

BILL NO. 2707

ORDINANCE NO. 2547

**AN ORDINANCE REPEALING ST. LOUIS COUNTY ORDINANCE NUMBER 13,903 AND CITY OF CHESTERFIELD ORDINANCE NUMBER 1117 AND REPLACING IT WITH A NEW ORDINANCE THAT CONSOLIDATES THE GOVERNING CONDITIONS OF BOTH AND AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C-8" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 5.45-ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF CLARKSON ROAD AND SOUTH OF CLARKSON WOODS DRIVE [P.Z. 17-2008 CLARKSON WILSON CENTRE (2 Clarkson Wilson Ctr.)]**

**WHEREAS**, the petitioner, Gene Holtzman, on behalf of Hutkin Development, has requested a change in zoning to remove restrictions on permitted uses, hours of operation and sign requirements for this 5.45 acre tract of land; and,

**WHEREAS**, a Public Hearing was held before the Planning Commission on August 11, 2008; and,

**WHEREAS**, a second Public Hearing, which was held before the Planning Commission on February 9, 2009, was required due to changes in the request for rezoning by the Petitioner; and,

**WHEREAS**, the Planning Commission, having considered said request, recommended approval of the request for a change in zoning with amendments regarding hours of operation by a vote of 7-0; and,

**WHEREAS**, the City Council, having considered said request, voted to approve the change of zoning with an amendment to the hours of operation and outdoor activities.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** St. Louis County Ordinance 13,666; St. Louis County Ordinance 13,903 and City of Chesterfield Ordinance Number 1117 are hereby repealed and those conditions therein are incorporated into the Attachment A, which is attached hereto and made a part hereof for Clarkson Wilson Centre a description of which is as follows:

Legal Description

A tract of land in the North half of Section 21, Township 45 North, Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at a concrete monument marking the Southwestern corner of Clarkson Woods, Plat 2, as recorded in Plat Book 167 page 66 of the St. Louis County Records, and also being a point on the Northern Line of Clarkson Woods South – Plat 1 as recorded in Plat Book 166 pages 94 and 95 of the said St. Louis County Records, thence South 27 degrees, 44 minutes, 50 seconds West along the Northern line of said Clarkson Woods South, Plat 1, a distance of 3.00 feet to a point; thence South 89 degrees, 48 minutes 58.seconds West continuing along the said North line of Clarkson Woods South, Plat 1, a distance of 420.73 feet to a point said point being the Northwest corner of said Clarkson Woods South, Plat 1 and also being a point on the Eastern Right of Way line of Clarkson Road, 60 feet wide; thence along said Eastern line of Clarkson Road, along a curve to the right, having a radius of 1,402.69 feet, an arc distance of 705.00 feet to a point; thence leaving the said Eastern line of Clarkson Road along the North line of the existing C-8 zoning as established by Ordinance 6227 dated 1972, St. Louis County, Missouri, South 50 degrees 01 minutes 12 seconds East, a distance of 368.01 feet to a point on the Western line of the aforementioned Clarkson Woods Plat Two; thence along the Western line of Clarkson Woods, Plat 2, South 27 degrees 44 minutes 50 seconds West a distance of 419.45 feet back to the point of beginning.

**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 hereof.

**Section 3.** The City Council, pursuant to the request filed on behalf of Hutkin Development in P.Z. 17-2008, requesting the change in zoning embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearings, held by the Planning Commission on the 11<sup>th</sup> day of August, 2008 and the 9<sup>th</sup> day of February, 2009, 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 15<sup>th</sup> day of June, 2009.

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING HELD: 06/01/2009

## **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. Animal hospitals, veterinary clinics, and kennels
  - b. Associated work and storage areas required by a business, firm or service to carry on business operations.
  - c. Libraries and reading rooms.
  - d. Barber shops and beauty parlors
  - e. Dry cleaning drop off and pick-up stations
  - f. Film drop off and pick-up stations
  - g. Financial institutions.
  - h. Medical and dental offices
  - i. Office or office buildings
  - j. Recreational facilities, indoor including gymnasiums.
  - k. Restaurants, fast food.
  - l. Restaurant, sit down.
  - m. Permitted signs
  - n. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, and film processors. Goods and services associated with these uses may be sold or provided directly to the public on premises.
  - o. Stores, shops, markets, service facilities are being offered for sale or hire to the general public on the premises.
2. The above uses in the 'PC' Planned Commercial District shall be restricted as follows:

