

AN ORDINANCE REPEALING ORDINANCE 2377 OF THE CITY OF CHESTERFIELD AND ESTABLISHING A NEW ORDINANCE CHANGING THE PARKING SETBACKS AS THEY RELATE TO THE NORTHERN BOUNDARY OF THIS "PC" PLANNED COMMERCIAL DISTRICT AND INTERNAL STREETS FOR A 7.698 ACRE TRACT OF LAND LOCATED NORTH OF US HIGHWAY 40 AND EAST OF BOONES CROSSING [P.Z. 07-2008 Valley Gates Subdivision (Summit Outer 40 Investors, LLC)]

WHEREAS, Summit Outer 40 Investors, LLC has requested an ordinance amendment to City of Chesterfield Ordinance 2377 to revise the parking setbacks in a "PC" Planned Commercial District for a 7.698 acre tract of land north of US Highway 40 and east of Boones Crossing; and,

WHEREAS, a Public Hearing was held before the Planning Commission on January 12, 2009; 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 rezoning request with an amendment granting automatic City Council power of review.

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

Section 1. City of Chesterfield Ordinance 2377 is hereby repealed and a new ordinance is established in their place to the conditions incorporated into the Attachment A, which is attached hereto and made a part hereof. A description of the property is as follows:

A tract of land in part of Lots 6 and 7 of the James Long Estate, according to the plat attached to deed recorded in Book 445 page 354 of the records of City (former County) of St. Louis in U/S/ Survey 2031, Township 45 North, Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Commencing at a point on the North line of North Outer Forty Road at the West line of Lot 5 said Long Estate; thence along the North lone of said North Outer Forty Road, South 84 degrees 42 minutes 48 seconds East, 1010.00 feet to the POINT OF BEGINNING of the herein described tract of land; thence leaving the North line of said North Outer Forty Road, North 5 degrees 17 minutes 12 seconds East, 726.78 feet to a point on the South line of a tract of land conveyed to Wayne and Ruthann Haynes by deed recorded in Book 9054 Page 2041 of the St. Louis County Records; thence along the South line of said Haynes tract the following courses and distances, North 87 degrees 03 minutes 05 seconds East, 92.38 feet; South 89 degrees 14 minutes 33 seconds East, 277.05 feet and South 79 degrees 19 minutes 54 seconds East 24.29 feet to a point on the West line of a tract of land of land conveyed to Edmund P. Andreas by deed recorded in Book 127 Page 498 of the St. Louis County

Records; thence along the West line of said Andreas Tract, South 02 degrees 58 minutes 00 seconds West, 775.95 feet to a point on the North line of said North Outer Forty Road; thence along the North line of said North Outer Forty Road, along the arc of a curve to the left having a radius of 3,054.79 feet, an arc distance of 225.22 feet, to a point of tangency; and North 84 degrees 42 minutes 48 seconds West, 278.11 feet to the POINT OF BEGINNING and containing 335,316 square feet or 7.698 acres more or less according to calculation performed by Stock and Associates Consulting Engineers, Inc. on January 6, 2004.

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 Summit Outer 40 Investors, LLC, in P.Z.07-2008, 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 12th day of January, 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.

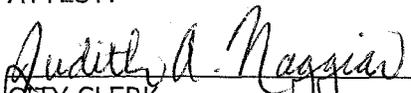
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 21st day of September, 2009.


MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 09/09/2009

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" District shall be:
 - a. Arenas and stadiums.
 - b. Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - c. Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
 - d. Child care centers, nursery schools, and day nurseries.
 - e. Colleges and universities.
 - f. Financial institutions.
 - g. Hospitals.
 - h. Hotels and motels.
 - i. Medical and dental offices.
 - j. Offices or office buildings.
 - k. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
 - l. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
 - m. Restaurants, fast food. (No drive-thru)
 - n. Restaurants, sit down.

- o. Schools for business, professional or technical training, but not including outdoor areas for driving or heavy equipment training.
- p. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

2. HOURS OF OPERATION.

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

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

1. HEIGHT

- a. The maximum height of retail buildings, exclusive of roof screening, shall not exceed two (2) stories.
- b. The maximum height of all other buildings, exclusive of roof screening, shall not exceed forty five (45) feet.

