BILL NO. 2638 **ORDINANCE NO. 2458**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C8" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR 23.98 ACRES OF LAND LOCATED 1,200 FEET WEST OF SWINGLEY RIDGE ROAD AND CHESTERFIELD PARKWAY (P.Z. 05-2008 DOUBLE TREE INN [Ecclestone Organization])

WHEREAS, Mel Kosanchick of Volz Incorporated, on behalf of Ecclestone Organization, has requested a change in zoning from "C8" Planned Commercial District to "PC" Planned Commercial District for 23.98 acres of land located 1,200 feet west of Swingley Ridge Road and Chesterfield Parkway; and,

WHEREAS, a Public Hearing was held before the Planning Commission on March 24, 2008; and,

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

WHEREAS, the City Council, having considered said request voted to approve the rezoning 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 "PC" Planned Commercial District for 23.98 acres of land located 1,200 feet west of Swingley Ridge Road and Chesterfield Parkway and described as follows:

Parcel 1- A tract of land being part of U.S. Survey 123, Township 45 North – Range 4 East, St. Louis County, Missouri.

Parcel 2- A tract of land being Adjusted Parcel 1 of the "Boundary Adjustment Plat or Part of Lots A and B of Chesterfield Village North Plat 1 and Part of U.S. Survey 123", a boundary adjustment plat according to the plat thereof recorded in Plat Book 213, Page 23 of the St. Louis County Records, in Township 45 North – Range 4 East, St. Louis County, Missouri.

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 Ecclestone Organization, in P.Z. 05-2008, 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 24th day of March 2008, 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 19th day of May, 2008.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: 5/5/2008

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 "PC" Planned Commercial District shall be:

   a. Auditoriums, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.

   b. Hotels and motels.

   c. Offices or office buildings.

   d. Parking areas, including garages for automobiles.

   e. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theatres.

   f. Restaurants, sit down.

   g. Broadcasting, transmitting, studios and associated facilities for radios, television and other communications. The only towers permitted on this site shall be those existing as of May 1, 2008.

2. The following Ancillary Uses shall be permitted:

   a. Child care centers, nursery schools, and day nurseries.

   b. Barber shops and beauty parlors.

   c. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises.

3. Hours of Operation.

   a. Hours of operation for this "PC" District shall not be restricted.

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

1. HEIGHT

   a. The maximum building height shall be twelve and a half (12 ½) stories above grade, except for elevator penthouses and roof mounted mechanical equipment and screening.

2. BUILDING REQUIREMENTS

   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. Thirty five (35) feet from Swingley Ridge Drive right-of-way.

   b. Thirty (30) feet from the west property line.

   c. Sixty (60) feet from all other property lines.

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. Fifteen (15) feet from Swingley Ridge Drive right-of-way.

   b. Ten (10) feet from the northeast property line.

   c. Twenty-five (25) feet from all other property lines.

D. PARKING AND LOADING REQUIREMENTS

1. Parking requirements shall be as follows:

   a. 2/3 space per employee.

   b. 1 space per fifty (50) square feet of auditorium and meeting room floor space.

c. 3 1/3 spaces per 1,000 square feet of office floor space.

d. 1/3 parking space per seat in any restaurant, bar or lounge.

e. 1 space per fifty (50) square feet of banquet area.

f. 1 space per hotel guest room.

g. 5 spaces per tennis or racquetball court.

h. No parking shall be required for swimming pools.

2. A twenty percent (20%) parking reduction in total parking requirements shall be permitted. However, a future parking expansion area with a minimum of ten percent (10%) more parking spaces shall be recorded on the Site Development Plan.

3. All other parking and loading spaces for this development will be as required in the City of Chesterfield Code.

4. Construction Parking

a. No construction related parking shall be permitted within the Swingley Ridge right-of-way.

b. 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.

c. 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.

5. 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. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

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.

G. LIGHT REQUIREMENTS

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

2. No light standard shall exceed twenty-six (26) feet in height. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways.

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

1. Access to Swingley Ridge Road shall be limited to three (3) commercial entrances. Any changes to the entrances, location or geometrics, shall conform to the Access Management Standards in force at the time of the proposed change.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a four (4) foot wide sidewalk, conforming to ADA standards, along the Swingley Ridge Road frontage of the site.

2. All proposed work in MoDOT right-of-way must comply with MoDOT standards, specifications, conform to MoDOT's Access Management Guidelines with detailed construction plans being received and approved by MoDOT.

K. TRAFFIC STUDY

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

L. POWER OF REVIEW

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the Site Development Plan be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the Site Development Plan. The City Council will then take appropriate action relative to the proposal.

M. STORMWATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.

2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities 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(s).

3. All drainage detention storage facilities shall be placed outside the standard governmental agencies planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.

4. Hydraulic calculations will be required any time drainage work will affect MoDOT right-of-way.

N. GEOTECHNICAL REPORT

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.

O. MISCELLANEOUS

1. All utilities will be installed underground.

2. No outdoor incineration shall be permitted.

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.

I. 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.

II. 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.

III. GENERAL CRITERIA

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 two (2) feet, 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, Monarch Levee District, Spirit of St. Louis Airport, St. Louis County Department of Highways and Traffic and the Missouri Department of Transportation.

22. Compliance with Sky Exposure Plane.

IV. TRUST FUND CONTRIBUTION

1. The developer will be required to contribute to any and all trust funds as applicable, as directed by the City of Chesterfield and St. Louis County Department of Highways and Traffic. St. Louis County reserves the right to asses any changes in TGA fees based on final usage, if applicable.

V. 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.

VI. 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.