

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 1863 TO ALLOW FOR AN AMENDMENT TO THE ALLOWED USES FOR A 2.08-ACRE TRACT OF LAND ZONED "PC" PLANNED COMMERCIAL DISTRICT LOCATED ON CHESTERFIELD PARKWAY EAST BETWEEN SWINGLEY RIDGE ROAD AND OLIVE BOULEVARD. (P.Z. 21-2008 WALGREENS CHESTERFIELD - CHESTERFIELD PARKWAY, L.L.C.)

WHEREAS, the petitioner, Chesterfield Parkway, L.L.C., has requested an ordinance amendment to allow for an amendment to the allowed uses to permit a medical clinic to examine and treat patients on an outpatient basis, excluding surgeries; and,

WHEREAS, a Public Hearing was held before the Planning Commission on September 8, 2008; and,

WHEREAS, the Planning Commission having considered said request voted to approve the ordinance amendment request; and,

WHEREAS, the City Council, having considered said request, recommended approval.

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 The City of Chesterfield Ordinance Number 1863 is hereby repealed and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for Walgreens Chesterfield.

Legal Description

Tracts of land situated in the City of Chesterfield, the County of St. Louis, and the State of Missouri, lying in all of Lot 2 of Texaco Schoettler Subdivision as recorded in Plat Book 309 page 30 of the Land Records of said St. Louis County and parts of Lot 8 of John Long Estates Subdivision, Township 45 North, Range 4 East and being more particularly described as follows:

Commencing at a found 1/2" iron rod marking the intersection of a common line between Lot 2C-2 of the Resubdivision of Lot 2C of the Subdivision of Lot 2 of Herman Stemme Office Park as recorded in Plat Book 247 page 92 of the Land Records of said St. Louis County and a tract of land conveyed to Walter F. & Dorothy E. Haas as recorded in Deed Book 2906, Page 605 of said Land Records, with the Southwesterly right-of-way line of Chesterfield Parkway North, 82 feet wide, and the TRUE POINT OF BEGINNING for the herein described tract; thence along the common line between said Lot 2C-2 & Haas tracts, South 51 degrees 19 minutes 07 seconds West, a distance of 224.09 feet to a common corner between said Lot 2C-2 and Haas tracts, said corner also being the Southernmost corner of said Haas tract, from which a found 3/4" iron pipe bears South 17 degrees, 40 minutes 42 seconds West, a distance of 0.13 feet; thence along another common line between said Lot 2C-2 and Haas tracts, a common line between said Lot 2C-2 and a tract of land conveyed to Re Pel Mar

Company, Inc. as recorded in Deed Book 12734, Page 1983 of said Land Records, and the Southwesterly line of said Lot 2 of Texaco Schoettler Subdivision, North 33 degrees 54 minutes 44 seconds West, a distance of 407.04 feet to a set ½" iron rod marking Westernmost corner of said Lot 2, North 51 degrees 19 minutes 07 seconds East, a distance of 223.13 feet to a found ½" iron rod marking the Northerly corner of said Lot 2, said corner also being on said Southwesterly right-of-way line. South 34 degrees 02 minutes 49 seconds East, a distance of 408.96 feet to the Point of Beginning, containing 2.08 acres (90,705 square feet) according to a survey by J.R. Grimes Consulting Engineers, Inc.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance, is granted subject to all 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 Chesterfield Parkway, L.L.C. in P.Z. 21-2008, 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 September 8, 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, summons and penalty 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 "PC" Planned Commercial District shall be:
 - a. Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - b. Film drop-off and pick-up stations
 - 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.
 - d. Medical offices.
2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. Uses a-c above shall be restricted to a drug store, defined as a business of apothecary or druggist or pharmacy where drugs or medicines are compounded or dispensed by a state licensed pharmacist and may include selling at retail of sundries such as stationery, magazines, cosmetics, and assorted household goods commonly sold in supermarkets, markets, and grocery stores.
 - b. Use d above shall be restricted to a medical clinic located within the drug store, defined as a facility for examining and treating patients with medical issues on an outpatient basis only excluding surgeries.
3. Hours of Operation.
 - a. The hours of operation for the retail facility, including the pharmacy and medical clinic, shall be 7:00 AM to 10:00 PM.
 - b. Extended hours will be allowed, but only if a licensed pharmacist is on duty.

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

1. FLOOR AREA

Total building floor area shall not exceed 14,145 square feet.

2. HEIGHT

The maximum height of the building, exclusive of roof screening, shall not exceed thirty-three (33) feet above the floor elevation of 644.50 (677.50).

3. BUILDING REQUIREMENTS

A minimum of forty percent (40%) greenspace is required for this development.

C. SETBACKS

1. STRUCTURE SETBACKS

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

- a. Twenty (20) feet from the northeastern boundary of the "PC" Planned Commercial District on Chesterfield Parkway East, bearing S34⁰02'49"E.
- b. One hundred two (102) feet from the southeastern boundary of the "PC" Planned Commercial District, bearing S51⁰19'07"W.
- c. Ninety-five (95) feet from the southwestern boundary of the "PC" Planned Commercial District, bearing N33⁰54'44"W.
- d. One hundred fifty-six (156) feet from the northwestern boundary of the "PC" Planned Commercial District, bearing N51⁰19'07"E.

