

BILL NO. 2598

ORDINANCE NO. 2420

**AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2194 AND ESTABLISHING IN ITS PLACE A NEW ORDINANCE WITH AN AMENDMENT ADDING "MEDICAL AND DENTAL OFFICES" TO THE LIST OF PERMITTED USES FOR A 1.4 ACRE-"PC" PLANNED COMMERCIAL DISTRICT LOCATED ON WILD HORSE CREEK ROAD, APPROXIMATELY 550 FEET SOUTHEAST OF LONG ROAD (P.Z. 46-2007 DUGSFORD COMMONS/RELIANCE BANK).**

**WHEREAS**, the petitioner, Reliance Bank, has requested an ordinance amendment to permit the addition of "medical and dental offices" to its list of permitted uses within a "PC" Planned Commercial District; and,

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

**WHEREAS**, after consideration of the amendment, the City Council approved the request.

**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**Section 1.** The City of Chesterfield Ordinance Number 2194 is hereby repealed and those conditions therein are incorporated into the revised Attachment A, which is attached hereto and made a part hereof for Lot A of Lot 2 of Dugsford Commons and described as follows:

A tract of land being part of Lot 2 of "Dugsford Commons", a subdivision according to the plat thereof recorded in Plat Book 343 page 43 of the St. Louis County Records, in U.S. Survey 126, Township 45 North-Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the North right-of-way line of Wildhorse Creek Road, varying width, with the West line of property described in deed to William H. and Montene F. Weishaar as recorded in Book 11055 page 634 of the St. Louis County Records said point being 50 feet perpendicular distance from the centerline of Wildhorse Creek Road; thence along said North right-of-way line of Wildhorse Creek Road, varying width, North 72 degrees 42 minutes 18 seconds West 186.36 feet to the East line of Lot 1 of "Dugsford Commons", a subdivision according to the plat thereof recorded in Plat Book 343 page 43 of the St. Louis County Records; thence along said East line North 17 degrees 25 minutes 46 seconds East 149.86 feet and North 01 degree 18 minutes 02 seconds East 65.78 feet to the North line of Proposed Lot A; thence along said North line North 90 degrees 00 minutes 00 seconds East 171.30 feet, North 00 degrees 00 minutes 00 seconds West 5.29 feet, North 90 degrees 00 minutes 00 seconds East 36.00 feet, South 00 degrees 00 minutes 00 seconds East 4.51 feet, North 90 degrees 00 minutes 00 seconds East 108.44 feet to the West line of "Spring Hill Bluffs", a subdivision according to the plat thereof recorded in Plat Book 346 page 290 of the St. Louis County Records; thence

Southwardly along said West line South 01 degree 15 minutes 04 seconds West 146.69 feet to the centerline of vacated Old Wildhorse Creek Road; thence along said centerline North 72 degrees 09 minutes 26 seconds West 130.03 feet to the West line of said Weishaar property; thence along said West line South 19 degrees 53 minutes 28 seconds West 168.15 feet to the point of beginning and containing 1.436 acres according to a survey by Volz, Inc.

**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 Reliance Bank, 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 consideration by the Planning Commission on the 26th day of November, 2007 does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

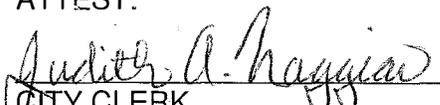
**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 7<sup>th</sup> day of January, 2008.

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING HELD: 1/7/08

## ATTACHMENT A

### I. SPECIFIC CRITERIA

#### A. PERMITTED USES

1. The uses allowed in this "PC" Planned Commercial District shall be:
  - a. Financial institutions.
  - b. Medical and dental offices.
  - c. Offices or office buildings.

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

##### 1. FLOOR AREA

Total building floor area will not exceed 10,608 square feet.

##### 2. HEIGHT

The building shall not exceed two (2) stories in height, excluding rooftop mechanical equipment enclosures.

##### 3. BUILDING REQUIREMENTS

- a. A maximum of one building may be contained in this district.
- b. Permitted building shall be of construction type and architectural style as approved by the Planning Commission on building elevations reviewed in conjunction with the Site Development Plan.
- c. Greenspace: A minimum of forty-five percent (45%) greenspace is required for this development. Greenspace is determined by a fraction: the numerator of which is all green area plus all non-paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.
- d. Floor Area Ratio: The development will have a maximum Floor Area Ratio (F.A.R.) of fifty-five (55%). The gross floor area of building 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 calculations: one calculation for those areas above grade and

another that includes building area below grade.

