

BILL NO. 2528

ORDINANCE NO. 2346

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "M3" PLANNED INDUSTRIAL DISTRICT TO A "PI" PLANNED INDUSTRIAL DISTRICT FOR A 23.45-ACRE TRACT OF LAND LOCATED NORTH OF CHESTERFIELD AIRPORT ROAD, EAST OF GODDARD [P.Z. 01-2007 Sentrus (17947 Chesterfield Airport Road)]

WHEREAS, the petitioner, Phase II Investments, LLC, has requested a change in zoning from a "M3" Planned Industrial District to a "PI" Planned Industrial District for a 23.45 acre tract of land located north of Chesterfield Airport Road and East of Goddard Road; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the rezoning request; and,

WHEREAS, the City Council upon review of said request, recommended approval with an amendment to the permitted uses.

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 "PI" Planned Industrial District for a 23.45 acre tract of land located north of Chesterfield Airport Road and East of Goddard Road and described as follows:

A tract of land in U.S. Survey 150 and being part of Lots 1 and 2 of Subdivision of Richard H. Stevens Farm, Township 45 North, Range 3 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, being the same property described in a deed to Porntip and Muk Rotrakarn as recorded in Deed Book 7408, Page 170 of the St. Louis County, Missouri, Recorder's Office, and being more particularly described as follows:

Beginning at a point in the North line of Chesterfield Airport Road and the East line of property now or formerly of Insight Holdings L.L.C. as recorded in Deed Book 14162, Page 2719 of the St. Louis County, Missouri, recorder's Office; thence along the Eastern line of said Insight Holdings L.L.C. tract and the Eastern lines of tracts of land described in a deed to The Morgan Group L.L.C. recorded in Deed Book 12954, Page 2509 of the St. Louis County Records, a tract of land described in a deed to 722 Goddard L.L.C. recorded in Deed Book 15145, Page 1684 of the St. Louis County Records, a tract of land described in deed to Chesterfield Valley Centre One, Douglas Development Company recorded in Deed Book 7877, Page 1994 of the St. Louis County Records, North 10 degrees 52 minutes 14 seconds West, 1402.91 feet to a point in the South line of U.S. Highway Route 40-61, now known as Interstate

Highway 64, thence along said Southern line the following courses and distances: South 83 degrees 02 minutes 57 seconds East 574.52 feet (571.94 feet record); thence South 79 degrees 14 minutes 14 seconds East 213.17 feet; thence leaving said Southern line, along the western line of a tract of land described in a deed to Danna Development L.L.C. recorded in Deed Book 12836, Page 324 of the St. Louis County Records and the prolongation thereof and the western line of a tract of land described in a deed to Chesterfield Exchange L.L.C. recorded in Deed Book 13894, Page 1623 of the St. Louis County Records, South 10 degrees 53 minutes 25 seconds East 1394.01 feet to a point in the North line of Chesterfield Airport Road, thence along said North line North 82 degrees 38 minutes 38 seconds West 269.36 feet to a southeast corner of a tract of land described in a deed to DMT L.L.C. recorded in Deed Book 13004, Page 982 of the St. Louis County Records, thence leaving said North line, along the Eastern, Northern and Western line of said DMT L.L.C. tract the following courses and distances: North 07 degrees 21 minutes 22 seconds East, 123.00 feet, thence North 82 degrees 38 minutes 38 seconds West 200.00 feet, thence South 07 degrees 21 minutes 22 seconds West 123.00 feet to a point in the aforesaid North line of Chesterfield Airport Road, thence along said North line North 82 degrees 38 minutes 38 seconds West 315.61 feet to the place of beginning and containing ~~1,021,752 square feet or 23.456 acres~~ more or less, according to the survey by Stock and Associates Consulting Engineers, Inc. during December, 2006.

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 Phase II Investments, LLC, in P.Z. 01-2007, 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 22nd day of January, 2007, 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.

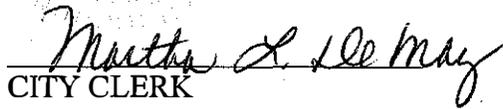
Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 16th day of April, 2007.




MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 4/16/07

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-Concept Plan. Site Development Plans and Site Development Section Plans shall adhere to specific design criteria.

B. PERMITTED USES

1. The uses allowed in this "PI" Planned Industrial District shall be:
 - a. Business, professional, and technical training schools.
 - b. Business service establishments.
 - c. Financial Institutions.
 - d. Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:
 - i. Facilities producing or processing explosives or flammable gases or liquids;
 - ii. Facilities for animal slaughtering or rendering;
 - iii. Sulphur plants, rubber reclamation plants, or cement plants; and
 - iv. Steel mills, foundries, or smelters.
 - e. Medical and Dental offices.
 - f. Offices or Office buildings.
 - g. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.
 - h. Printing and duplicating services.
 - i. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
 - j. Restaurants, fast food.

