

BILL NO. 2435

ORDINANCE NO. 2256

AN ORDINANCE REPEALING ST. LOUIS COUNTY ORDINANCE 13,306 AND CITY OF CHESTERFIELD ORDINANCE 689 AND REPLACING IT WITH A NEW ORDINANCE PROVIDING FOR A CHANGE IN THE PERMITTED USES FOR THE EXISTING OUTBUILDING AND AN INCREASE IN THE PARKING REDUCTION FOR A "C-8" PLANNED COMMERCIAL DISTRICT LOCATED ON THE NORTHEAST CORNER OF CLARKSON AND BAXTER ROADS. (P.Z. 38-2005 DIERBERG'S MARKETPLACE)

WHEREAS, Ordinance 689 amended St. Louis County Ordinance 13,306, which was approved on May 29, 1987 and permitted all uses in the "C-2" Shopping District, without a Conditional Use Permit; and

WHEREAS, the Petitioner, Dierberg's Marketplace, has requested amendment to City of Chesterfield Ordinance 689, which provided governing conditions for Dierberg's Marketplace Shopping Center; and

WHEREAS, the amendment request has been reviewed by the Planning Commission of the City of Chesterfield and a 17.1% parking reduction and amendment to the permitted uses for the outbuilding has been recommended for approval by a vote of 6 to 2.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. St. Louis County Ordinance 13,306 and City of Chesterfield Ordinance 689, which governed a 12.095 acre "C8" Planned Commercial District known as Dierberg's Marketplace, located on the northeast corner of Clarkson and Baxter Roads are hereby repealed by the City of Chesterfield in their entirety and replaced with a new Ordinance, the conditions of which are set out in the new Attachment, as set out herein.

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

Section 3. the City Council, pursuant to the request filed by THF Chesterfield Development 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 23rd day of January 2006, 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.

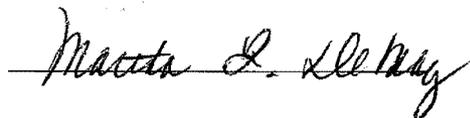
Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 17th day of April, 2006



MAYOR

ATTEST:



CITY CLERK

ATTACHMENT A

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

- 1.2 Adherence to the Plan
- 1.4 Quality New Development
- 3.1 Quality Commercial Development
 - 3.1.1 Quality of Design
 - 3.2.1 Neighborhood Retail Facilities
 - 3.2.2 Community Retail Facilities
- 7.2.1 Maintain Proper Level of Service
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.7 Collectors and Local Streets
- 8.2.2 Underground Electric Service

I. SPECIFIC CRITERIA

A. Information to be shown on the Site Development Concept Plan shall be limited to those conditions specified in Section A, General Criteria-Concept Plan. 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 uses allowed this "C8" Planned Commercial District shall be:
 - a. Animal hospitals and veterinary clinics.
 - b. Auditoriums and other facilities for public assembly.

- c. Child care centers, nursery schools, and day nurseries.
- d. Churches.
- e. Clubs, lodges, and meeting rooms.
- f. Financial institutions, not including drive-through facilities.
- g. Libraries and reading rooms.
- h. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - ii. Placed underground; or
 - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- i. Medical and dental offices.
- j. Mortuaries.
- k. Offices or office buildings.
- l. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- m. Police, fire, and postal stations.
- n. Recreational facilities, including indoor theaters, but not including drive-in theaters, golf practice driving ranges, and outdoor swimming pools.
- o. Restaurants, including fast food restaurants except those which provide drive-through service or those which constitute the only use in a freestanding building.
- p. Fast food restaurants selling only ice cream products, yogurt, or similar dairy dessert products, and soft drinks.
- q. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- r. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public on the premises.

2. The above uses in the "C8" Planned Commercial District shall be restricted as follows:
 - a. There shall be no open kennels, overnight boarding of animals or outdoor exercise yards permitted in relation to the "Animal Hospital/veterinary clinic."
 - b. One (1) outlot building shall be permitted.

