

**BILL NO. 2562**

**ORDINANCE NO. 2379**

**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 FOR A 2.3 ACRE TRACT OF LAND LOCATED ON CHESTERFIELD AIRPORT ROAD, EAST OF LONG ROAD. (P.Z. 25-2006 Simply Storage {OB Development, Inc})**

**WHEREAS**, the petitioner, OB Development, Inc, has requested a change in zoning from a "NU" Non-Urban District to a "PC" Planned Commercial District for a 2.3 acre tract of land located on Chesterfield Airport Road, east of Long Road; and,

**WHEREAS**, the Planning Commission, having considered said request, failed to approve a motion for approval of the request for a change of zoning from a "NU" Non-Urban District to a "PC" Planned Commercial District by a vote of 4-3, the motion needed five votes for approval; and,

**WHEREAS**, the Planning Commission, after having received a request from the petitioner, voted 9-0 to reconsider their previous vote; and,

**WHEREAS**, the petitioner revised their preliminary plan to take into consideration the Planning Commission's concerns regarding height, setbacks and appearance; and,

**WHEREAS**, the Planning Commission, having considered the revised preliminary plan, voted to approve the request for a change of zoning by a vote of 6-0; and,

**WHEREAS**, the City Council, having considered said request, voted to approve the request with an amendment changing the zoning designation from "PI" Planned Industrial District to "PC" Planned Commercial District and an amendment regarding access/access management.

**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 2.3 acre tract of land located on Chesterfield Airport Road, east of Long Road and described as follows:

A tract of land being part of Lot 5 of John L. Long Estate, in U.S. Survey 126 in Township 45 North, Range 4 East St. Louis County Missouri and being more particularly described as follows:

Beginning at a point of intersection of the northern line of Chesterfield Airport Road (40 feet wide) with the eastern line of a tract of land described in a deed to Jelinek Eight Partnership as recorded in Book 8387, page 1562 of the St. Louis County Records; thence along said eastern line 00 degrees 44 minutes 44 seconds east, 297.00 feet to a point on the southern line of Lot B of the resubdivision of Lot 1 of Highway Forty Park as recorded in Platbook 347 pages 145 and 146 of the aforesaid St. Louis County Records; thence along said southern line north 71 degrees 30 minutes 37 seconds east, 310.92 feet to a stone in the western line of Lot B of the aforesaid resubdivision; thence along said western line south 01 degrees 20 minutes 13 seconds west, 393.89 feet to an iron rod with a cap from LS 219D on the northern line of Chesterfield Airport Road; thence along said northern line south 89 degrees 38 minutes 42 seconds west, 289.55 feet to the point of beginning and containing 2.30 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 OB Development Inc., in P.Z. 25-2006, 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 13th day of November, 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.

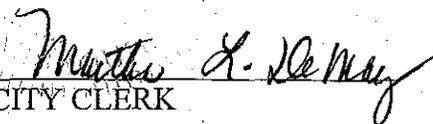
**Section 5.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this <sup>16<sup>th</sup></sup>~~18<sup>th</sup>~~ day of July, 2007.

*Approved July 30, 2007*

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING HELD: 6/18/2007

## 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. Restaurants, fast food.
  - b. Restaurants, sit down.
  - c. Stores, shops, markets, service facilities, in which goods 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:
2. The following Ancillary Uses shall be permitted:
  - a. Automatic vending facilities for:
    - i. Ice and solids carbon dioxide (dry ice);
    - ii. Beverages;
    - iii. Confections.
3. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
  - a. Storage of hazardous, explosive or flammable materials shall not be allowed in this development.
  - b. Drive-through services are specifically excluded from this development.
4. For purposes of this District, "service facilities" shall include a self-storage business that rents individual indoor storage units and provides associated ancillary uses.

Because of the good architectural and urban planning that is shown on this site and its location within the City, the City Council, by majority vote, hereby approves the following amendments to the Retail Development Performance Standards set out in Ordinance 1747

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

**1. HEIGHT**

- a. The maximum height of the building, exclusive of roof screening, shall not exceed forty-two (42) feet.

**2. BUILDING REQUIREMENTS**

- a. A minimum of thirty-three percent (33%) open space is required for this development.

