield.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long

facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.

3. Trash enclosures: The location and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan. The material will be as approved by the Planning Commission in conjunction with the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

K. ACCESS/ACCESS MANAGEMENT

1. Access to State Route 340 will be limited to the existing driveway opening. Any changes to the driveway geometric shall be, as directed by the Department of Public Works and the Missouri Department of Transportation (MoDOT).
2. The throat length of the drive will need to be a minimum of sixty (60) feet from the edge of pavement of State Route 340. This distance is exclusive of the required eight (8) foot wide striped loading zone for a handicap parking space.
3. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any changes to the entrance geometrics and drainage shall be in accordance with MoDOT standards and shall be reviewed and approved by MoDOT.

L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide any additional right-of-way and construct any improvements to State Route 340 as required by the Missouri Department of Transportation.
2. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the State Route 340 frontage of the site and south of the existing roadside drainage way. The sidewalk may be located within State right-of-way, if permitted by MoDOT, or within a six (6) foot wide sidewalk, maintenance and utility easement.

M. POWER OF REVIEW

1. Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan 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 of the site plan. The City Council will then take appropriate action relative to the proposal.

N. STORMWATER AND SANITARY SEWER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system. The adequacy and condition of the existing downstream systems shall be verified and upgraded if necessary.
2. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works.
3. Detention/retention is to be provided in each watershed as required by the City of Chesterfield. Detention of storm water runoff is required by providing permanent detention/retention facilities, such as dry reservoirs, ponds, underground vaults or other alternatives acceptable to the Department of Public Works. The maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet, as directed. Wetland mitigation shall not be permitted within a detention/retention basin. The detention/retention facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty (60%) of the approved dwelling units in each plat, watershed or phase of residential developments. The location and types of detention/retention facilities shall be identified on the Site Development Plan.

The lowest opening of all structures shall be set at least two (2) feet higher than the 100-year high water elevation in detention/retention facilities. All structures shall be set at least 30 feet horizontally from the limits of the 100-year high water.

4. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right-of-way.
5. All drainage detention storage facilities be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.

O. ROADWAY IMPROVEMENTS AND CURB CUTS.

1. Obtain approval from the City of Chesterfield Department of Public Works and MoDOT for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

P. GEOTECHNICAL REPORT.

1. Provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

Q. GRADING AND IMPROVEMENT PLANS.

1. A Site Development Plan and Tree Preservation Plan/Tree Removal Permit must be approved prior to issuance of a grading permit or approval of improvement plans.
2. Prior to approval of a grading permit or improvement plans, a Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved. The SWPPP shall address installation and maintenance of required erosion control practices specific to site conditions. The purpose of the SWPPP is to ensure the design, implementation, management and maintenance of Best Management Practices (BMPs) to control erosion and reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities, and ensure compliance with the terms and conditions stated in the Sediment and Erosion Control Manual.
3. No grading which results in a change in watersheds will be permitted.
4. If existing City maintained streets are to be used as construction access to this site, prior to approval of a grading permit or improvement plans, or any construction related traffic or delivery of any construction equipment to the site, the following items must be addressed:
 - a. The travel route must be approved by the Department of Public Works. No deviation from the approved route will be permitted.
 - b. An evaluation, including film record, of the current condition of the pavement on the approved travel route must be submitted.
 - c. An appropriate bond must be submitted, as approved by the City of Chesterfield, to ensure that any damage to existing pavement is repaired. Repair of damage to existing streets will not be included in the subdivision escrow; a separate bond must be established.
 - d. All plan sheets shall indicate that vehicle loads of construction traffic using this route are not to exceed 22,400 pounds axle load per 60,000 gross vehicle weight and that no tri-axle trucks are to be used. Weight tickets may be used to determine conformance with this requirement.
 - e. Additional protective measures, as deemed necessary by the Department of Public Works, may also be required.

5. Prior to grading permit or improvement plan approval, provide comments/approvals from the Monarch Fire Protection District, MoDOT, and the Metropolitan St. Louis Sewer District.

R. MISCELLANEOUS

1. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
 - a. Sleeves for future telecommunication services are required to 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.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT PLANS AND SITE DEVELOPMENT CONCEPT PLANS

A. TIME PERIOD FOR PLAN SUBMITTAL

1. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may 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.
2. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan and will require a new public hearing.
3. Said Plan shall be submitted in accordance 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.
4. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.

- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.
- C. A grading permit or improvement plan approval is required prior to any clearing or grading.
- D. Erosion and siltation control devices shall be installed prior to any clearing or grading and be maintained throughout the project until adequate vegetative growth insures no future erosion of the soil and work is accepted by the owner and controlling regulatory agency.

