

AN ORDINANCE REPEALING ST. LOUIS COUNTY ORDINANCE NUMBER 8,800 TO ALLOW FOR AN AMENDMENT TO THE INTERNAL PARKING SETBACK, FOR A 14 ACRE TRACT OF LAND ZONED "C-8" PLANNED COMMERCIAL DISTRICT LOCATED AT THE INTERSECTION OF CHESTERFIELD PARKWAY EAST AND ELBRIDGE PAYNE RD. (1281 CHESTERFIELD PARKWAY EAST)

WHEREAS, the petitioner, Michael Doster of Doster, Mickes, James, Ullom, Benson and Guest, on behalf of Chesterfield Payne Corporation, has requested to amend the internal parking setback; and,

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

WHEREAS, the City Council, having considered said request, voted to approve the ordinance amendment.

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

Section 1. The St. Louis County Ordinance Number 8,800 is hereby repealed and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for Elbridge Payne Office Park.

A tract of land being part of Lot 3 of F.K. Humphrey Estate Subdivision in U.S. Survey 2002, Township 45 North, Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the Southeast corner of property now or formerly of Bayer Properties, Inc., as described in the deed recorded in Book 6729 page 471 of the St. Louis County records; said point being also a point in the North line of "Brandywine", a subdivision according to the plat thereof recorded as Daily Number 440 on June 4, 1973, in the St. Louis County records; thence Westwardly along the said North line of "Brandywine," South 72 degrees 12 minutes 05 seconds West 1061.83 feet to a point on the East right-of-way line of Baxter Road as widened; thence Northwardly along the said East line of Baxter Road North 5 degrees 20 minutes 07 seconds West 20.16 feet, North 13 degrees 44 minutes 56 seconds East 68.27 feet and North 6 degrees 32 minutes 04 seconds West 189.01 feet to a point on the Southeast line of Route AA (340) relocation; thence Northwestwardly along said Southeast line of Route AA (340) relocation, North 30 degrees 56 minutes 30 seconds East 734.17 feet to a point on the South line of property now or formerly of Doris B Andrae and Gladys B. Andrae Hill as described in the deed recorded in Book 6490 page 214 of the St. Louis County records; thence Eastwardly along said South line of the Andrae property, North 72 degrees 14 minutes 04 seconds East 432.72 feet to a point on the East line of aforesaid Lot 3 of F.K. Humphrey Estate Subdivision; thence Southwardly along said East line South 17 degrees 48 minutes 56 seconds East 747.15 feet to the point of beginning and containing 14.013 acres.

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 request filed by Michael Doster of Doster, Mickes, James, Ullom, Benson and Guest, on behalf of Chesterfield Payne Corporation, requesting the amendments embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted, 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 3rd day of December, 2007.


MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 11/19/2007

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 "C-8" District shall be either:
 - a. A maximum of 200,000 gross square feet of office space to be included in not more than seven (7) buildings; or
 - b. A maximum of 170,000 gross square feet of office space to be included in not more than six (6) buildings; and, one free standing restaurant not to exceed 15,000 square feet. Office buildings containing at least 30,000 gross square feet may contain retail uses (i.e. cigar/newspaper stands, snack bars, etc.) the aggregation of such uses in a single building shall not exceed 4,500 square feet, as may normally be found in such buildings. No banks or financial institutions shall be permitted on this site.

B. FLOOR AREA, HEIGHT, BUILDING AND STRUCTURE REQUIREMENTS

1. No structure within 300 feet of the existing northeast or southeast line of the subject property shall exceed two (2) stories in height or contain more than 30,000 gross square feet of floor area and no other structure shall exceed three stories and may not contain more than 45,000 gross square feet.

C. SETBACKS

1. No building or off-street parking stall shall be located within the following setbacks:
 - a. Seventy (70) feet of the existing southeast property line;
 - b. Forty-five (45) feet of the existing southeast property line, but if the fence and earth berm provided in E. 3. (below) is built the set back line may be reduced to thirty (30) feet.

- c. Fifteen (15) feet from all other existing property lines and from all roadway right-of-ways.
 - d. Five (5) feet from all interior parcel lines to be established by the subdivision of the subject property.
 - e. For lots to the west of Elbridge Payne Road there shall be a setback of Zero (0) feet from all interior parcel lines to be established by the subdivision of the subject property.
2. No portion of any building shall be located within the following:
 - a. Seventy-five (75) feet of the existing southeast property line.
 - b. One hundred (100) feet of the existing northeast property line.
 - c. Fifteen (15) feet of all other property lines and roadway right-of-ways.

D. PARKING AND LOADING REQUIREMENTS

1. Off-street parking spaces shall be as required in the Chesterfield City Code.
2. Off-street loading requirements for office buildings shall be provided according to the following ratio:
 - a. One (1) space for each building containing from 5,000 gross square feet to 24,000 gross square feet of floor area.
 - b. Two (2) spaces for each building containing from 24,000 gross square feet to 60,000 gross square feet of floor area.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield.
2. No portion of any building or parking lot may be located closer than 15 feet to any roadway right of way. Such setbacks shall be adequately landscaped as approved by the Planning Commission.
3. A landscaped buffer shall be indicated at least along the southeastern and northeastern property lines where subject site

adjoins developed residential property. Landscaping shall be provided by means of a combination of deciduous and evergreen trees and or earth berms in a manner approved by the Planning Commission. A five (5) foot high security fence shall be provided within the northeast property line buffer.

F. SIGN REQUIREMENTS

1. Two (2) free standing project identification signs shall be allowed, one along Clarkson Road and one along the future loop road. Such signs shall not exceed thirty (30) feet in height and shall not exceed fifty (50) square feet in outline area.
2. Business, information and directional signs shall conform to City of Chesterfield Code.

G. LIGHT REQUIREMENTS

1. 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, color 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, material, 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. An opportunity for recycling will be provided.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. The petitioner shall conform to the Missouri State Highway Department comments regarding a system of highway geometrics which may be required of the developer in conjunction with this development.

J. PUBLIC PRIVATE ROAD IMPROVEMENTS INCLUDING PEDESTRIAN CIRCULATION

1. Provide for the extension of the exiting east service road of Clarkson Road southwardly and westwardly through this tract to an intersection with Baxter Road.
2. Dedicate necessary right-of-way for the proposed Chesterfield Village loop road in this area and construct a portion of the loop road as required to serve this development.
3. Contribute to the Chesterfield Village Trust Fund in a manner similar to the contribution required by other developers in the Chesterfield Village Area.
4. Construct sidewalks along Baxter Road and the Chesterfield Village loop road.
5. Provide improvements along the frontage of Chesterfield Parkway in accordance with the "Pathway on the Parkway" project, as directed by the City of Chesterfield. A minimum 14' wide area is required for the improvements. The improvements may be located in the St. Louis County ROW or within an easement on the subject property. The improvements include, but are not limited to, construction of a 8' wide sidewalk and installation of street trees and street lights.
6. 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.

K. 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.

L. SANITARY SEWERS

1. Formal plan submittal and approval is required by MSD prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

M. GEOTECHNICAL REPORT

1. Prior to Site Development 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 Planning and 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.

N. SPECIAL USE PERMIT

1. Prior to Special Use Permit issuance by the 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 St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements

O. MISCELLANIOUS

1. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.

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

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance.
- 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

- 1. Any Site Development Concept Plan shall show all information required on a preliminary plat as required in the City of Chesterfield Code.
- 2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.

3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

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

The developer will be required to contribute to any and all trust funds as applicable, as directed by the City of Chesterfield.

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. 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.
- 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.