BILL NO. 2671 ORDINANCE NO. 2494

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2092 TO ALLOW FOR AN AMENDMENT TO THE MAXIMUM GROSS FLOOR AREA AND BUILDING HEIGHT REQUIREMENTS, FOR A 16.17 ACRE TRACT OF LAND ZONED "PC" PLANNED COMMERCIAL DISTRICT LOCATED AT THE SOUTHWEST CORNER OF CHESTERFIELD AIRPORT RD. AND VALLEY CENTER DR. (P.Z. 20-2008 ST. LOUIS FAMILY CHURCH, 101 & 139 VALLEY CENTER DR.-17501 EDISON AVE.)

WHEREAS, the petitioner, Michael Doster, on behalf of St. Louis Family Church, has requested to amend the maximum gross floor area and maximum building height requirements; 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 The City of Chesterfield Ordinance Number 2092 is hereby repealed and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for St. Louis Family Church.

Legal Description

A tract of land being Adjusted Lot A of "A Boundary Adjustment Plat of part of 'The Valley Center', Share 7 of the Peter Steffan Estate, Lot 4 of a Subdivision of the West Half of U.S. Survey 126, Township 45 North, Range 4 East, City of Chesterfield, St. Louis County, Missouri" according to the plat thereof recorded in Plat Book 349 page 493 of the St. Louis County records.

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, on behalf of St. Louis Family Church , 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 25th day of August 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 20th day of OCTOBER, 2008.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: 10/6/2008

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" Planned Industrial District shall be:

    a. Churches shall be allowed on tract of land of at least one acre in area.

2. Hours of Operation

    a. All deliveries and trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.

    b. All other hours of operation for this development shall not be restricted.

B. BUILDING AND HEIGHT REQUIREMENTS

1. The uses permitted within this "PI" Planned Industrial District shall be contained in a maximum of two (2) buildings.

2. A minimum of 30% openspace is required for this development.

3. The maximum building height shall be limited to fifty (50) feet, exclusive of rooftop mechanical equipment and screening.

C. SETBACKS

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

    a. Three hundred (300) feet from the new right-of-way of Edison Avenue

    b. Three hundred fifty (350) feet from the new right-of-way of Chesterfield Airport Road

c. Thirty (30) feet from the eastern limits of this "PI" District

d. Two hundred (200) feet from the western limits of this "PI" District

e. One hundred (100) feet from all other limits of this "PI" District.

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

a. Fifty (50) feet from the new right-of-way of Edison Avenue

b. Fifteen (15) feet from the new right-of-way of Chesterfield Airport Road

c. Zero (0) feet from the eastern limits of this "PI" District

d. Twenty five (25) feet from the western limits of this "PI" District

e. Twenty five (25) feet from all other limits of this "PI" District

D. **PARKING AND LOADING REQUIREMENTS**

1. Off-street parking spaces for this development shall be as required in the City of Chesterfield Code.

2. Parking shall be prohibited on the Chesterfield Airport Road and Edison Avenue rights-of-way.

3. Construction Parking

a. No construction related parking shall be permitted within the Chesterfield Airport Road and Edison Avenue rights-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.

E. **LANDSCAPE AND TREE REQUIREMENTS**

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

F. **SIGN REQUIREMENTS**

1. A Sign Package will be submitted to the Department of Planning and Public Works in conjunction with Site Development Concept Plan.

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.

3. No advertising signs, temporary signs, portable signs or attention getting devices shall be permitted in this development.

G. **LIGHT REQUIREMENTS**

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

2. Provide for the installation, maintenance, operation and all expenses related thereto for the street lighting along all public streets associated with this development, including Chesterfield Airport Road and Edison Avenue, in perpetuity, as directed by the City of Chesterfield Department of Planning and Public Works. The street lighting plan shall comply with the Chesterfield Valley Master Street Lighting Plan.

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.

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

I. ACCESS/ACCESS MANAGEMENT

1. Chesterfield Airport Road: Access to this development from Chesterfield Airport Road shall be restricted to existing commercial entrance reconstructed as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Planning and Public Works. The commercial entrance intersection shall be aligned with existing or proposed streets and entrances on the other side of Chesterfield Airport Road as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Planning and Public Works.

2. Secondary access to the main site drive shall be at least 130 feet from the right-of-way of Chesterfield Airport Road, as directed by the City of Chesterfield Department of Planning and Public Works and the St. Louis County Department of Highways and Traffic.

3. Edison Avenue: Access to Edison Avenue shall be limited to one commercial entrance. The entrance approach shall be located a minimum of 44 feet east of the western property line of the site as defined by the Boundary Adjustment Plat recorded in Plat Book 347 Page 13 with the St. Louis County Recorder of Deed's office. In addition, the entrance may not be closer than 150 feet to the eastern property line.

4. Access of internal streets or drives shall be a minimum distance of 150 feet from the right-of-way of Edison Avenue, as directed by the City of Chesterfield Department of Planning and Public Works.