2. BUILDING REQUIREMENTS

- a. A minimum of forty percent (40%) open space 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. One hundred and twenty feet (120) from the new right-of-way of North Outer Forty.
- b. Nineteen (19) feet from the eastern boundary of the "PC" District.
- c. Twenty five (25) feet from the western boundary of the "PC" District.

- d. Two hundred (200) feet from the northern boundary of the "PC" District.

2. PARKING SETBACKS

- a. No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:
 - i. Thirty (30) feet from the right-of-way of North Outer Forty Road.
 - ii. Nineteen (19) feet from the eastern boundary of this development.
 - iii. Twenty five (25) feet from the western boundary of the "PC" District.
 - iv. Sixty (60) feet from the northern boundary of the "PC" District.
 - v. Ten (10) feet from internal property lines, with the exception of shared driveways.
 - vi. Ten (10) feet from the principal internal street.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
 - a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
 - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Preservation and Landscape Requirements of the City of Chesterfield.
2. Since landscaping is not permitted in the underseepage berm area, landscape provisions for said area, including but not exclusive to landscaped parking islands and perimeter landscaping requirements will not be required to adhere to the Tree Preservation and Landscape Requirements of the City of Chesterfield. Landscaping plans will include additional landscaping provisions in the front portion of the building area which will buffer the lack of landscaping in the rear of the property. The landscape features may include but not be limited to water features, brick planters and outdoor artwork.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
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.

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. Provide cross access easements or other appropriate legal instruments guaranteeing permanent access to adjacent properties as directed by the City of Chesterfield.
2. Direct access to the North Outer Forty Road shall be as approved by MoDOT and the City of Chesterfield.
3. The centerline of the single entrance onto the North Outer Forty Road shall be located no closer than two hundred and twenty (220) feet from the western property line, or as directed by the City of Chesterfield and MoDOT.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide any additional right-of-way and pavement widening to the North Outer Forty Road as required by MoDOT.
2. Provide a five (5) foot wide sidewalk, conforming to ADA standards, parallel to North Outer Forty Road per the Valley Guidelines of the Comprehensive Plan and a four (4) foot wide sidewalk conforming to ADA standards along both sides of all interior roadways, as directed by the City of Chesterfield. The sidewalks shall be privately maintained; therefore, no public easements shall be required.
3. Provide a 40 foot right of way with minimum of 10 foot roadway improvement, maintenance, utility and sewer easements on both sides for all interior roadways. Minimum roadway sections shall provide a 26 foot travel way with 7 foot shoulders on both side and appurtenant storm drainage facilities as directed by the Department of Public Works.

K. 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.

L. MONARCH-CHESTERFIELD LEVEE DISTRICT

1. The developer shall dedicate an underseepage berm easement adjacent to the existing levee, as directed by the Monarch Chesterfield Levee District and the City of Chesterfield's Department of Public Works.
2. Prior to approval of any grading permit or improvement plans for development, an under seepage study may be required for review/approval as directed by the Monarch Chesterfield Levee District, the US Army Corps of Engineers and the City of Chesterfield's Department of Planning and Public Works.
3. No improvements or use that would alter, diminish, damage or interfere with the performance of the Monarch Chesterfield Levee including seepage berm is permitted.
4. Any drainage structures or systems, including or not limited to under drains, installed for the relief of hydrostatic head or seepage water shall be designed, construed, operated, and maintained to prevent infiltration of soil/ground loss.
5. Trees, vegetation and landscaping which have roots which extend more than six (6) inches in depth below the ground are not permitted in the Permanent Under seepage Berm Easement. Buildings and other structures are also not permitted within this easement.

M. RECREATIONAL EASEMENT

1. An easement, for recreational and trail purposes shall be provided for this site as directed by the Monarch Chesterfield Levee District and the City of Chesterfield's Department of Planning and Public

Works. The easement is anticipated to be located on the crest of the levee.