## **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 existing right-of-way of Wild Horse Creek Road.
- b. Forty-three (43) feet from the eastern boundary of the tract bearing S19° 53' 28" W.
- c. Thirty-seven (37) feet from the western boundary of the tract.
- d. Fifty-five (55) feet from the northern boundary of the tract.

### **2. PARKING SETBACKS**

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

- a. Nineteen (19) feet from the proposed right-of-way of Wild Horse Creek Road.
- b. Seventeen (17) feet from the eastern boundary of the tract bearing S19° 53' 28" W.
- c. Fifty-five (55) feet from the eastern boundary of the tract bearing S01° 15' 04" W.
- d. Forty (40) feet from the western boundary of this tract bearing N01° 18' 02" E.
- e. Sixty-three (63) feet from the western boundary of this tract bearing N17° 25' 46" E.

- f. No parking space adjacent to Wild Horse Creek Road shall be closer than seventy-two (72) feet from the western boundary of this tract bearing N17° 25' 46" E.

#### **D. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading requirements shall be as required by City of Chesterfield Ordinance No. 1747 as approved on May 7, 2001.
2. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.
3. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area shall be provided during construction. Parking on non-surfaced areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions. The contractor shall keep the road clear of mud and debris at all times. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. No construction parking shall be allowed along Wild Horse Creek Road.
4. Parking lots shall not be used as streets.

#### **E. LANDSCAPE AND TREE REQUIREMENTS**

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. The developer shall submit a landscape plan in accord with the Landscape Guidelines adopted by the Planning Commission, either as part of the appropriate Site Development Concept Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:
3. Building and parking setbacks and curb islands at the ends of parking rows shall be landscaped as approved by the Planning Commission on the Site Development Plan (Site Development Concept and/or Section Plan). Planter islands should be sufficient in area to support mature shade trees.
4. Heavy landscaping shall be installed along the east, and south property limits of this development as approved by the Planning Commission on the Site Development Concept approved June 12, 1995.
5. All new landscaping materials shall meet the following criteria:
  1. Deciduous Trees – one and one-half (1-1/2) inch minimum caliper.

2. Evergreen Trees – four (4) feet minimum height.
3. Shrubs – eighteen (18) inch minimum diameter.

#### **F. SIGN REQUIREMENTS**

1. One (1) free standing business sign shall be permitted on this site, as approved by the Planning Commission in conjunction with the Site Development Plan.
2. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
3. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

#### **G. LIGHT REQUIREMENTS**

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. All light standards within this development will not exceed a total vertical height of sixteen (16) feet.

#### **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, 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.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

## **I ACCESS/ACCESS MANAGEMENT**

Access to Wild Horse Creek Road shall be as directed by the Missouri Highway and Transportation Department and the Department of Highways and Traffic and should be located at the existing location of the Dugsford Commons development as approved on the Site Development Plan approved on August 28, 2000. The driveway shall be thirty-nine (39) feet in width to provide one (1) inbound and two (2) outbound lanes for a distance of approximately fifty (50) feet north of Wild Horse Creek Road as directed by the Department of Highways and Traffic. Minor parking lot driveways shall not intersect the main driveway closer than fifty (50) feet north of Wild Horse Creek Road, as approved by the Missouri Highway and Transportation Department and the Department of Highways and Traffic and shall be limited to construction of a channelization island.

## **J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. Conform to the requirements of the Missouri Highway and Transportation Department regarding Wild Horse Creek Road (Route CC) in this area. Road improvements to include left turn lane, to be built as directed by the City of Chesterfield Department of Public Works.
2. Dedicate the necessary additional right-of-way (50 feet from centerline of Highway CC) for future Highway CC improvement at the portion serving the subject property and dedicated the necessary right-of-way for relocation of Long Road and Highway CC intersection as directed by the Missouri Highway and Transportation Department.
3. The main driveway adjacent to the retail portion of this development shall be a minimum of thirty (30) feet in width to provide two (2) eleven (11) foot driving lanes and one (1) eight (8) foot drop-off/pick-up lane. Parking shall be prohibited along both sides of the thirty (30) foot wide driveway for a distance of one hundred fifty (150) feet from the existing right-of-way of Wild Horse Creek Road.
4. Widen the existing pavement to a thirty (30) foot width from the centerline of Highway CC as directed by the Missouri Highway and Transportation Department.
5. Provide a preliminary study for the realignment of Long Road north of Wild Horse Creek Road and Kehrs Mills Road south of Wild Horse

