

BILL NO. 2613

ORDINANCE NO. 2437

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "M-3" PLANNED INDUSTRIAL DISTRICT TO A "PI" PLANNED INDUSTRIAL DISTRICT FOR A 23 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD ONE HALF MILE WEST OF THE CORNER OF LONG RD. AND CHESTERFIELD AIRPORT RD. (P.Z. 24-2007 MARK ANDY INC. 18081 CHESTERFIELD AIRPORT RD.)

WHEREAS, the petitioner, Michael Doster of Doster, Mickes, James, Ullom, Benson and Guest, on behalf of Mark Andy Inc., has requested a change in zoning from an "M-3" Planned Industrial District to a "PI" Planned Industrial District for a 23 acre tract of land located on the north side of Chesterfield Airport Rd., one half mile west of the corner of Long Rd. and Chesterfield Airport Rd. and,

WHEREAS, the Planning Commission held a public hearing regarding the said request on June 11, 2007; and,

WHEREAS, the Planning Commission, upon review of said request, recommended approval of the petition by a vote of 7 to 0; and,

WHEREAS, the City Council, having considered said request, voted to approve 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 Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "PI" Planned Industrial District for a 23 acre tract of land located on the north side of Chesterfield Airport Rd., one half mile west of the corner of Long Rd. and Chesterfield Airport Rd. and described as follows.

A tract of land being part of U. S. Survey 122 and U. S. Survey 150 in Township 45 North, Range 3 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, and being more particularly described as follows:

BEGINNING at a point on the northern right-of-way line of Chesterfield Airport Road (100' wide), formerly highway 40, said point being the point of intersection with the eastern line of Spirit 40 Park, a subdivision filed for record in Plat Book 234, Page 79 of the St. Louis County Recorder's Office; thence along the eastern line of said Spirit 40 Park North, 12 degrees 05 minutes 36 seconds West, a distance of 1392.11 feet to the point of intersection with the southern right-of-way line of Missouri State Highway 40-61; thence along said southern right-of-way line South 84 degrees 09 minutes 06 seconds East, a distance of 756.87 feet to the northwestern corner of Chesterfield Valley Center Plat One, a subdivision filed for

record in Plat Book 241, Page 44 of the aforesaid St. Louis County Recorder's Office; thence along the western line of said Chesterfield Valley Center Plat One and Chesterfield Valley Center Plat Three, a subdivision filed for record in Plat Book 316, Page 36 of said recorder's office, South 11 degrees 56 minutes 11 seconds East, a distance of 1397.14 feet to the point of intersection with the aforesaid northern right-of-way line of Chesterfield Airport Road; thence along said northern right-of-way line North 83 degrees 42 minutes 00 seconds West, a distance of 754.80 feet to the Point of Beginning and containing 1,002,006 square feet or 23.002 acres more or less as per calculations by Stock and Associates Consulting Engineers, Inc. during the month of February, 2007.

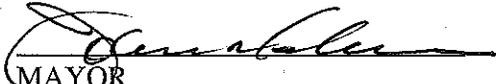
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment 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 Mark Andy Inc., in P.Z. 24-2007, requesting the amendments 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 June, 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.

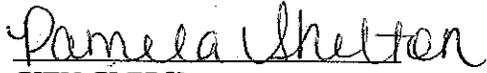
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 20th day of February, 2008.


MAYOR

ATTEST:

Deputy

CITY CLERK

FIRST READING HELD: 02-04-2008

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 "PI" District shall be:
 - a. Business, professional, and technical training schools.
 - b. Business service establishments.
 - c. Financial institutions.
 - d. Hotels and motels.
 - e. Mail order sale warehouses.
 - f. Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:
 - i Facilities producing or processing explosives or flammable gasses or liquids;
 - ii Facilities for animal slaughtering or rendering;
 - iii Sulfur plants, rubber reclamation plants, or cement plants; and
 - iv Steel mills, foundries, or smelters.
 - g. Medical and dental offices.
 - h. Office or office buildings.
 - i. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
 - j. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.
 - k. Printing and duplicating services.

- l. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
 - m. Warehousing, storage, or wholesaling of manufactured commodities.
 - n. Welding, sheet metal, and blacksmith shops.
2. Ancillary Uses
- a. Automatic Vending facilities for:
 - i. Ice and solid carbon dioxide (dry ice);
 - ii. Beverages;
 - iii. Confections
 - b. Cafeterias for employees and guests only.
 - c. Child care centers, nursery schools, and day nurseries.
 - d. Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), and indoor and unlighted outdoor tennis courts (public or private).
 - e. Recreational facilities, indoor tennis courts, and gymnasiums.
 - f. Restaurants, fast food, with no drive-through facilities.
 - g. Restaurants, sit down.
3. The above uses in this "PI" District shall be restricted as follows:
- a. There shall be no warehousing, storage, or wholesaling of live animal, explosives, or flammable gases and liquids.
 - b. There shall be no outdoor illuminated recreational facilities, golf courses, golf practice driving ranges, indoor theaters, or drive in theatres.
 - c. No outdoor incineration shall be allowed on the site.

- d. There shall be no outdoor storage of raw materials or finished products associated with any of the above uses.

B. FLOOR AREA, HEIGHT, BUILDING AND STRUCTURE REQUIREMENTS

1. Height

- a. The maximum building height excluding equipment and screening will be limited to three (3) stories or forty-five (45) feet whichever is less.
- b. The petitioner shall be required to construct his proposed structure at an elevation of 465 feet and flood proof said structures for a flood elevation of 469 feet.

