

AN ORDINANCE REPEALING ST. LOUIS COUNTY ORDINANCE 7561 AND REPLACING IT WITH A NEW ORDINANCE THAT AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "M2" INDUSTRIAL DISTRICT TO "UC" URBAN CORE DISTRICT AND APPROVING A LANDMARK AND PRESERVATION AREA (LPA) OVERLAY FOR A .226 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLD CHESTERFIELD ROAD AT ITS INTERSECTION WITH SANTA MARIA DRIVE (P.Z. 07-2010 16624 OLD CHESTERFIELD ROAD (GENE MAININI))

WHEREAS, the petitioner, Gene Mainini, has requested a change in zoning from "M2" Industrial District to "UC" Urban Core District and approval of a Landmark and Preservation Area (LPA) Overlay for a .226 acre tract of land located on the south side of Old Chesterfield Road at its intersection with Santa Maria Drive; and,

WHEREAS, a Public Hearing was held before the Planning Commission on October 11, 2010; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the change of zoning and Landmark Preservation Area Overlay; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the change of zoning and Landmark and Preservation Area Overlay; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning request and Landmark and Preservation Area Overlay.

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 a part thereof, are hereby amended by transferring from the "M2" Industrial District to the "UC" Urban Core District and Landmark and Preservation Area (LPA) Overlay for a .226 acre tract of land located south of Old Chesterfield Road at its intersection with Santa Maria Drive, as described below:

Legal Description

A tract of land being lot 1 of Burkhardt Place as recorded in Plat Book 12 Page 94 of the St. Louis County, Missouri Recorder of Deeds,

located in U.S. Survey 2031, Township 45 North, Range 4 East, City of Chesterfield, St. Louis County, Missouri and described as follows:

Beginning at a set iron pipe at the northwest corner of lot 1 of the above mentioned Burkhardt Place, also being a point on the south right-of-way line of Old Chesterfield (60'W) Road;

Thence along the South right-of-way line of said Santa Maria Drive, south 01 degrees 05 minutes 00 seconds west, 133.09 feet to a set survey nail at angle point on the right-of-way line of Santa Maria Drive;

Thence continuing along the right-of-way line of Santa Maria Drive, South 87 degrees 44 minutes 00 west, 18.14 feet to the Northeast corner of a tract of land conveyed to Edward H. JR. and Janie A. Struckman as recorded in Deed Book 14723 page 1402 of the above mentioned Recorders Office, where a found rebar with cap bears 0.21 feet north;

Thence along the North line of said Struckman Tract, North 75 degrees 28 minutes 00 seconds West, 75.80 feet to a set iron pipe with cap;

Thence along the East line of said Struckman Tract, North 19 degrees 13 minutes 08 seconds east, 139.32 feet to the point of beginning.

The above described tract contains 9,862 square feet and is subject to all easements, restrictions, reservations and conditions of record, if any.

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" and preliminary plan, which is attached hereto and made a part of.

Section 3. The City Council, pursuant to the petition filed by Gene Mainini, in P.Z. 07-2010, 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 hearings, held by the Planning Commission on the 11th day of October 2010, 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 exempted 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 MARCH, 2011



ACTING MAYOR

ATTEST:



CITY CLERK

FIRST READING HELD: February 23, 2011

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 "UC" Urban Core District, with a Landmark and Preservation Area (LPA) Overlay shall be:
 - a. Art Gallery
 - b. Art Studio
 - c. Barber shop or Beauty Shop
 - d. Commercial Service Facility
 - e. Dry Cleaning Business
 - f. Office, General
 - g. Reading Room
 - h. Research Facility
 - i. Plumbing, Electrical, Air Conditioning & Heating Equipment Sales, Warehousing & Repair Facility
 - j. Warehouse, General
2. Hours of Operation.
 - a. Hours of operation for this "UC" Urban Core District, with (LPA) Overlay shall be 8:00 AM to 8:00 PM.

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

1. Floor Area
 - a. The maximum footprint of the structures shall not exceed 4,000 square feet.
2. Height
 - a. The maximum height of the building, exclusive of roof screening, shall not exceed fourteen (14) feet.
3. Building Requirements
 - a. A minimum of 19% openspace is required for this development.

- b. This development shall have a maximum F.A.R. of .40.

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. Thirty-Five (35) feet from the right-of-way of Old Chesterfield Road.
- b. Nine (9) feet from the west boundary of the "UC" Urban Core District.
- c. Six (6) feet from the north boundary of the "UC" Urban Core District.
- d. Two (2) feet from the east boundary of the "UC" Urban Core 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. Zero (0) feet from the right-of-way of Old Chesterfield Road.
- b. Zero (0) feet from the west boundary of the "UC" Urban Core District.
- c. Six (6) feet from the north boundary of the "UC" Urban Core District.
- d. Two (2) feet from the east boundary of the "UC" Urban Core District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking requirements shall be a minimum of ten (10) spaces for this development as directed by the City of Chesterfield.
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.
 - c. No construction related parking shall be permitted within the Old Chesterfield Road right of way.

3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

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

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 (or MoDOT), 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 adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to Old Chesterfield Road shall be limited to one street approach. The location of the entrance shall be as directed by the City of Chesterfield.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. 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.

2. Provide a sidewalk adjacent to Old Chesterfield Road as directed by the City of Chesterfield.
3. Provide additional right of way and improve Old Chesterfield Road in order to provide for one-half a seventy (70) foot right of way and a thirty-nine (39) foot pavement with required tapers and necessary storm drainage facilities as directed by the City of Chesterfield.

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 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 percent (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).

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 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 openspace 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, significant natural features, such as wooded areas and rock formations, and other karst features 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, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. TRUST FUND CONTRIBUTION

The developer shall be required to contribute to the **Chesterfield Village Road Trust Fund (No.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.

Roads

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

<u>Type of Development</u>	<u>Required Contribution</u>
Retirement Community	\$ 382.06/Parking Space
General Office	\$ 583.66/Parking 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 of any 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, 2011 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.

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.

