

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 1010 TO ALLOW FOR A CHANGE TO THE ZONING DISTRICT AND THE PERMITTED USE REQUIREMENTS, FOR A 7.42 ACRE TRACT OF LAND ZONED "C-8" PLANNED COMMERCIAL DISTRICT TO BE CHANGED TO A "PC" PLANNED COMMERCIAL DISTRICT, LOCATED SOUTH OF INTERSTATE 64/HIGHWAY 40 AND EAST OF LONG ROAD AT 17519 CHESTERFIELD AIRPORT ROAD. (P.Z. 10-2009 84 LUMBER, MASE LLC.)

WHEREAS, the petitioner, Chris Kehr on behalf of MASE LLC., has submitted a request for a change of zoning from "C-8" Planned Commercial District to "PI" Planned Industrial District, for a 7.42 acre tract of land located south of Interstate 64/Highway 40 and East of Long Road at 17519 Chesterfield Airport Road has requested to amend the Zoning District and Permitted Uses; and,

WHEREAS, a Public Hearing was held before the Planning Commission on June 22nd, 2009; and

WHEREAS, the Planning Commission having considered said request, forwarded the request for a change of zoning to the City Council with no recommendation; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning with amendments to the requested Zoning District, as well as the Permitted Uses, Hours of Operation, and Miscellaneous sections of the Attachment A.

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

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District for a 7.42 acre tract of land located south of Interstate 64/Highway 40 and East of Long Road at 17519 Chesterfield Airport Road and described as follows.

Legal Description

Lot 1 of 84 Lumber Subdivision, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in plat book 339 page 80 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 Christopher Kehr, on behalf of MASE LLC., 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 22nd day of June 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 2nd day of November, 2009.


MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 10/19/2009

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. Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - b. Offices or office buildings.
 - c. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
 - d. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, and boats, as well as associated repairs and necessary outdoor storage of said vehicles, but not including tractor trailers.
 - e. Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of vehicles used by business and agriculture.
 - f. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
 - g. 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.
 - h. Vehicle repair facilities for automobiles.

- i. Vehicle service centers for automobiles.
 - j. Vehicle washing facilities for automobiles.
2. Hours of Operation

Hours of operation for this development shall be from 6:00 a.m. to 8:00 p.m.

B. BUILDING AND HEIGHT REQUIREMENTS

- 1. A maximum of four (4) structures/buildings shall be permitted in this development.
- 2. Total square footage of buildings in this development, including storage sheds and loading docks, shall not exceed 40,000 square feet.
- 3. No building shall exceed two (2) stories or thirty (30) feet in height, whichever is less, as measured from the average finished ground elevation of the building.
- 4. A minimum of 30% openspace is required for this development.

C. SETBACKS

- 1. No building or structure, other than a freestanding project identification sign, light standards or flag poles shall be located within the following setbacks:
 - a. Three hundred (300) feet from the right-of-way of I-64/U.S. 40-61.
 - b. Seventy (70) feet from the southern boundary of this "PC" district.
 - c. Sixty (60) feet from the eastern boundary of this "PC" district.
 - d. Fifty-five (55) feet from the western boundary of this "PC" district.

- e. No building or structure, other than a freestanding project identification sign, light standards or flag poles shall be located within the access portion of the site.
2. No parking stall, loading/storage areas, internal driveway or roadway, except points of ingress or egress, shall be located within the following setbacks:
 - a. Two hundred ninety (290) feet from the right-of-way of I-64/U.S. 40-61.
 - b. Thirty (30) feet from the southern boundary of this "PC" district.
 - c. Thirty (30) feet from the eastern boundary of this "PC" district.
 - d. Ten (10) feet from the western boundary of this "PC" district.
 - e. No parking stall, loading/storage areas, internal driveway or roadway, except points of ingress or egress, shall be located within the access portion of the site.

D. PARKING AND LOADING REQUIREMENTS

1. Off-street parking spaces for this development shall 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.

E. LANDSCAPE AND TREE REQUIREMENTS

The developer shall adhere to the Tree Preservation and Landscape Requirements of the City of Chesterfield.