- a. Restaurants shall not be free standing, fast food restaurants, or ones having drive-up facilities.
  - b. Overnight boarding services shall only be permitted in conjunction with the animal hospital and veterinary clinic use.
3. Hours of Operation.
- a. The permitted uses listed above are subject to hours of operation from 7:00 AM to 11:00 PM.
  - b. The existing veterinary hospital/clinic/kennel located at 4 Clarkson Wilson Centre will be permitted to commence operation of business at 6:15 AM one day each week. This exception to the above-referenced hours of operation is specific to the current tenant at the approval of this ordinance and is not transferable to future tenants.
  - c. No amplified or live music or audio is permitted outside of enclosed structures except as permitted by the Director of Planning and Public Works once a year pursuant to a special activities permit granted by the City after notice to residents and trustees with the applicant being the land owner.
  - d. All other outdoor special activities or events are permitted between the hours of 11:00 AM and 9:00 PM with a special activities permit with the applicant being the land owner.
  - e. All outdoor special activities or events shall be in accordance with all regulations of the City Code.

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

1. Height
  - a. The maximum height of the building, exclusive of roof screening or architectural features, shall not exceed one (1) story in height or thirty-five (35) feet, whichever is less.

**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. Fifty (50) feet from the existing right-of-way of Clarkson Road;

- b. Thirty-five (35) feet from the eastern boundary of the PC District;
  - c. Thirty (30) feet from the southern boundary of the PC District;
  - d. Thirty (30) feet from the northern boundary of the PC District.
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 existing right-of-way of Clarkson Road;
  - b. Fifty (50) feet from the eastern boundary of the PC District;
  - c. Ten (10) feet from the southern boundary of the PC District;
  - d. Thirty (30) feet from the northern boundary of the PC 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. No parking shall be permitted on the Clarkson Woods cross access driveway and the developer shall post the signs accordingly. The parking restriction and requirement for signage shall be indicated on all Site Development Plans and improvement plans. Signage shall be posted within 30 days of the placement of the street pavement and or issuance of any occupancy permits within the development.

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

1. The developer shall adhere to the Tree Manual of the City of Chesterfield.
2. Heavy landscaping and wooden fencing a minimum six (6) feet in height shall be installed within the parking setback along the east property limit of this development as approved by the Planning Commission on the Site Development Plan.

#### **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 Missouri

Department of Transportation for sight distance considerations prior to installation or construction.

**G. LIGHT REQUIREMENTS**

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, 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 the development shall be limited to two (2) driveways, one (1) each on Clarkson Road and Clarkson Woods Drive as directed by the Missouri Department of Transportation and the City of Chesterfield. The aforementioned driveways shall be located as far as possible from the intersection of Clarkson Woods Drive and Clarkson Road.

**J. PUBLIC / PRIVATE ROAD IMPROVEMENTS**

1. If in the future any change is made to the buildings or the site layout which may require an amendment to the recorded Site Development Plan for the site, provide additional right of way and construct additional pavement and appurtenances for the purposes of adding a right turn deceleration lane along Clarkson Road for the

commercial entrance and/or for the side street for safety or operational improvements, as directed by the Missouri Department of Transportation.

2. If in the future any change is made to the buildings or the site layout which may require an amendment to the recorded Site Development Plan for the site, which increases the need for improvements to Wilson Avenue, Ordinance No. 215 may require the developer to make contributions to the Wilson Avenue Trust Fund.

#### **K. PEDESTRIAN CIRCULATION**

1. Provide a 5 foot wide sidewalk, conforming to ADA standards, along the Clarkson Road and Clarkson Woods Drive frontage of the subdivision. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a 6 foot wide sidewalk, maintenance and utility easement.
2. At this time the existing sidewalk already in place must be extended across Lot 2 to connect to the existing handicap ramp at the Clarkson Woods cross access drive. A special cash escrow will be required for construction of the proposed sidewalk.

#### **L. TRAFFIC STUDY**

1. If in the future any change is made to the buildings or the site layout which may require an amendment to the recorded Site Development Plan for the site, 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, accident data, 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.
2. If in the future any change is made to the buildings or the site layout which may require an amendment to the recorded Site Development Plan for the site, provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Wilson Avenue. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical

alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

**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. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or 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. OCCUPANCY PERMIT**

1. Prior to the issuance of any Municipal Zoning Approvals (MZA's) or reoccupancy permits, a special cash escrow in the amount of \$2,000 for the purposes of extending the existing sidewalk and easement along Clarkson Road along Lot 2 of the Clarkson Centre subdivision to connect to the Clarkson Woods cross access drive shall be submitted to the City of Chesterfield.
2. Prior to the issuance of an occupancy permit, the no parking signs along the access drive off of Clarkson Woods Drive shall be posted as required.

**P. GEOTECHNICAL REPORT**

If in the future any change is made to the buildings or the site layout which may require an amendment to the recorded Site Development Plan for the site 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. 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 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, 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.

## **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.