J. PUBLIC PRIVATE ROAD IMPROVEMENTS INCLUDING PEDESTRIAN CIRCULATION

1. Improve Chesterfield Airport Road to one-half of a five (5) lane cross section. The construction of an eight (8) foot stabilized shoulder is required to conform to the typical section for Chesterfield Airport Road. The St. Louis County Department of Highways and Traffic will provide the typical section.

   Verify handling of surface runoff along Chesterfield Airport Road will not require additional easement dedication. Pavement improvements including all storm drainage facilities shall be as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Planning and Public Works

2. Provide a 5 foot wide sidewalk and associated handicap access ramps, constructed to St. Louis County ADA standards, along the south side of Chesterfield Airport Road. The sidewalk will be located within the 15-ft. setback for parking, and will be excepted from the green space calculation.

3. Obtain approval from the City of Chesterfield Department of Planning and Public Works and the St. Louis County Department of Highways and Traffic of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

4. Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a special cash escrow must be established with the St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.

K. TRAFFIC STUDY

Prior to Site Development Plan approval, the City of Chesterfield Department of Planning and Public Works and the St. Louis County Department of Highways and Traffic may need a traffic study, including internal and external circulation, for review, and approval.

L. MONARCH-CHESTERFIELD LEVEE DISTRICT

1. The structures/improvements within 150 feet of the levee toe shall be as directed by the City of Chesterfield in consultation with the

Monarch-Chesterfield Levee District, as pursuant to U.S. Army Corp of Engineers Requirements.

2. Mitigation measures identified in the memorandum from the Monarch-Chesterfield Levee District and prepared by Sverdrup Civil, Inc., dated May 26, 2000, shall be addressed as directed by the City of Chesterfield in consultation with the Monarch-Chesterfield Levee District.

3. No structures, detention/drainage facilities, trees, plants, or vegetation with roots, or any other improvement that would penetrate the ground surface should be permitted within a 150-foot setback from the landside toe of the ultimate 500 year levee.

M. **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.

N. **STORMWATER**

1. Due to the inherent nature of development, the specific size, conceptual in nature. The exact location, size, and type of each segment of storm water infrastructure is to be reviewed and approved in conjunction with the development of specific sites. It is expected, that developers will submit alternate plans, proposed alternative geometry, size, and type for these infrastructure improvements, along with supporting hydraulic computations. The City of Chesterfield Department of Planning and Public Works will review said proposals for functional equivalence. 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 water surface profiles all other locations or adjacent properties.

2. The maintenance of the required storm water/ditch system shall be the responsibility of the property owner(s).

3. Storm Water Master Plan: The current Chesterfield Valley Storm Water Plan depicts a 10 foot wide trapezoidal channel along the southern portion of the site adjacent to Edison Avenue. In addition, the Master Plan depicts a 5 foot wide trapezoidal channel located along the western property line of the development as defined by the Boundary Adjustment Plat recorded in Plat Book 347 Page 13 with the St. Louis County Recorder of Deed's office.

4. Stormwater drainage improvements shall be operational prior to the paving of any driveways or parking lots. Roadway and related improvements shall be constructed prior to 60% occupancy of the development.

5. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided.

6. Treatment for water quality, in accordance with MSD regulations dated February 2006, shall be required.

7. Formal plan submittal and approval will be required by the Metropolitan Sewer District prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

O. **WATER**

Water Main Master Plan: The current Chesterfield Valley Water Main Master Plan depicts a 20" water main extension of the main in an east-west direction across the southern limit of the property, adjacent to the Edison Avenue right-of-way.

P. **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.

Q. **MISCELLANIOUS**

All utilities will be installed underground.

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 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 Chesterfield Valley Trust Fund (No. 556). This fund was created for roadway improvements, stormwater improvements, sanitary sewer facilities and water main improvements in the Chesterfield Valley Area.

Roads

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed on the basis of the following:

Type of Development	Required Contribution
Commercial	$1.65/sq. ft. of building space
Office	$1.15/sq. ft. of building space
Industrial	$3,976.01/acre of gross acreage

If the type of development proposed differs from those listed, the St. Louis County Department of Highways and Traffic shall provide rates. Where more than one land use type is proposed and each land use type constitutes thirty-five (35) percent or more of the gross building area, the applicable road improvement contribution shall be determined considering each land use exceeding thirty-five (35) percent as approved on the Site Development Plan.

Credits for roadway improvements required in Condition VII(A)(4)(a) will be awarded as directed by the St. Louis County Department of Highways and Traffic. Any portion of the roadway improvement contribution which remains, following completion of road improvements required by the development, shall be retained in the trust fund.

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

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of $524.83 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contributions shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

Storm Water

The stormwater contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of stormwater from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed on the basis of $1,656.18 per acre for the total area as approved on the Site Development Plan.

The stormwater contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek impact fee.

The sanitary sewer contributions within the Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

The amount of this required contribution, if not submitted by January 1, 2001, 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 Site Development Concept Plan and Site Development Section 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.