

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBERS 1413, 1495 AND 1557 TO ALLOW FOR AN AMENDMENT TO THE PERMITTED USES FOR A "PC" PLANNED COMMERCIAL DISTRICT FOR A 4.26-ACRE TRACT OF LAND LOCATED ON NORTH SIDE OF SWINGLEY RIDGE ROAD, WEST OF OLIVE BOULEVARD (P.Z. 11-2006 BLACKS RIDGE OFFICE BUILDING {BRINKMANN CONSTRUCTION}).

WHEREAS, the petitioner, Brinkmann Construction requested that medical office be added as a permitted use; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the request to add medical office as a permitted use; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning.

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

Section 1. City of Chesterfield Ordinance Numbers 1413, 1495 and 1557 are hereby repealed and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for Swingley Ridge Office Building.

LEGAL DESCRIPITON

A tract of land being part of Lots 4, 5 and 6 of Pickwick Shopping Center, according to Plat recorded in plat book 64, page 30, and part of lot 33 of West County Acres Plat 1. According to Plat recorded in plat book 64, page 64 of the St. Louis County Records, in US survey 415, township 45 north, range 4 east, City of Chesterfield, St. Louis County, Missouri and more particularly described as follows:

Beginning at a set 1/2" iron rod set for the northwest corner of lot 29 of the above said West county Acres plat 1: thence along the southwesterly line of said lot 29 and the southwesterly line of lots 30, 31, and 32 of said West County Acres Plat 1, and the southwesterly line of lot 7 of the above said Pickwick Shopping Center the following coursed and distances: South 73°03'44" East 311.12 feet; thence South 35°31'07" East 279.05 feet to a set 1/2" iron rod; thence South 13°45'30" East 301.77 feet to a set 1/2" iron rod set on the northeasterly line of U.S. Highway 40, as established by an unrecorded deed from Gloria Norma Escobedo Derojas and Alfredo Rojas Leon to the State of Missouri, signed October 11, 1988, and by deed recorded in Book 11360, pages 992 said point being on a curve for which the radius bears north 25°54'05" east 389.26 feet; thence along the northeasterly line of said U.S. Highway 40 the following courses and distances: in a northwesterly direction along last said curve in an arc distance of 3.13 feet to a set 1/2" iron rod set for a point of compound curvature, said curve having a radius of 2,221.83 feet; thence along said curve an arc distance of 310.92 feet to a set 1/2" iron rod set for a point of curvature to the right, said curve having a radius of 2794.79 feet; thence along said curve an arc distance of 487.74 feet to a set 1/2" iron

rod set for a point on the curve and the southeast corner of a tract of land now or formerly owned by the Atrium at Chesterfield, L.P. by deed recorded in book 8352, page 2457 of the St. Louis County Records; thence along the southeasterly line of said atrium at Chesterfield tract the southeasterly line of said Atrium at Chesterfield tract the following courses and distances: north 57°33'34" east 107.66 feet to a cut cross on a concrete flume: thence south 74°18'51" east 103.85 feet to a set ½" iron rod set on the southeasterly line of aforementioned lot 10 of John Long Estate Partition; thence north 10°34'34" east continuing along the southeasterly line of said Atrium at Chesterfield tract and the southeasterly line of said lot 10 of the John Long Estate Partition a distance of 56.28 feet to the point of beginning and containing 4.258 acres more or less.

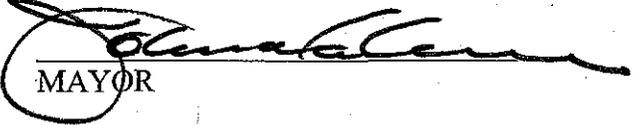
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment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

Section 3. The City Council, pursuant to the petition filed by Brinkmann Construction in P.Z. 11-2006, 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 June, 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.

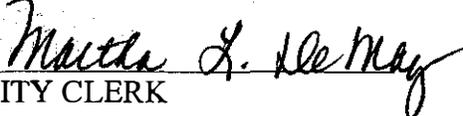
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 5th day of MARCH, 2007.


MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 2/21/2007

ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. Information to be shown on the Site Development Concept Plan shall adhere to conditions specified under General Criteria-Site Development Plan. Site Development Plans and Site Development Section Plans shall adhere to specific design criteria.

B. PERMITTED USES

1. The uses allowed in this "PC" Planned Commercial District shall be:

- a. Restaurants-sit down.**
- b. Medical offices.**
- c. Offices and office buildings.**
- d. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises.**

2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:

- a. The use "d" listed above shall be ancillary to the office uses and shall be focused to the interior of the office building, with the exception of the use--restaurants-sit down.**

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

1. FLOOR AREA

Total building floor area shall not exceed 76,250 square feet so long as the development meets the applicable parking requirements.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed (3) three visible floors from the South and (4) four visible floors from the North.**

- b. The height of the parking structure shall be reviewed by the City of Chesterfield.

3. BUILDING REQUIREMENTS

- a. A minimum of 35% openspace is required for this development.
- b. Floor Area Ratio: F.A.R. is the gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking. Planning Commission may request two (2) calculations: one (1) calculation for those areas above grade and another that includes building area below grade.

This development shall have a maximum Floor Area Ratio (F.A.R.) of 0.40.

- c. The development shall not exceed a maximum of two (2) structures, which could include one (1) parking structure.

E. 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:

Building Setbacks

- a. Thirty-five (35) feet from the right-of-way of Swingley Ridge Drive Extension.
- b. Two hundred and forty-five (245) feet from the east property limit of this parcel.
- c. One hundred and eighty-five (185) feet from the north property limit of this parcel.
- d. Two hundred and sixty (260) feet from the west property limit of this parcel.

Parking Structure Setbacks

- a. One hundred and eighty-five (185) feet from the north property limit of this parcel (from lines with bearing N57° 33' 34", S74° 78' 15", and N10° 34' 34"E).

- b. Zero (0) feet from the property line with bearing S73° 03' 44"E.
- c. Zero (0) feet from the property line with bearing S35° 31' 07"E.
- d. Ten (10) feet from the east property limit of the parcel, except where the site shares a property line with Swingley Ridge II (PZ 11-99) the setback shall be zero (0) feet (line bearing S 13° 45' 30"E).
- e. Thirty-five (35) feet from the right-of-way of Swingley Ridge Drive.

2. PARKING SETBACKS

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

- a. Fifteen (15) feet from the right-of-way of Swingley Ridge Drive Extension
- b. Ten (10) feet from the east property limit of the parcel, except where the site shares a property line with Swingley Ridge II (PZ 11-99) the setback shall be zero (0) feet (line with bearing S 13° 45' 30" E).
- c. Ten (10) feet from the north property limit of the parcel (from lines with bearing N57° 33' 34", S74° 78' 15", and N10° 34' 30"E).
- d. Zero (0) feet from the property line with bearing S35° 31' 07"E.
- e. Zero (0) feet from the property line with bearing S73° 03' 44"E.

F. PARKING AND LOADING REQUIREMENTS

- 1. Loading requirements shall be as required by Section 1003.165 Parking and Loading Regulations of the City of Chesterfield Zoning Ordinance. Parking for this development shall, at a minimum, be provided at four (4) spaces per one thousand (1000) square feet of gross floor area. For all permitted uses requiring more than four (4) spaces per one thousand (1000) square feet of gross floor area, the parking requirements shall be as required by Section 1003.165.

2. Construction Parking
 - a. 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.
 - b. 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.
3. Parking lots shall not be used as streets.

G. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. Landscaping, if proposed in the right-of-way, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, or any other applicable agency.
3. Building and parking setbacks and curb islands at the ends of parking rows shall be landscaped and approved by the Planning Commission on appropriate development plans. Planter islands should be sufficient in area to support mature shade trees.
4. Landscaping with a combination of deciduous and evergreen trees shall be installed along the property limits of this development which abuts residential properties, and six (6) deciduous or evergreen trees along both the northeastern and southeastern portions of the parking garage shall be provided, as approved by the Planning Commission on the appropriate Site Development Plan.
5. All new landscaping materials shall meet the following criteria:
 - (1) Deciduous Trees-two and one-half (2 ½) inches minimum caliper.
 - (2) Evergreen Trees-four (4) feet minimum height.
 - (3) Shrubs-eighteen (18) inch minimum diameter.