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. Ten (10) feet from the northeastern boundary of the "PC" Planned Commercial District on Chesterfield Parkway East, bearing S34⁰02'49"E.
- b. Fifty (50) feet from the southeastern boundary of the "PC" Planned Commercial District, bearing S51⁰19'07"W.

- c. Thirty (30) feet from the southwestern boundary of the "PC" Planned Commercial District, bearing N33⁰54'44"W.
- d. Ten (10) feet from the northwestern boundary of the "PC" Planned Commercial District, bearing N51⁰19'07"E.

D. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. Loading spaces shall be adequately landscaped in order to screen the area from view of Chesterfield Parkway East.
- 3. 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.

E. LANDSCAPE AND TREE REQUIREMENTS

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

F. SIGN REQUIREMENTS

- 1. 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.
- 2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code in addition to the following restrictions:
 - a. One (1) freestanding business sign shall be permitted along Chesterfield Parkway East. This sign shall not exceed fifty (50) square-feet in outline area and eight (8) feet in height.
 - b. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.

- c. Illumination of any sign shall be by an internal source only.

H. 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 shall not exceed a total vertical height of twenty-four (24) feet.

I. ARCHITECTURAL

1. The permitted structures, retaining walls and any fencing shall be of architectural style and construction style approved by the Planning Commission on building elevations and architectural renderings reviewed in conjunction with the Site Development Plan and shall be in conformance with the City of Chesterfield Design Guidelines and the Architectural Guidelines set forth in Exhibit A.
2. 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.
3. 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.
4. 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.
5. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

J. ACCESS/ACCESS MANAGEMENT

1. Access to Chesterfield Parkway East shall be limited to a maximum of two curb cuts. The northern-most access point shall be a minimum distance of eighty (80) feet from the curb on Chesterfield Parkway East, or as directed by the City of Chesterfield Department of Planning and Public Works. The southern curb cut shall be exit only. The location of the southern curb cut 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. Maintenance of a 45' site distance as measured from the intersection of two lines, representing the prolongation of the back of curb of Chesterfield Parkway and the back of the curb at the western side of the entrance shall be maintained. There shall be no plantings, obstructions, or signage, in excess of 3-1/2 feet in height within the triangle
3. Cross access to the site to the west (Taco Bell) must be maintained.
4. The northern access shall be constructed to a width of thirty-eight (38) feet to provide two (2) 12-foot outbound lanes (designated left and right turn lanes) and one fourteen (14) foot inbound lane.
5. Cross access to the parcel of land, located to the south, southwest and west of the site, shall be provided, in the future, subject to review/approval by the Department of Planning and Public Works and subject to the final approval of the City Council.
6. At such time as the cross-access setforth in (5) above is approved the City of Chesterfield shall determine if the southern-most entrance to the parcel shall close. Closure shall be subject to the determination by the City of Chesterfield Department of Planning and Public Works that there is adequate egress through the southern parcel.

K. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. No gate installation will be permitted on public right of way.
2. If a gate is installed on a street in this development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.
3. Provide improvements along the frontage of Chesterfield Parkway in accordance with the "Pathway on the Parkway" project. A minimum 16' wide area is required for the improvements. The improvements may be located in the St. Louis County ROW or within an easement on the subject property. The improvements include, but are not limited to, construction of a 6' wide sidewalk and installation of street trees and streetlights.
4. Pedestrian circulation throughout the development must be addressed. Connection to adjacent properties as directed by Department of Planning and Public Works.

L. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation. 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.

M. POWER OF REVIEW

The City Council shall have review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.

N. 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).

O. 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.

P. MISCELLANEOUS

1. All utilities will be installed underground.

2. 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 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.

V. TRUST FUND CONTRIBUTION

- A. The developer shall be required to contribute to the St. Louis County Chesterfield Village Trust Fund (Number 554). Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

<u>Type of Development</u>	<u>Required Contribution</u>
General Retail	\$1,344.88/parking space
Loading Space	\$2,200.73/loading space

(Parking spaces as required by the City of Chesterfield Code.)

If types of development differ from those listed, St. Louis County Department of Highways and Traffic will provide rates.

Credits for roadway improvements required will be awarded as directed by St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund. Credits for roadway improvements will be as approved by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic.

The roadway improvement contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance any a Special Use Permit (SUP) by St. Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, St. Louis County."

If this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development, will be retained in the appropriate trust fund.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2002 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance

with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

VII. 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.

VIII. 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.

Exhibit A

Architectural Design Standards August 2002

The following design standards shall apply to the Walgreens store proposed in this "PC" Planned Commercial District.

1. The building shall be designed to emphasize the pedestrian scale by using brick color combinations to reduced building height.
2. The building shall be designed to create a strong sense of entry and shall incorporate an entry plaza that ties into the Pathway on the Parkway.
3. The building design and architectural materials shall be consistent on all sides of the building.
4. The building materials shall be consistent with surrounding buildings with the following features:
 - a. Two brick colors
 - b. Stone at the entry element
 - c. EFIS parapet emulating stone
 - d. Brick and cedar enclosures
5. The building shall have metal awnings at the storefronts.
6. Site lighting shall tie into the Pathway on the Parkway streetscape.
7. The "Mortar & Pestle" shall not have "Walgreens" written at the bottom of the logo.
8. The Planning Commission shall review the neon lighting used for the Mortar & Pestle, the background lighting and the color of the wall inside the glass enclosure.
9. The entrance of the store shall present a residential appearance.