2. Openspace

- a. A minimum of thirty percent (30%) openspace is required for this development.

C. SETBACKS

1. Structure Setbacks

No building or structure other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences, will be located within the following setbacks:

- a. Seventy (70) feet from the right of way of Chesterfield Airport Road.
- b. Twenty five (25) feet from the Eastern and Western boundaries of this "PI" District.
- c. One hundred seventy (170) feet from the Northern boundary of this "PI" District.

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. Fifty (50) feet from the edge of pavement of Chesterfield Airport Road.
- b. Five (5) feet from the Eastern and Western boundaries of this "PI" District, with the exception of shared driveways.

- c. Ninety five (95) feet from the Northern boundary of this "PI" District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
 - a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
 - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
 - 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.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.

F. SIGN REQUIREMENTS

1. Sign package submittal materials shall be required for this development. All sign packages shall be reviewed by the City of Chesterfield Planning Commission.
2. Ornamental entrance monument construction, if proposed shall be reviewed by the City of Chesterfield, and/or St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation and construction.

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 nearest edge of any drive aisle or parking space intersecting the entrance drives shall be located a minimum of 150 feet from the edge of pavement of Chesterfield Airport Road, as directed by the Department of Planning and Public Works and the St. Louis County Department of Highways and Traffic.
2. Provide cross access easements as needed to provide the adjacent subdivision to the east and the subdivision to the west access to the site as directed by the Department of Planning and Public Works.
3. Access to this development from Chesterfield Airport Road shall be restricted to two (2) entrances, located and constructed as directed by the Department of Planning and Public Works and St. Louis County Department of Highways and Traffic.

4. Expansion of the existing facility will require redesign and reconstruction of the existing western entrance as directed by the Department of Planning and Public Works and St. Louis County Department of Highways and Traffic.
5. Development or subdivision of the northern part of the site will require relocation, redesign and reconstruction of the existing western entrance as directed by the Department of Planning and Public Works and St. Louis County Department of Highways and Traffic.
6. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the City of Chesterfield and the Department of Highways and Traffic.

J. PUBLIC PRIVATE ROAD IMPROVEMENTS INCLUDING PEDESTRIAN CIRCULATION

1. Provide additional right-of-way and improvements, along Chesterfield Airport Road as required by the Department of Planning and Public Works and/or the St. Louis County Department of Highways and Traffic.
2. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road frontage of the site. The sidewalk shall be privately maintained; therefore, no public easements shall be required.
3. Conform to the requirements and/or recommendations of the Missouri Department of Transportation regarding I-64 in the area.
4. Improve Chesterfield Airport Road to one half of a one hundred (100) foot right of way and a sixty (60) foot pavement with ten (10) foot full depth shoulders including all storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic.
5. Provide a sidewalk conforming to St. Louis County ADA standards adjacent to Chesterfield Airport Road within a separate easement as directed by City of Chesterfield.

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. TRAFFIC STUDY

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

L. POWER OF REVIEW

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.

M. STORMWATER

1. The Chesterfield Valley Master Stormwater Plan indicates a thirty (30) foot flat bottom ditch shall be constructed along the northern property line of this site and that drainage from this site is to be directed to the east to the pump station at Long Road. The developer shall be responsible for construction of the required storm water improvements on site, connection to the existing drainage ditch to the east, and any grading of the downstream ditch necessary to provide positive drainage. The developer shall coordinate construction of the required stormwater improvements with the owners of the properties affected by the construction of the required improvements.

- a. The developer may elect to propose alternate geometry, size and/or type of stormwater improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the Director of Planning and Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Director of Planning and Public Works determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.
2. Provide any additional Chesterfield Valley Stormwater Easement along the northern property to accommodate the future construction of the Chesterfield Valley Master Stormwater Plan channel in that area, as directed by the Department of Planning and Public Works. Also, provide any necessary access easements to the storm water channel, as directed by the Department of Planning and Public Works. Depict the channel on the Site Development Plan and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.
3. All Chesterfield Valley Master Stormwater Plan improvements shall be operational prior to the paving of any driveways or parking areas.
4. Any improvements within MoDOT's right-of-way will require permit. The drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.

5. The petitioner shall provide adequate detention and /or hydraulic calculations for review and approval of all stormwater that will encroach on MoDOT right of way.
6. All drainage detention storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.
7. Certification will be required from the City of Chesterfield that stormwater will be controlled as required by the Chesterfield Valley Master Facility Plan.
8. Treatment for water quality, in accordance with Metropolitan St. Louis Sewer District regulations dated February 2006, shall be required.
9. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750 per acre.

N. SANITARY SEWERS

1. 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.
2. The downstream sanitary sewers and pump station may need to be evaluated and inspected to ensure adequate capacity.

O. 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.

P. OCCUPANCY PERMIT

1. Prior to the issuance of an occupancy permit, any existing stormwater channel located on this site and between this site and the pump station to which it should drain shall be regraded to restore the channel to the line and grade of the original design.

Q. 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

R. 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.
2. The developer is advised that 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 contribution. 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 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, 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

- A. As this development is not subject to traffic generation assessment, the roadway improvements required herein represent the developers road improvement obligation. These improvements will not exceed an amount established by multiplying the ordinance-required parking spaces by the following applicable rates:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$542.56/parking space

(Parking Space as required by the City of Chesterfield.)

If types of development proposed differ from those listed, rates shall be provided by the St. Louis County Department of Highways and Traffic.

As a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

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

Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

- B. The amount of the required improvements, if not approved for construction by January 1, 2008, shall be adjusted 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 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.