- k. Restaurants, sit down.
 - l. Stores, shops, markets, service facilities, and automatic vending facilities in which good or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
 - m. Warehousing, storage, or wholesaling of manufactured commodities, excluding live animals, explosives, or flammable gases and liquids; except storage of explosives shall be permitted only on the northeast corner lot depicted as Lot 4 of the preliminary plan/site development concept plan.
2. The following Ancillary Uses shall be permitted:
- a. Automatic vending facilities for:
 - i. Ice and solid carbon dioxide (dry ice);
 - ii. Beverages;
 - iii. Confections.
 - b. Cafeterias for employees and guests only.
3. The above uses shall be restricted as follows:
- a. For use "m.", devices that have explosives may be stored in a secure underground bunker, 30 feet by 20 feet by Sentrus Government Systems Division, Inc. or its successors, constructed, secured and accessed pursuant to the Bureau of Alcohol, Tobacco, Firearms, and Explosives regulations and requirements. This limited permission only extends to devices used for demonstration, prototyping, support purposes and does not extend to inventory or general warehousing of explosives.
 - b. Uses "j.", "k.", and "l." shall be limited to those lots within six hundred (600) feet of Chesterfield Airport Road.

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

1. HEIGHT

- a. Any building exceeding thirty (30) feet in height shall be reviewed in accordance with the City's Architectural design review including conformance to the sky exposure plane guideline.

2. BUILDING REQUIREMENTS

- a. A minimum of thirty percent (30%) openspace is required for this development.

D. 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. Thirty (30) feet from the eastern property line of this development.
- b. Twenty five (25) feet from the western property line of this development.
- c. There shall be a twenty five (25) foot setback from the northern, eastern, and western property lines bordering 17V520082.
- d. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
- e. Ninety (90) feet from the right-of-way of I-64/U.S. 40-61.

2. PARKING SETBACKS

- a. No parking stall or loading space will be located within the following setbacks:
 - i. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
 - ii. Ten (10) feet from the internal property lines, with the exception of shared driveways.
 - iii. Fifteen (15) feet from the principal internal street.
 - iv. Thirty (30) feet from the right-of-way of I-64/U.S. 40-61.
 - v. Thirty (30) feet from the east and west property lines of this development.

- b. No internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:
 - i. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
 - ii. Thirty (30) feet from the right-of-way of I-64/U.S. 40-61.
 - iii. Thirty (30) feet from the east and west property lines of this development.

E. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. No construction related parking shall be permitted within the Chesterfield Airport Road right of way.
- 3. No parking shall be permitted on any roadway in or adjacent to the development. The parking restriction and requirement for signage shall be indicated on the Site Development Plan and improvement plans. Signage shall be posted within thirty (30) days of the placement of street pavement.

F. LANDSCAPE AND TREE REQUIREMENTS

- 1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.

G. SIGN REQUIREMENTS

- 1. Sign package submittal materials shall be required for this development. All sign packages shall be reviewed and approved by the City of Chesterfield Planning Commission.
- 2. 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.

H. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

I. 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, elevation, and material 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.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

J. ACCESS/ACCESS MANAGEMENT

1. Access to this development from Chesterfield Airport Road shall be restricted to one (1) 3-lane street approach with two (2) outbound and one (1) inbound lane, located to provide required sight distance and constructed to Saint Louis County standards as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield. The street shall generally align with Cepi Drive, which lies on the south side of Chesterfield Airport Road.
2. Provide cross access easement(s) as required to ensure the parcel at 17909 Chesterfield Airport Road, three (3) sides of which are contiguous to this development, has reasonable access to a proposed road in this development per the standards outlined in Chapter 26, Article III, Driveway Access Location and Design Standards, of the City Code.

K. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Extend Long Road Crossing Drive from its existing terminus east of the site, providing a connection to Chesterfield Airport Road via public right-of-way.
2. Provide a forty (40) foot right of way with a minimum of ten (10) foot roadway improvement, maintenance, utility and drainage easements on both sides for all interior roadways. Minimum roadway sections shall provide a twenty six (26) foot travelway with seven (7) foot shoulders on both sides and appurtenant storm drainage facilities as required by the Department of Public Works.
3. Road improvements shall be constructed prior to or concurrently with construction on the first lot developed and completed prior to the occupancy of any building on that lot. Building permits shall not be issued for more than one lot prior to completion of the road improvements.
4. Provide additional right of way and improvements, along Chesterfield Airport Road as required by the Department of Public Works and/or the St. Louis County Department of Highways and Traffic.
5. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road frontage of the site and along both sides of all interior roadways. The sidewalks shall connect to the sidewalks constructed with the adjacent development to the east. The sidewalk shall be privately maintained; therefore, no public easements shall be required.
6. Construct a westbound right turn lane two hundred (200) feet in length on Chesterfield Airport Road at Sentrus Place with a 10:1 inbound taper as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
7. Construct a ten (10) foot wide shoulder adjacent to Chesterfield Airport Road along the frontage of the tract, except where it is located adjacent to the right turn lane where its width shall be six (6) feet wide, to Saint Louis County standards, as directed by Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
8. Parking shall be prohibited along both sides of principal internal street for a distance of at least two hundred (200) feet from Chesterfield Airport Road right-of-ways. The principal internal street shall not have stop signs or speed bumps for a distance of

