

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "NU" NON URBAN DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT WITH A "WH" WILD HORSE CREEK ROAD OVERLAY FOR A 8.04-ACRE TRACT OF LAND LOCATED NORTH OF WILD HORSE CREEK ROAD, WEST OF LONG ROAD [P.Z. 28-2006 Chesterfield Neighborhood Office Park (17655 and 17659 Wild Horse Creek Road)]

WHEREAS, the petitioner, Rodney Henry, has requested a change in zoning from a "NU" Non-Urban to a "PC" Planned Commercial District with a "WH" Overlay for a 8.04 acre tract of land located north of Wild Horse Creek Road and West of Long Road; and,

WHEREAS, the subject site is located in the Wild Horse Creek Road Sub Area; 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 parking requirement, building height, square footage of buildings, and maximum footprint of buildings.

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 with "WH" Overlay for a 8.04 acre tract of land located north of Wild Horse Creek Road and West of Long Road and described as follows:

A tract of land being part of lots 2 & 3 of Mary Schaeffer Estate Subdivision, a subdivision recorded in plat book 17 page 4 of the St. Louis County Land Records Office in St. Louis County, Missouri, more particularly described as follows:

Beginning at a found 1/2 " Iron pipe being on the western line of lot 2 at the southern right of way line of the Rock Island Railroad (100' W); thence eastwardly along the said railroad right of way, north 74 degrees 45 minutes 00 seconds east a distance of 405.43 feet to a set 1/2" x 18" rebar with cap stamped "Marler L.S. 347-D" (Typical); thence continuing along said railroad right of way along a curve to the right having a radius of 10445.92 feet, and arc length of 182.85 feet and a delta of 01 degrees 00 minutes 11 seconds to a set rebar; said point being on the eastern line of aforesaid lot 3: thence along said east line of lot 2, south 12 degrees 36 minutes 00 seconds east a distance of 462.49 feet to a set rebar; thence leaving said east line, south 77 degrees 24 minutes 00 seconds west a distance of 60.00 feet to a set rebar; thence south 12 degrees 36 minutes 00 seconds east a distance of 7.38 feet to a set rebar; thence along a curve to the right having a radius of 25.00 feet, an arc length of 35.51 feet and a delta of 81 degrees 23 minutes 00 seconds to a set rebar; thence south 68 degrees 47 minutes 00 seconds west a distance of 40.48 feet to a set rebar; thence

21 degrees 13 minutes 00 seconds east a distance of 60.00 feet to a set rebar, said rebar being on the southern right of way of Old Wild Horse Creek Road, as vacated by County council of February 8, 1937, a certified copy for which is recorded in deed book 1415 page 481; thence along said former southern right of way, the following courses and distances, south 68 degrees 47 minutes 00 seconds west a distance of 106.80 feet to a set rebar; thence south 52 degrees 51 minutes 00 seconds west a distance of 406.59 feet to a set rebar; said rebar being on the western lot line of aforesaid lot 2; thence along said western line of lot 2, north 12 degrees 36 minutes 00 seconds west a distance of 719.49 feet to the point of beginning, containing 350,470 square feet or 8.04 acres as surveyed by Marler Surveying Company Inc., during the month of August 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 Rodney Henry, in P.Z. 28-2006, 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 11th day of December, 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 16th day of JULY, 2007.

NOTE: LEGISLATION APPROVED BY CITY COUNCIL BUT NOT SIGNED BY THE MAYOR, BECOMES LAW FOLLOWING THE NEXT CITY COUNCIL MTG.

(NOT SIGNED BY MAYOR)

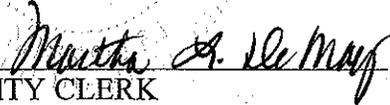

CITY ADMINISTRATOR

MAYOR


PRESIDENT PRO TEM

8/7/07

ATTEST:


CITY CLERK

FIRST READING HELD: 6/4/07

ATTACHMENT A

All provisions of the City of Chesterfield City Code, including both the Planned Commercial "PC" District and Wild Horse "WH" Overlay District requirements, 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 "PC" District with "WH" Overlay shall be:
 - a. Professional, business, government or institutional office;
 - b. Medical and dental office, excluding surgical centers;
 - c. Parks, parkways, and playgrounds, public or private not-for-profit;
 - d. Forest and wildlife reservations including conservation projects.

