

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCES 2173 AND 2281 AND REPLACING THEM WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO THE PERMITTED USE REQUIREMENTS AND THE LANDSCAPE PLAN REQUIREMENTS FOR A 4.851 ACRE TRACT OF LAND ZONED "PC" PLANNED COMMERCIAL DISTRICT LOCATED ADJACENT TO CHESTERFIELD MALL AT THE INTERSECTION OF CLARKSON ROAD AND U.S. HIGHWAY 40/INTERSTATE 64. (P.Z. 05-2011 DRURY PLAZA HOTEL {DRURY DEVELOPMENT CORPORATION})

WHEREAS, Stock and Associates, on behalf of Drury Development Corporation, has requested an amendment to City of Chesterfield Ordinance 2281 to amend the Permitted Use Requirements and the Landscape Plan Requirements for a 4.851 acre tract of land located adjacent to Chesterfield Mall at the Intersection of Clarkson Road and U.S. Highway 40/Interstate 64; and,

WHEREAS, a Public Hearing was held before the Planning Commission on July 11, 2011; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the ordinance amendment request; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the ordinance amendment request; and,

WHEREAS, the City Council, having considered said request voted to approve the ordinance amendment request.

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 The City of Chesterfield Ordinances 2173 and 2281 are hereby repealed and those conditions therein are incorporated into the Attachment A, which is attached hereto and made a part hereof for Drury Plaza Hotel.

A tract of land being Lot 1 and 2 of "Drury Plaza" a subdivision filed for record in Plat Book 352, page 123 of the St. Louis County Records and being part of U.S. Survey 415, and U.S. Survey 2002, Township 45 North, Range 4 East of the 5th Principal Meridian, City of Chesterfield, St. Louis County, Missouri.

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 are attached hereto and, made part of.

Section 3. The City Council, pursuant to the petition filed by Drury Development Corporation, in P.Z. 05-2011, 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 a public hearing, held by the Planning Commission on the 11th day of July 2011, 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 15th day of AUGUST, 2011

Bruce Heiger
MAYOR

ATTEST:

Judith A. Maggion
CITY CLERK

FIRST READING HELD: 8/1/11

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. Hotels and motels.
 - 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. Restaurants, sit down.
2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. The number of hotel rooms in this development shall not exceed 429 rooms.
 - b. One two-level parking garage.
 - c. One Restaurant.
3. Hours of Operation.
Hours of operation for this "PC" District shall not be restricted.
4. Ancillary uses for the above referenced permitted uses shall be as follows:
 - a. Auditoriums, meeting rooms, reading rooms, theaters, or any other facility for public assembly.
 - b. Automatic vending facilities for:

- a) Ice and solid carbon dioxide (dry ice);
 - b) Beverages;
 - c) Confections.
 - c. Barber shops and beauty parlors.
 - d. Bookstores.
 - e. Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications.
 - f. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - a) Adequately screened with landscaping, fencing, or walls, or any combination thereof; or
 - b) Placed underground; or
 - c) Enclosed in a structure in such a manner as to blend with and complement the character of the surrounding area; and
 - d) Limited to no more than four (4) antenna uses. Additional antenna uses may be approved by the City Administrator if no adverse visual impact on the structure will occur.
 - g. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, gymnasiums, and indoor theaters.
 - h. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises.
5. The above ancillary uses in the "PC" Planned Commercial District shall be restricted as follows:
- a. The ancillary uses are permitted only within the building containing the principal permitted uses. No separate access from the exterior building shall be permitted with respect to these uses. The primary purpose of these uses is to serve the occupants and patrons of the principal permitted uses with the building.
 - b. One Conference Center

6. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City of Chesterfield Telecommunications Ordinance Number 2391.

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

1. Floor Area

- a. Total building floor area of the Ancillary Conference Center shall not exceed 4,750 square feet.
- b. The restaurant shall not exceed 267 seats.