D. FLOOR AREA AND HEIGHT REQUIREMENTS

1. FLOOR AREA

- a. The supermarket shall not exceed seventy-six thousand two hundred (76,200) square feet in area.
- b. The retail shopping area abutting the supermarket shall not exceed seventeen thousand five hundred (17,500) square feet in area.
- c. The outlot building shall not exceed eleven thousand three hundred (11,300) square feet in area.

2. HEIGHT

- a. The maximum height of buildings, exclusive of roof screening, shall not exceed one (1) story in height.

E. STRUCTURE AND PARKING SETBACKS

1. STRUCTURE SETBACKS

No building or structure, other than a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. Twenty-five (25) feet from the right-of-way of Baxter Road.
- b. Fifty (50) feet from the right-of-way of Clarkson Road.
- c. Twenty-five (25) feet from the northern boundary of this "C8" Planned Commercial District.
- d. Thirty (30) feet from the east boundary of this "C8" Planned Commercial 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. Ten (10) feet from the right-of-way of Clarkson Road.
- b. Ten (10) feet from the right-of-way of Baxter Road.
- c. Ten (10) feet from the northern and eastern boundaries of this "C8" Planned Commercial 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 a 17.1% reduction shall be permitted with this development.
2. Construction Parking
 - a. Adequate temporary off-street parking for construction employees shall be provided. Parking on non-surfaced areas shall be 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.

G. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall submit a landscape plan, tree stand delineation plan, 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 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.
3. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

H. SIGN REQUIREMENTS

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works, St. Louis County Department of Highways and Traffic, and the Missouri Department of

Transportation for sight distance considerations prior to installation or construction.

2. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
3. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. The location of this sign and landscaping shall be as approved by the Planning Commission on the Site Development Plan.
4. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

I. LIGHT REQUIREMENTS

1. No on-site illumination source shall exceed twenty-five (25) feet in height.
2. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
3. The location and height of the light standards will be as approved by the Planning Commission.
4. 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. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
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 also be enclosed within a six (6) foot high sight-proof enclosure complimented by adequate landscaping and consist of a material also approved by the Planning Commission on 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 the subject site from Clarkson Road north of Baxter Road shall be located as approved by the Missouri Department of Transportation and Transportation Department. This entrance access will ultimately be limited to right turns in and right turns out only due to the future median barrier on Clarkson Road in this area.
2. One (1) minor entrance limited to right in and right out turning movements shall be permitted for the shopping center a minimum distance of three hundred (300) feet from Clarkson Road.
3. There shall be one (1) main entrance into the shopping center on the north side of Baxter Road to be aligned with the main entrance into the church complex on the south side of Baxter Road, both containing channelized islands. These main entrances shall be a minimum distance of six hundred (600) feet west of Old Baxter Road-Old Clarkson Road.
4. There shall not be any other driveways from the shopping center, except a service entrance to the shopping center, intersecting Baxter Road.

L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Conform to the requirements of the Missouri Department of Transportation regarding Clarkson Road (Route 340) in this area.
2. Improve Clarkson Road to a minimum of five (5) lane roadway, with stabilized shoulders and storm water drainage facilities as required by the Missouri Department of Transportation.
3. As the tract abuts a roadway under the jurisdiction of the Missouri Department of Transportation, sidewalks along the tract must be placed in a public easement outside of the state right-of-way. Maintenance of sidewalks along state highways must be the responsibility of the property owners.
4. Provide a sidewalk or stabilized shoulder adjacent to Clarkson Road.
5. Improve Baxter Road from Clarkson Road to Old Clarkson Road-Old Baxter Road to a minimum of eighty-two (82) foot right-of-way and sixty-three (63) foot pavement including required storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic. This proposed five lane facility

would function as two (2) eastbound through lanes, one (1) continuous left turn lane and two (2) westbound through lanes.

