

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "R3" RESIDENCE DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 1.1-ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF CHESTERFIELD PARKWAY AND CONWAY ROAD. (P.Z. 16-2006 Conway Point Office Building {Nelson McBride Development})

WHEREAS, the petitioner, Nelson McBride Development, has requested a change in zoning from a "R3" Residence District to a "PC" Planned Commercial District for a 1.1-acre tract of land located at the southwest corner of Chesterfield Parkway and Conway Road; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the request; 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. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District for a 1.1-acre tract of land located at the southwest corner of Chesterfield Parkway and Conway Road and described as follows:

Legal Description

A tract of land being part of Fractional Section 10, Township 45 North, Range 4 East, situated in the City of Chesterfield, St. Louis County, Missouri and being further described as follows: Beginning at the intersection of the South line of Conway Road as widened by instrument recorded indeed Book 8572, page 2304 of the St. Louis County Records with the East line of property convey to Raymond L. and Dorothy M. Laux by instrument recorded in Deed Book 2307, page 70 of the St. Louis County Records; thence along said South line of Conway Road, being a curve to the left having a radius of 746.20 feet an arc distance of 77.73 feet (chord of North 86 degrees 51 minutes 20 seconds East, 77.69 feet) to a point of tangent; thence North 83 degrees 52 minutes 17 seconds East, 132.15 feet to the West line of Chesterfield Village Parkway; thence along said West line, South 6 degrees 07 minutes 44 seconds East, 62.80 feet to an angle point therein; thence along said curve to the right having a radius of 633.94 feet an arc distance of 148.19 feet (chord of South 8 degrees 00 minutes 56 seconds West, 147.85 feet) to a point on the North line of Interstate 64 (former State route 40TR); thence along said North line, North 70 degrees 04 minutes 17 seconds West, 197.41 feet to the intersection of the East line of Laux, as aforementioned; thence along said East line North 4 degrees 31 minutes 39 seconds West, 181.39 feet to the point of beginning and containing 46,287 square feet (1.063 acres) according to survey by The Clayton Engineering Company July, 1998.

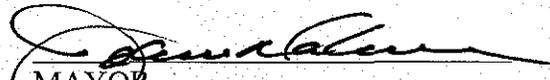
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment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

Section 3. The City Council, pursuant to the petition filed Nelson McBride Development, in P.Z. 16-2006, 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 10th day of July, 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.

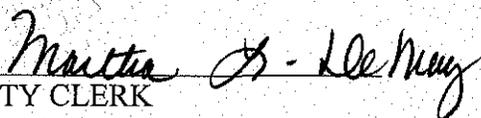
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

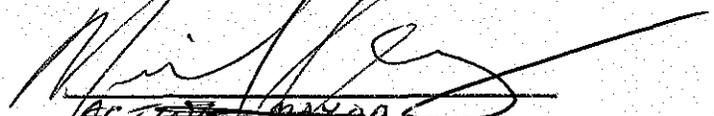
Passed and approved this 22nd day of MAY, 2007.


MAYOR

ATTEST:


CITY CLERK

PASSED THIS 21ST DAY OF MAY, 2007


~~ACTING MAYOR~~
PRESIDENT OFFICER

FIRST READING HELD: 5/07/2007

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. PERMITTED USES

1. The uses allowed in this "PC" Planned Commercial District shall be:
 - a. Offices or Office Buildings
 - b. One (1) parking garage

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

1. BUILDING REQUIREMENTS

- a. A minimum of forty-five percent (45%) open space is required for this development.

C. 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. Ninety-five (95) feet from the right-of-way of Conway Road on the northern boundary of this Planned Commercial "PC" District.
- b. Sixty (60) feet from the western property line bearing N 04° 31' 39" W.
- c. Fifty (50) feet from the southern property line bearing N 70° 04' 17" W.
- d. Twenty (20) feet from the eastern property line bearing S 04° 50' 21" E.