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

1. BUILDING REQUIREMENTS

- a. A minimum of fifty seven percent (57%) openspace is required for this development.
- b. The maximum total square footage for this development shall not exceed 30,000 square feet. The maximum building footprint for each building shall not exceed 5,000 square feet.
- c. 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 F.A.R. of (.13).

- d. Due to the distance of the structures from Wild Horse Creek Road and their location on the particular parcel, the shape of the parcel and the topography of this site, in this development, the maximum height shall be forty five (45) feet.

D. SETBACKS

1. STRUCTURE SETBACKS

No building, structure, or retaining wall (over six (6) feet in height) other than: a freestanding project identification sign, light standards, flag poles or fences will be located within the following setbacks:

- a. Eighty (80) feet from the right-of-way of the east west roadway system on the southern boundary of the PC District.
- b. One hundred and ten (110) feet from the northern boundary of the PC District.
- c. Thirty (30) feet from the eastern and western property lines of the PC District. The structure overhangs shall maintain a setback of twenty five (25) feet.

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. Twenty (20) feet from the right-of-way of the east west roadway system.
- b. Thirty (30) feet from the eastern and western property lines of the PC District.
- c. One hundred and ten (110) feet from the northern boundary of the PC District.

E. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code with the following exceptions:

- a. A maximum of 120 parking spaces shall be permitted for this development.

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 parking shall be permitted along the future loop road and the developer shall post signs accordingly. 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 the street pavement.

F. 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. A heavily landscaped berm shall be provided along the internal roadway system as directed by the City of Chesterfield.

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

Planning Commission February 26, 2007
Planning Commission March 12, 2007
Planning Commission April 23, 2007
City Council May 21, 2007
City Council July 16, 2007

P.Z. 28-2006

Page 4

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 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.

J. ACCESS/ACCESS MANAGEMENT

1. Access to the site shall be limited to two (2) entrances from a proposed east-west loop road. The east entrance shall align with the drive depicted on the approved site development plan for the Wildhorse Child Care Center.

K. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a minimum of a 40 foot right of way, with ten (10) foot minimum roadway improvement, maintenance, utility, drainage and sidewalk easement on the north side, for the portion of the

proposed east-west loop road located across the site. The right of way shall align with the right of way dedicated to the east and extend to the southern property line of the site to provide access to those properties in the future. Construct a 26 foot pavement with seven (7) foot shoulders on both sides with appurtenant storm drainage facilities and turn lanes as required by the Department of Public Works.

2. Cost of construction of the south half of the road and appurtenant storm drainage facilities west of the Wildhorse Child Care Center site shall be the responsibility of others. As directed by the Department of Public Works, the developer shall either construct full-width improvements for a portion of the length of the east-west loop road which roughly equates to his cost of construction of one-half the entire length or construct the full-width improvements for the entire length and be reimbursed for costs in excess of his share.
3. Stub street signage, in conformance with Section 1005.180 of the Subdivision Ordinance, shall be posted within 30 days of the street pavement being placed.
4. All required roadway and related improvements shall be constructed prior to 50% of the building permits within the development being issued.
5. Provide street lights and street trees along the east-west loop road as directed by the City of Chesterfield.
6. A special cash escrow may be required prior to improvement plan approval for the extension of the public street to the east and west property lines as needed.
7. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the north side of the east-west loop road as directed by the City of Chesterfield.
8. 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. The entrance geometrics and drainage design shall be in accordance with MoDOT standards.
9. 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.

Planning Commission February 26, 2007
Planning Commission March 12, 2007
Planning Commission April 23, 2007
City Council May 21, 2007
City Council July 16, 2007

P.Z. 28-2006

Page 6

10. All drainage detention storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or exiting right-of-way line, whichever is greater.

L. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield 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.