IV. GENERAL CRITERIA – SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

- A. Site Development Plan shall include, but is not limited to, the following:
 - 1. Outboundary plat and legal description of the property.
 - 2. Density Calculations.
 - 3. Zoning District lines and floodplain boundaries.
 - 4. Location map, north arrow, and plan scale.
 - 5. Conceptual location and size, including height, of all proposed buildings, parking and loading areas, and lots.
 - 6. Parking calculations.
 - 7. Specific structure and parking setbacks along all roadways and property lines.
 - 8. Provide the greenspace percentage.
 - 9. Provide open space percentage.
 - 10. Address trees and landscaping in accordance with the City of Chesterfield Code.
 - 11. Provide a lighting plan in accordance with the City of Chesterfield Code.
 - 12. Provide Floor Area Ratio (F.A.R.)
 - 13. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
 - 14. Scale shall be no greater than one (1) inch equals one hundred (100) feet.

15. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
16. Show location of curb cuts, necessary right-of-way dedication, road improvements, and driveways on opposite side of street.
17. Prior to Site Development Plan approval depict existing and proposed improvements, easements, right-of-ways, and off-site easements and right-of-way required for proposed improvements within one hundred fifty (150) feet of the site as directed by the City of Chesterfield. Improvements include, but are not limited to, roadways and driveways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
18. Prior to Site Development Plan approval, indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
19. Show existing and proposed contours at intervals of not more than two (2) feet, and extending one hundred fifty (150) feet beyond the limits of the site.
20. Show 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.
21. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
22. 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.
23. Provide comments/approvals from the Monarch Fire Protection District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.
24. Show 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.
25. Show 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.

26. Show the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.

V. RECORDING

- A. 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 of a plan by the Planning Commission.

VI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

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

- A. Comments/approvals from MoDOT, the Metropolitan St. Louis Sewer District and the Monarch Fire Protection District and any other applicable agency as required by the Department of Planning.
- B. Copies of recorded easements for off-site work, including book and page information, will be provided.

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 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 (Department of Highways and Traffic)} 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.

4. A grading permit or improvement approval is required prior to issuance of a building permit. In extenuating circumstances, an exception to this requirement may be required.

VIII. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued, except that a temporary occupancy permit may be issued in cases of undue hardship because of unfavorable ground conditions. Seed mulch shall be applied at rates that meet or exceed the minimum requirements stated in the Sediment and Erosion Control Manual.

IX. FINAL RELEASE OF ESCROW

- B. 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.

All conditions of the Escrow as stated in the Escrow Agreement shall be met and approved by the Department of Public Works per the established Escrow Agreement.

X. 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. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site 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 streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.

2. When clearing and/or grading operations are completed or will be suspended for more than 14 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures may include a combination of seeding, periodic wetting, mulching, or other suitable means.

3. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, unless alternate storm water detention and erosion control devices have been designed and established, a fast germinating annual, such as rye or sudan grasses, shall be utilized to retard erosion.
4. If cut or fill slopes in excess of the standard maximum of 3:1 horizontal run to vertical rise are desired, approval for the steeper slopes must be obtained from the Director of Public Works. Approval of steeper slopes is limited to individual and isolated slopes, rock dikes, undisturbed and stable natural slopes and slopes blending with the natural terrain. Design of the steep slopes must be performed by a registered professional engineer and include recommendations regarding construction methods and long-term maintenance of the slope. Any steep slope proposed on a Site Development Plan shall be labeled and referenced with the following note: *Approval of this plan does not constitute approval of slopes in excess of 3:1. Steep slopes are subject to the review and approval of the Director of Public Works. Review of the proposed steep slope will be concurrent with the review of the grading permit or improvement plans for the project.*
5. Soft soils in the bottom and banks of any existing or former pond sites or tributaries or any sediment basins or traps should be removed, spread out and permitted to dry sufficiently to be used as fill. This material shall not be placed in proposed public right-of-way locations or in any storm sewer location.
6. All fills placed under proposed storm and sanitary sewer lines and/or paved areas, including trench backfill within and off the road right-of-way, shall be compacted to 90% of maximum density as determined by the "Modified AASHTO T-180 Compaction Test" (ASTM D-1557) for the entire depth of the fill. Compacted granular backfill is required in all trench excavation within the street right-of-way and under all paved areas. All tests shall be performed concurrent with grading and backfilling operations under the direction of a geotechnical engineer who shall verify the test results.

XI. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B. 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.

- C. 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 the City of Chesterfield Code.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.