Creek Road to form a continuous alignment and common intersection with Wild Horse Creek Road. The study should evaluate the feasibility of alternate locations with a recommendation based on factors including, but not limited to, flood plain, existing/relocated creek, new bridges, existing cemetery, temporary or future traffic signal facilities, and intersection geometrics. Based upon this study, the petitioner would be responsible for dedication of right-of-way, easement and licenses, road improvements, and storm drainage facilities which could be incorporated as part of the subject development as directed by the Missouri Highway and Transportation Department and Department of Highways and Traffic. The petitioner shall also be required to grade and construct the onsite improvements to be compatible with the ultimate roadway improvements.

6. The southernmost drive, providing access to the drive-thru lanes, shall be a minimum of thirty (30) feet wide as shown on the preliminary plan.
7. Queuing for drive-thru lanes shall accommodate five (5) cars per lane for a total of fifteen (15) cars without interfering with parking or the by-pass lane, as shown on the preliminary plan.
8. The drive-thru by-pass lane, as shown on the preliminary plan, shall be one-way only (north-bound). Lane markers and signage indicating one-way drive shall be installed in accord with the Manual on Uniform Traffic Control Devices 2000 Millennium Edition and shown on the Site Development Plan.
9. Provide a 5' wide sidewalk, conforming to St. Louis County ADA standards, adjacent to Wild Horse Creek Road. The sidewalk may be located within State ROW or within a 6' sidewalk, maintenance and utility easement on the subject property.

#### **K. POWER OF REVIEW**

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan for a development 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. The City Council will then take appropriate action relative to the proposal.

## **L. STORMWATER AND SANITARY SEWER**

1. Detention/retention is to be provided for this site as directed by the City of Chesterfield Department of Public Works. Detention of storm water runoff is required by providing permanent detention/retention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention/retention basin shall be operational prior to paving of any driveways or parking areas. The location and types of detention facilities shall be identified on the Site Development Plan.
2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. No change in watersheds shall be permitted. The adequacy of any existing downstream storm water facilities shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided. Off-site easements for areas inundated by headwater from on site improvements shall be provided as required by the Department of Public Works.
3. Detention/retention will be provided for this site. A fence complimentary to the office building and parking structure is required around the detention basin.
4. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach MoDOT right-of-way.
5. Detention may be required for the entire project site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24-hour storm event. Stormwater must be discharged at an adequate discharge point. Wetland mitigation will not be allowed in the detention basin area.
6. All drainage detention storage facilities will 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.

## **M. 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.

## **N. MISCELLANEOUS**

1. If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluating the impacts of the proposed work shall be provided as directed by the City of Chesterfield Department of Public Works. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.
2. All utilities will be installed underground.
3. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.

## **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 Metropolitan St. Louis Sewer District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

#### **A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

The Site Development Plan shall include, but not be limited 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 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 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 the 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. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. 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.
21. 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.
22. Compliance with Sky Exposure Plane.

**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 shall contribute to the Eatherton-Kehrs Mill Road Traffic Generation Assessment Trust Fund based upon the following rate schedule:

Type of Development	Required Contribution
General Office	\$ 366.62/Parking Space
General Retail	\$ 1,099.91/Parking Space
Loading Space	\$ 1,799.86/Loading Space

(Parking space as required by the City of Chesterfield Zoning Ordinance)

Right-of-way dedication requirements along State and County roads will not be credited towards the petitioner's trust fund contribution. The cost of allowable portions of the improvements required in Items 4 (d) and 4 (f), and any off-site road improvements which may be required in Item 4 (h) shall be credited towards the petitioner's trust fund contribution. The petitioner's total obligation for road improvements shall not exceed the trust fund contribution.

The amount of this required contribution, if not submitted by January 1, 1995, shall be increased on that date and on the first day of January in each succeeding year thereafter in accord 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 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.