M. RECREATIONAL EASEMENT

1. An easement, for recreational and trail purposes, shall be provided for this site as directed by the City of Chesterfield. The easement is anticipated to be located along the east parcel line.

N. POWER OF REVIEW

1. The City Council shall review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.

O. STORMWATER AND FLOODPLAIN

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. Storm sewers discharging to the northwest along the long slope shall be extended to the toe of the slope unless; extraordinary measures are taken to protect the slope from erosion in the long term, as approved by the City of Chesterfield, Department of Public Works.
3. The adequacy of the existing downstream conditions shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Be advised, for this specific development, the downstream channels and structures

must be analyzed using the MSD standard 100-year, 20 minute storm.

4. Grading and storm water systems shall be designed so as to collect all surface water from all disturbed areas along the north portion of the development, parallel and adjacent to the top of the slope draining to the north, and convey that surface water to an adequate discharge point where extraordinary measures will be employed to dissipate energy, attenuate flows, and protect slopes from degradation. No storm water shall be allowed to flow from an area which has been graded to the undisturbed slope.
5. Stormwater shall be controlled as required by the Chesterfield Valley Master Facility Plan.

Q. GEOTECHNICAL REPORT.

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

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.
2. The hours of operation shall be from 6:00 am to 9:00 pm Monday thru Friday.
3. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2750.00 per acre.

S. SPIRIT OF ST. LOUIS AIRPORT

1. Prior to the approval of any site development plan, the developer shall provide, at the direction of the Spirit of St. Louis Airport, an avigation easement or other appropriate legal instrument or agreements to fully remise and release any right or cause of action which they, their successors and assigns may now have or which they may have in the

Planning Commission February 26, 2007
Planning Commission March 12, 2007
Planning Commission April 23, 2007
City Council May 21, 2007
City Council July 16, 2007

P.Z. 28-2006

Page 8

future against the St. Louis County, its assessors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at or taking off from, or operating at or on Spirit of St. Louis Airport.

2. The developer shall provide the following notes on the Site Development Plan:

- a. The avigation easement will be recorded along with the Site Development Plan. In addition, the avigation easement will be referenced on the record plat and individual plot plans.
- b. The developer shall disclose to prospective home owners that this site is in close proximity to the Spirit of St. Louis Airport and is subject to occasional over flights. This note is intended to be a noise disclosure statement to any prospective home owners.

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 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. Outboundary plat and legal description of the property.
2. Location of all roadways adjacent to the property and general location, size, and pavement widths of all interior roadways.
3. General design of the development including unit types (i.e., single-family detached, single-family attached, garden apartment), number of each unit type proposed, location of units, minimum and maximum size of single-family lots, approximate size of multiple-family structures, and location and size of common areas and recreation facilities.
4. Location and size of any commercial uses, types of uses proposed and general parking layout.
5. Zoning district lines and floodplain boundaries.
6. Density calculations.
7. Provide a conceptual landscape plan in accordance with the City of Chesterfield Code.
8. Provide a lighting plan in accordance with the City of Chesterfield Code.

B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

The Site Development Section 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. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs
10. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. 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.
13. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.

14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. 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.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
18. 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.
19. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

- A. The developer will contribute a Traffic Generation Assessment (TGA) to the Eatherton-Kehrs Mill Road Trust Fund (Trust Fund No. 552). This contribution will not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Medical Office	\$1611.66/Parking Space
General Office	\$537.19/Parking Space
Loading Space	\$2637.29/Loading Space

(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.

Allowable credits for roadway improvements will be awarded as directed by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic.

Planning Commission February 26, 2007
Planning Commission March 12, 2007
Planning Commission April 23, 2007
City Council May 21, 2007
City Council July 16, 2007

P.Z. 28-2006

Page 12

As this development is located within a trust fund area established by St. Louis County, 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 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.

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 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.

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, the Missouri Department of Transportation (Department of Highways and Traffic and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

IX. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the 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.

Planning Commission February 26, 2007
Planning Commission March 12, 2007
Planning Commission April 23, 2007
City Council May 21, 2007
City Council July 16, 2007

P.Z. 28-2006

Page 13

- 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.