**3. BUILDING FOOTPRINT**

- a. The building footprint shall comprise a maximum of thirty-two (32%) percent of the development site.

**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 (90) feet from the right-of-way of Chesterfield Airport Road on the southern boundary of the Planned Commercial (PI) District.
- b. Fifty-three (53) feet from the western boundary of the (PC) District.
- c. Twenty-eight (28) feet from the northern boundary of the (PC) District.
- d. Fifty (50) feet from the eastern boundary of the (PC) District.

**2. PARKING SETBACKS**

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

- a. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
- b. Thirty one (31) feet from the western boundary of the (PC) District.
- c. Five (5) feet from the northern boundary of the (PC) District.
- d. Eight (8) feet from the eastern boundary of the (PC) District.

**3. LOADING SPACE SETBACKS**

No loading space will be located within the following setbacks:

- a. One hundred fifty-five (155) feet from the right-of-way of Chesterfield Airport Road.
- b. Sixty (60) feet from the western boundary of the (PC) District.
- c. One hundred forty (140) feet from the northern boundary of the (PC) District.
- d. Sixty (60) feet from the eastern boundary of the (PC) District.

**F. 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.

c. No construction related parking shall be permitted within the Chesterfield Airport Road right of way.

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 in the right of way, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic.

#### **H. 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.

#### **I. LIGHT REQUIREMENTS**

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

#### **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 to Chesterfield Airport Road shall be limited to one drive entrance. The entrance shall be as close to the east property line as practical and adequate sight distance shall be provided, as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
2. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent parcels to the east and west as directed by the City of Chesterfield.

**L. 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 any additional right-of-way and construct any improvements to Chesterfield Airport Road, as required by the St. Louis Department of Highways and Traffic, and the City of Chesterfield.
3. 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.
4. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road frontage of the site.

**M. 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.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Chesterfield Airport Road. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic.

**N. POWER OF REVIEW**

1. 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.

**O. 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. All storm water runoff from the site shall drain to the proposed reservoir located immediately north of the site.
4. If any lot is proposed to be located in an existing or proposed Special Flood Hazard Area, the lot shall be clearly labeled as being located in the floodplain on the Site Development Plan and improvement plans. If any development in, or alteration of, the floodplain is proposed, the developer shall obtain a Floodplain Development Permit from the Department of Public Works. The developer must demonstrate that the proposed work will have no adverse impact on other properties in Chesterfield Valley. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. If any change in the location of the Special Flood Hazard Area is proposed, the developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final issuance of an occupancy permit and final release of any escrow for improvements in the development.
5. The lowest Reference Level (floor) of any structure, as defined by FEMA, shall be constructed a minimum of one (1) foot above the base flood elevation and a minimum of one (1) foot above the 100-year high water elevation as produced by the Chesterfield Valley Master Storm Water Plan model. The minimum elevation for the Reference Level for each lot shall be indicated on the Site Development Plan and improvement plans, and an Elevation Certificate, on the form developed by FEMA for that purpose, shall be submitted immediately after construction of each structure. Occupancy permits shall not be issued for structures for which an Elevation Certificate has not been submitted.
6. 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.
7. The downstream low pressure sewer system shall be evaluated to ensure adequate capacity and to ensure that the project has no negative impacts to the existing sewer system.
8. Stormwater should be controlled as required by the Chesterfield Valley Master Facility Plan.

9. Treatment will be required at this site for water quality per MSD February 2006 guidelines.
10. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2750.00 per acre.

**P. 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.

**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.
2. Sleeves for future telecommunication services are required to be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.
3. Utility companies will require compensation for relocation of their facilities with public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

**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.

- 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.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one (1) 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. 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 Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.

## V. CHESTERFIELD VALLEY TRUST FUND

- A. The developer will contribute to the Chesterfield Valley Trust Fund. The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right of way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. 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	\$2.05/sq. ft. of building space
Office	\$1.43/sq. ft. of building space
Industrial	\$4,937.22/acre

If types of development 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.

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

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.

### Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$648.18 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing 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 the St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. 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 St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,056.58 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 St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. 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 the Metropolitan St. Louis Sewer District 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, 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.

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

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.

## **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. 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.