N. POWER OF REVIEW

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

O. 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 other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, 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.
3. Due to the inherent nature of development, the specific size, location, and configuration of the storm water infrastructure are conceptual in nature. The exact location, size, and type of each segment of storm water infrastructure are to be reviewed and approved in conjunction with the development of specific sites. It is expected that developers will submit alternate plans, propose alternative geometry, size, and type for these infrastructure improvements, along with supporting hydraulic computations. The Planning and Public Works Department 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 or their designee, the alternate proposal provides the same hydraulic function, connectivity, and system wide benefits without adversely affecting water surface profiles at other locations or adjacent properties.
4. The Chesterfield Valley Master Storm Water Plan indicates that the drainage shall be directed to the east to a future pump station, via a 30 foot wide flat bottom ditch with 4:1 side slopes, and a double 8' x 4' driveway culvert. Please be advised that the petitioner shall

coordinate improvements with the adjacent parcel owners. In addition, in the event that the ultimate permanent improvements cannot be constructed at the time of development, the site shall be designed in such a manner as to allow the ultimate construction of the master plan at a future date, and interim drainage facilities shall be provided. The interim facilities may include a temporary pump station as necessary to provide the required positive drainage. Interim facilities shall be removed promptly at such time as the permanent storm water improvements can be constructed as required. The petitioner will be required to provide a special cash escrow to the City for the cost of constructing the master plan drainage ditch along their property in the event that the ditch is not constructed at the time of development. No building permits for the development will be issued until the City has received the special cash escrow. The special cash escrow shall include all work associated with constructing the master plan drainage facility, or reconfiguring the interim improvement. This shall include, but is not limited to, grading, siltation control, re-vegetation, and removal of driveway entrances, removal of driveway culverts, the construction of culverts and the reconstruction of driveway entrances.

5. The maintenance of the required storm water/ditch system shall be the responsibility of the property owner(s).
6. Storm water 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 retail portion of the site.
7. If any development in, or alteration of, the floodplain is proposed, the developer shall submit a Floodplain Development Permit/Application to the City of Chesterfield Department of Planning and Public Works for approval. Be advised that in conjunction with any site alteration the developer will be required to demonstrate that there will be no adverse effect on other properties located within the Chesterfield Valley. The Floodplain Development Permit/Application must be approved by the City of Chesterfield Department of Planning and Public Works prior to the approval of the Improvement Plans or Grading Plans. If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development.
8. If any building is proposed to be located in an existing, or proposed, Special Flood Hazard Area the building shall be clearly labeled as

being located in the Floodplain on the Approved Site Development Plan and Improvement Plan. The lowest Reference Level (floor), as defined by FEMA, shall be constructed a minimum of one (1) foot above the base flood elevation unless a LOMR has been issued by FEMA prior to construction. The minimum elevation for the Reference Level for each building shall also be noted on the approved Site Development Plan and Improvement Plan.

P. SANITARY SEWER

1. Hydraulic calculations of downstream sewers will be required by the Metropolitan St. Louis Sewer District and the City of Chesterfield. Downstream sanitary reaches may need to be replaced or upgraded, as directed by the Metropolitan St. Louis Sewer District and the City of Chesterfield.

Q. GEOTECHNICAL REPORT.

1. 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.

R. MISCELLANEOUS

1. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
2. 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.
3. If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluation the impacts of the proposed work shall be provided as directed by the City of Chesterfield's Department of Planning and Public Works. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- A. The developer shall submit a concept plan within 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 18 months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA

A. Site Development Concept Plan, Site Development Section Plan, Site Development Plans.

- 1. Any site development plan shall show all information required on a sketch plan as required in the City of Chesterfield Code.
- 2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.

3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

V. CHESTERFIELD VALLEY TRUST FUND

The Developer shall contribute to the Chesterfield Valley Trust Fund.

A. Roads

The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund (No. 556). This contribution shall not exceed an amount established by multiplying the required parking spaced by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$575.04
General Retail	\$1,725.20
Loading Space	\$2,823.08

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

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

Allowable credits for required roadway improvements will be awarded as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

As this development is located within a trust fund area established by St. Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development should be retained in the appropriate trust fund.

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. Funds shall be payable to Treasurer, St. Louis County.

B. Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$693.85 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 Highway and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

C. Storm water

The storm water 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 storm water 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 storm water contribution will be computed on the basis of \$2,201.47 per acre for the total area as approved on the Site Development Plan.

The storm water 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 the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

D. Sanitary Sewer

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

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

The amount of this required contribution for the roadway, storm water and primary waterline improvements, if not submitted by January 1, 2010 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 Departments of Highway and Traffic.

VI. RECORDING

Within 60 days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

VII. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.