6. Provide a sidewalk adjacent to Baxter Road.
7. Install a traffic signal at the intersection of Baxter Road and the main entrances to the shopping center and church property at seventy percent (70%) completion of the development. Also interconnect with existing signal system on Baxter Road.
8. The service entrance on Baxter Road to the shopping center shall be approximately two hundred seventy-five (275) feet east of the main entrance to the shopping center.
9. Install a traffic signal at the intersection of Baxter Road and Old Baxter Road-Old Clarkson Road. Install underground conduit and interconnect between Clarkson Road and Old Baxter Road-Old Clarkson Road as directed by the St. Louis County Department of Highways and Traffic.
10. It should be noted that upon completion of Baxter Road through this development and the Missouri Department of Transportation's improvements to the roadway system in this area and when directed by MODOT, a cul-de-sac turnaround will be constructed on Old Baxter Road near the existing entrance to the Brandywine Condominium Development which will terminate access to Clarkson Road (State Route 340) at this location. Following completion of this road closure, all area traffic will utilize Baxter Road to access Clarkson Road.
11. The main entrance driveway serving the shopping center shall be thirty-eight (38) feet in width to provide two (2) new through lanes and one (1) continuous left turn lane for a distance of approximately one hundred fifty (150) feet with 15:1 tapers. Parking shall be prohibited along both sides of this main drive. Minor parking lot driveways shall not intersect this main drive closer than approximately one hundred fifty (150) feet from Baxter Road.
12. The driveway adjacent to the proposed supermarket and retail shops shall be a minimum of thirty-two (32) feet in width to provide two (2)-twelve (12) foot driving lanes and an eight (8) foot drop-off/pick-up lane. Parallel and angle parking shall be restricted along both sides of this driveway.
13. The entrance driveway at Clarkson Road serving the shopping center shall be thirty-two (32) feet in width. There shall be no minor driveway intersecting within approximately one hundred (100) feet.
14. The service driveway for the shopping center located along the eastern property line shall be designed as a two (2)-way driveway. Trucks will use this driveway entering and exiting from Baxter Road.

15. Internal parking lot driveways serving the shopping center shall be a maximum of twenty-four (24) feet in width. Wider driveway widths on skewed approaches to the parking lot create an unnecessary hazard.
16. The Missouri Department of Transportation requirements include dual left turn facilities for southbound Clarkson Road traffic and a right turn lane for northbound Clarkson Road traffic turning east at the Baxter Road intersection. This further widening will require modification of the traffic signal facilities recently completed as part of the Baxter Road improvements.
17. The first entrance east of Clarkson Road shall be right in/right out through an extension of the median of Baxter Road east of the entrance and shall be a minimum of twenty-four (24) feet in width for a minimum distance of one hundred (100) feet. There shall be no minor driveways intersecting within one hundred (100) feet.

M. TRAFFIC STUDY

A traffic study, as directed by the City of Chesterfield, including internal and external circulation, shall be required for review, and approval, by the City of Chesterfield Department of Public Works, the Missouri Department of Transportation and the St. Louis County Department of Highways and Traffic prior to Site Development Plan approval.

N. POWER OF REVIEW

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.

O. STORMWATER AND SANITARY SEWER

1. The developer shall provide verification to the St. Louis County Department of Public Works that adequate sanitary services are provided.
2. Interim stormwater drainage control in the form of siltation control measures are required.
3. Submit to the Planning Commission an engineering plan approved by the Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.

4. The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield standards.
5. All stormwater shall be discharged at an adequate natural discharge point.
6. Detention or differential runoff of stormwater is required by providing permanent detention facilities, such as dry reservoirs, ponds or other acceptable alternative. The detention basin shall be completed and in operation prior to paving of any streets or parking areas.

P. ROADWAY IMPROVEMENTS AND CURB CUTS.

1. Obtain approval from the City of Chesterfield Department of Public Works, the St. Louis County Department of Highways and Traffic and the Missouri Department of Transportation for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
2. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

Q. GRADING AND IMPROVEMENT PLANS

R.

1. A grading permit is required prior to any grading on the site. No change in watershed shall be permitted.

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

A TIME PERIOD FOR PLAN SUBMITTAL

1. The developer shall submit a Site Development Plan within eighteen (18) months of City Council approval of the Preliminary Development Plan. This requirement shall be accomplished prior to issuance of building permits.