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. Eighteen (18) feet from the right-of-way of Conway Road.
- b. Ten (10) feet from the western property line bearing N 04° 31' 39" W.
- c. Eighteen (18) feet from the southern property line bearing N 70° 04' 17" W.
- d. Thirteen (13) feet from the eastern property line bearing S 04° 50' 21" E.
 - i. If right of way along the eastern property line of this development is acquired and zoned appropriately, said parking and loading space setbacks may be measured from the new right of way line as directed by the City of Chesterfield.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
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.
4. No construction related parking shall be permitted within the Conway Road right-of-way.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
 - a. A ten (10) foot landscape buffer shall be required along the western property line bearing N 04° 31' 39" W.
2. Landscaping in the right of way, if proposed, shall be reviewed by the City of Chesterfield, the Missouri Department of Transportation and/or the St. Louis County Department of Highways and Traffic.

F. 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, Missouri Department of Transportation, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

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

H. 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.

I. ACCESS/ACCESS MANAGEMENT

1. No direct access to Highway 40/64 or Chesterfield Parkway will be allowed for this development.
2. The property bound by this ordinance shall be allowed one (1) defeasible entrance to Conway Road. The entrance shall be located near the western property line as directed by the City of Chesterfield. The defeasible entrance shall be temporary until such time that the use of the adjoining parcel to the west is revised and installation of a common entrance is practical. The common entrance shall align with the commercial entrance for the Applebee's restaurant in the Fairfield Suites development as directed by the City of Chesterfield. Cross access easements shall be provided by both parcels as directed by the City of Chesterfield. The defeasible entrance shall be removed and relocated within six (6) months of written notice by the City of Chesterfield. A Special Cash escrow for a portion of the common entrance and all work necessary to remove the defeasible entrance will be required prior to approval of the Improvement Plans.
3. Northbound left turns from Chesterfield Parkway East to westbound Conway Road are currently prohibited, and will not be permitted under existing geometric conditions and I-64 ramp location.
4. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require permit. To the entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Obtain approvals from the City of Chesterfield, St. Louis County Department of Highways and Traffic and the Missouri Department

of Transportation for areas of new dedication, and roadway improvements.

2. Provide a five (5) foot wide sidewalk along Conway Road. If the sidewalk cannot be constructed within the existing right of way, provide a sidewalk, maintenance, utility, and roadway widening easement as necessary to extend from the right of way to one foot beyond the sidewalk. The easement shall be established prior to approval of the Improvement Plans.
3. Provide the necessary easements and a cash escrow for future construction of an eight (8) foot wide sidewalk, street trees, and street lights along the Chesterfield Parkway frontage of the site in accordance with the City of Chesterfield "Pathway on the Parkway" project. The easements and escrow must be established prior to approval of the improvement plans.
4. Conform to the requirements and/or recommendations of the Missouri Department of Transportation regarding State Route 64/40 in the area.
5. Propose to flatten the embankment along I-64 to be no greater than 3:1 slope.

K. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield, St. Louis County Department of Highways and Traffic and/or the Missouri Department of Transportation. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

L. 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.

M. 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.
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 (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.
3. 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 specifications and requirements.
4. Downstream sanitary sewers will also need to be evaluated to ensure adequate capacity. Downstream sanitary sewers may need to be replaced or upgraded.
5. 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.
6. Provide adequate detention and/or hydraulic calculations for review and approval of all stormwater that will encroach on MODOT right of way.
7. If stormwater is discharged to the north stormwater should be controlled as required by the Chesterfield Valley Master Facility Plan. If stormwater is discharged to the south detention may be required for the project site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the two (2) year and one hundred (100) year, twenty-four (24) hour storm event. Stormwater must be discharged at an adequate discharge point. Wetland mitigation will not be allowed

within the detention basin area. Additional detention may also be required for water quality and channel protection.

N. 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.

O. MISCELLANEOUS

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. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of the property.
3. Density Calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.

10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways 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.
15. Depict all existing and proposed easements and rights-of-way within one hundred and fifty (150) feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Provide a lighting plan in accordance with the City of Chesterfield Code.
20. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
21. 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.
22. 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.

23. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

A. The developer will contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Road Trust Fund. This contribution shall 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> |
|----------------------------|------------------------------|
| General Office | \$537.19/Parking Space |
| Loading Space | \$2,637.29/Loading Space |

(Parking spaces as required by the City of Chesterfield Code.)
If types of development differ from those listed, rates shall be provided by the Saint Louis County Department of Highways and Traffic.

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

If 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 this required contribution, if not submitted by January 1, 2007 will 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 the St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer will provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

VI. RECORDING

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

VII. 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, the Missouri Department of Transportation the 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.

VIII. 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.