at least two hundred (200) feet from the Chesterfield right-of-ways. Minor driveways shall not intersect the main driveways closer than one hundred and fifty (150) feet from Chesterfield Airport Road right-of-ways. These setbacks are as directed by the City of Chesterfield and Saint Louis County Department of Highways and Traffic.

9. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide adequate sight distance as directed by the St. Louis County Department of Highways and Traffic.

L. POWER OF REVIEW

The City Council shall review and provide final approval of the Site Development Concept Plan for the proposed development subsequent to Planning Commission review.

M. STORMWATER

1. Per the Chesterfield Valley Master Storm Water Plan, a ten (10) foot wide flat bottom ditch has been constructed along the north property line of this site, with drainage from this site directed to the east to the pump station at Long Road. The developer shall extend the existing ditch on this site to the west to connect to the existing ditch on the adjacent parcel to provide positive drainage. The developer shall coordinate construction of the required storm water improvements with the owners of the properties affected by construction of the required improvements.
2. Provide any additional Chesterfield Valley Storm Water Easement along the north and east property lines as required and directed by the Department of Public Works to accommodate the Chesterfield Valley Master Storm Water Plan channel in that area, and depict the channel on the Site Development Plan and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.
3. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.
4. Treatment may be required for water quality in accordance with MSD regulations dated February 2006.
5. Any improvements within MoDOT's right-of-way will require a permit. The drainage design shall be in accordance with MoDOT standards.

6. 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.
7. All drainage detention storage facilities shall 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.
8. Storm water shall be controlled as required by the Chesterfield Valley Master Facility Plan.

N. SANITARY SEWER

1. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, in accordance with the Metropolitan St. Louis Sewer District Conceptual Sewer Master Plan for Chesterfield Valley.

O. GEOTECHNICAL REPORT.

1. Prior to Site Development Section Plan Approval, 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.

P. 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.
2. Prior to the issuance of an occupancy permit, any existing stormwater channel located on this site and between this site and the pump station to which it should drain shall be regraded to restore the channel to the line and grade of the original design.
3. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750 per acre.

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 CONCEPT PLAN SUBMITTAL REQUIREMENTS

The Site Development Concept Plan shall include, but not be limited to, the following:

1. All information required on a sketch plan as required in the City of Chesterfield Subdivision Ordinance.
2. Provide a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.

3. Provide a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.

B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

The Site Development Section 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 Subdivision Ordinance.
2. Provide a landscape plan in accordance with the City of Chesterfield Code.
3. Provide a lighting plan in accordance with the City of Chesterfield 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

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.

The developer shall be required to contribute to the Chesterfield Valley Trust Fund.

Roads

The amount of the developer's contribution to this fund shall be computed based on the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$2.07/sq.ft.of building space
Office	\$1.44/ sq.ft.of building space
Industrial	\$4,986.59/acre

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

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

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

roadway improvement contribution that remains, following completion of road improvements as required by the development shall be retained in the appropriate Trust Fund.

The roadway improvement contribution shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (SUP) by the Saint Louis County Highways and Traffic. Funds shall be payable to the "Treasurer, Saint Louis County."

Trust fund contributions shall be deposited with Saint Louis County in the form of a cash escrow prior to the issuance of building permits.

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$654.66 per acre for that total area as approved on the Site Development Plan to be used solely to help defray the cost of construction the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasurer, Saint Louis County".

Stormwater

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by Saint Louis County and MSD. The amount of storm water contribution will be computed based on \$2, 077.15 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (SUP) by Saint Louis County Department of Highways and Traffic. Funds shall be payable to the "Treasure, Saint Louis County."

Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek Impact Fee. The sanitary sewer contribution within Chesterfield Valley area shall be deposited with MSD as required by the District.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2008 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 Saint Louis County Department of Highways and Traffic.

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

VI. 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.

VII. 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 or a special escrow supported by an Irrevocable Letter of Credit, must be established with the Saint Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.

VIII. 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.

IX. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Concept and Section Plans 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.