F. SIGN REQUIREMENTS

1. One free-standing business sign shall be permitted on Chesterfield Airport Road. Said sign shall not exceed eight (8) feet in height above the average existing finished grade at the base of the sign, or the elevation of the adjacent street, whichever is higher, with a total outline area per face not to exceed seventy (70) square feet. Said sign face shall be attached to a proportional enclosed base, integrated planter or structural frame, the width of which shall be a minimum of one-half (1/2) the width of the widest part of the sign face. The bottom of the sign face shall not exceed a height of three (3) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. An enclosed sign base or integrated planter shall not be required if the sign face is within one (1) foot of the average finished grade at the base of the sign.
2. If said sign is a minimum of twenty-five (25) feet from the right-of-way of Chesterfield Airport Road, the maximum height shall be twelve (12) feet above existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. However, at no time shall the bottom of the sign face exceed a height of three (3) feet above the average existing finished grade at the base of the sign or the elevation of the adjacent street, whichever is higher.
3. All permanent freestanding business signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. If an increase in the outline area and/or height of a freestanding sign requiring Planning Commission approval is requested, the required landscaping for such a sign shall also be subject to Planning Commission Approval.
4. 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.
5. All other signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. No on-site light standard shall exceed twenty-four (24) feet in height.

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.
5. All permitted open storage shall be screened with landscaping and/or fencing as approved on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. The existing direct access to Chesterfield Airport Road shall be permitted until such time that access to the site is provided via a proposed connector road to either Arnage Boulevard or to Caprice Drive.
2. No direct access to this development shall be permitted from I-64/U.S. 40-61.

3. Provide cross access easements as needed to the adjacent parcels to the east and west as directed by the City of Chesterfield.

J. PUBLIC PRIVATE ROAD IMPROVEMENTS INCLUDING PEDESTRIAN CIRCULATION

1. The Missouri Department of Transportation required this developer to provide right-of-way dedication across the entire property frontage for the future (Long Road interchange) highway construction.
2. Any changes to the drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards and shall be reviewed and approved by MoDOT.
3. The petitioner shall provide adequate detention and/or hydraulic calculation for review and approval for all storm water that will encroach on MoDOT right-of-way.
4. All drainage detention storage facilities shall be placed outside of the standard governmental agencies planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.
5. Any work within MoDOT right-of-way will require a MoDOT permit.

K. 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.

L. 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. The Chesterfield Valley Master Storm Water Plan indicates a 10' flat bottom ditch along the north property line of this site and that drainage from this site is to be directed to the north to Pump Station

#4 at Long Road and the North Outer Forty Road. The property owner is required to maintain the cross section and flowline of this channel across the portion that runs through this property.

3. Any proposed drainage modifications to the Chesterfield Valley Master Drainage Plan must meet all drainage performance criteria and be considered functionally equivalent. 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 any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Director of Planning and Public Works determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.
4. Jurisdictional wetlands have been identified on this site. The mitigation for the wetlands has been addressed under the Chesterfield Valley Mitigation Bank Program; therefore, the developer shall reimburse the Program for the mitigation provided for this site. There are 3.16 acres of wetlands delineated on this site, which require a total of 5.26 acres of mitigation credit. To date \$50,624 has been paid. However, prior to approval of any grading permit or improvement plans, or issuance of a building permit, the developer needs to pay the remainder in the amount of \$80,883 to the City of Chesterfield as the site's proportionate share of the cost of establishment of the mitigation area.

M. 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.

N. MISCELLANEOUS

1. All utilities shall be installed underground.
2. At such time as significant structural improvements or changes to the existing fences or buildings are made to the existing development, the existing development will be required to adhere to all applicable code requirements and design guidelines of the City of Chesterfield.

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 CONCEPT PLAN SUBMITTAL REQUIREMENTS

- 1. Any site development concept plan shall show all information required on a preliminary plat 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 St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

B. SITE DEVELOPMENT SECTION 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, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation and St. Louis County Department of Highways and Traffic.
20. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

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 spaces by the following rate schedule:

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

If types of development proposed differ from those listed, rates shall be provided by the Saint Louis County Department of Highways 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 Saint 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 Saint 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 Saint 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, Saint 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 \$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.

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 Saint Louis County and the Metropolitan Saint Louis Sewer District. The amount of the storm water contribution will be computed based on \$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 Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Highways and Traffic or before the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to the Treasurer, Saint Louis County.

D. 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 these required contributions, 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 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.