H. SIGN REQUIREMENTS

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.
2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.
3. No advertising, temporary or portable signs shall be permitted.

I. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. The height and location of all light standards shall be as approved by the City of Chesterfield. No source of illumination shall be so situated 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 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 shall be provided by two (2) entrances off of Swingley Ridge Road. Drives shall be constructed to type 2 commercial concrete entrance standards. A minimum distance of two hundred (200) feet shall be maintained between drives off Swingley Ridge Road, including access drives to adjacent tracts.
2. Access and circulation to this site shall be per the review and approval of the Chesterfield Fire Protection District.
3. No direct access will be granted to Route 64/40.

L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield. No gate installation will be permitted on public right of way.
2. If a gate is installed on a street in this development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.
6. The developer shall make right of way dedications as required by the City of Chesterfield and also provide a ten (10) foot "Permanent Roadway Improvement, Maintenance, Utility, Sewer and Sidewalk Easement" adjacent to Swingley Ridge Road.
7. Construct a five (5) foot wide sidewalk and associated handicap ramps, within the sidewalk easement, adjacent to Swingley Ridge Road. The five (5) foot wide sidewalk shall connect the existing four (4) foot wide sidewalk located west of the site to the existing five (5) foot wide sidewalk to the east of the site.

M. POWER OF REVIEW

The Mayor or a Councilmember of the Ward in which a development is proposed 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

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.

2. Detention/retention and other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty percent (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.

O. SANITARY SEWER

A Caulks Creek surcharge fee of \$2,750 per acre will be required by the Metropolitan Sewer District prior to formal approval.

P. GEOTECHNICAL REPORT.

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. 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.

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

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. 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 change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.

- D. 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.
- E. 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.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall adhere to the above criteria and to the following:

1. All information required on a sketch plan as required in the City of Chesterfield City Code.
2. Include a landscape plan in accordance with the City of Chesterfield City Code.
3. Include a lighting plan in accordance with the City of Chesterfield City Code.
4. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

V. TRUST FUND CONTRIBUTION

- A. The developer will contribute to the Chesterfield Village Trust Fund. This contribution will not exceed an amount established by multiplying the ordinance required parking spaces for the difference between the existing and proposed uses by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Medical Office	\$1,611.66/Parking Space
Loading Space	\$2,637.29/Loading Space

(Parking spaces as required by the City of Chesterfield Code.)

If types of development proposed differ from those listed, the Department of Highways and Traffic will provide rates.

Credits for roadway improvements will be as approved by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic.

As this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development will be retained in the appropriate trust fund.

The amount of the required contribution, if not approved for construction by January 1, 2007 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

VI. SWINGLEY RIDGE ROAD TRUST FUND

The developer should make contributions to the Swingley Ridge Road Trust Fund in accordance with City of Chesterfield Ordinance #361.

VII. RECORDING

Within 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.

VIII. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Prior to any Special Use Permit being issued by St. Louis County Department of Highways and Traffic, a special cash escrow must be established with this Department to guarantee completion of the required roadway improvements.

IX. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

- A. Prior to the issuance of foundation or building permits, all approvals from all applicable agencies and the Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.
- B. Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, 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.
- C. If the estimated cost of new landscaping indicated on the Site Development Plan or individual Site Development Section Plans, as required, 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. Prior to release of the landscape escrow or bond, a two (2) year Landscape Maintenance Bond or Escrow, sufficient in amount to guarantee the replacement of landscaping, shall be furnished. Said bond shall be based on costs determined by a plan nursery and approved by the Department of Planning.

X. 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 approvals/permits by reviewing 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.