2. Height

The maximum height of the building shall not exceed the following:

- a. 11 stories and 110 feet (764 feet m.s.l.) for Phase I
- b. 9 stories and 92 feet (746 m.s.l.) for Phase II

3. Building Requirements

A minimum of twenty (20) percent greenspace shall be maintained within the property lines of the development. This greenspace calculation shall be exclusive of pedestrian cross-access ways as approved by the City of Chesterfield. Greenspace is calculated by combining all green areas and non-paved surfaces and dividing by the total area of the site.

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:

PHASE I HOTEL, ANCILLARY CONFERENCE CENTER AND RESTAURANT

- a. Seventy-five (75) feet from the western boundary of the "PC" Planned Commercial District bearing N 12° 29' 20" W.
- b. Fifty-five (55) feet from the western boundary of the "PC" Planned Commercial District bearing N 29° 03' 35" E.
- c. Sixty (60) feet from the northeastern boundary of the "PC" Planned Commercial District bearing S 54° 53' 25" E.

- d. Two hundred fifty-five (255) feet from the eastern boundary of the "PC" Planned Commercial District bearing S 15° 56' 21" E, exclusive of the drive-through canopy at the building entrance.
- e. One hundred forty-five (145) feet from the southeastern boundary of the "PC" Planned Commercial District bearing S 38° 46' 23" W.
- f. Two hundred forty (240) feet from the southern boundary of the "PC" Planned Commercial District, along Chesterfield Mall Entry No.1, at the curve whose radius point bears S 33° 37' 02" W.
- g. The drive-through canopy for the hotel shall be one hundred fifty (150) feet from the northeastern boundary of the "PC" Planned Commercial District bearing S 54° 53' 25" E and one hundred seventy (170) feet from the southeastern boundary of the "PC" Planned Commercial District bearing S 38° 46' 23" W.

PHASE II HOTEL

- a. Seventy-five (75) feet from the western boundary of the "PC" Planned Commercial District, along Chesterfield Center East Drive, at the curve whose radius point bears N 78° 33' 09" W.
- b. Three hundred ten (310) feet from the northeastern boundary of the "PC" Planned Commercial District bearing S 54° 53' 25" E.
- c. Forty-two (42) feet from the southeastern boundary of the "PC" Planned Commercial District bearing S 38° 46' 23" W.
- d. Seventy (70) feet from the southern boundary of the "PC" Planned Commercial District, along Chesterfield Mall Entry No.1, at the curve whose radius point bears S 33° 37' 02" W.

PARKING STRUCTURE

- a. Fourteen (14) feet from the northeastern boundary of the "PC" Planned Commercial District bearing S 54° 53' 25" E.
- b. Twenty (20) feet from the eastern boundary of the "PC" Planned Commercial District bearing S 15° 56' 21" E.
- c. Seventeen (17) feet from the southeastern boundary of the "PC" Planned Commercial District bearing S 38° 46' 23" W, exclusive of the drive to the top level, which shall be ten (10) feet from the same bearing.

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. Fifteen (15) feet from the southeastern boundary of the "PC" Planned Commercial District bearing S 38° 46' 23" W.
- b. Twelve (12) feet from the southern boundary of the "PC" Planned Commercial District, along Chesterfield Mall Entry No.1, at the curve whose radius point bears S 33° 37' 02" W.
- c. Ten (10) feet from the western boundary of the "PC" Planned Commercial District, along Chesterfield Center East Drive, at the curve whose radius point bears N 78° 33' 09" W.
- d. Twelve (12) feet from the western boundaries of the "PC" Planned Commercial District, along Chesterfield Center East Drive, bearing N 12° 29' 20" W and N 27° 04' 53" E.
- e. Twelve (12) feet from the northeastern boundary of the "PC" Planned Commercial District bearing S 43° 47' 39" E.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code, with the exception that an eleven point three (11.3) percent reduction in the required number of parking spaces shall be allowed.
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 Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

2. There shall be intense landscaping on all the facades of parking structures with a variety of types and sizes, as required in the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

F. SIGN REQUIREMENTS

1. The petitioner shall provide a sign package with the Site Development Concept Plan.
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.
3. No advertising signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
4. Signage shall be limited to the principal use.

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 the site shall be limited to two entrances to Chesterfield Center East. The southernmost entrance shall be located no closer than 160' to the Chesterfield Mall Entry No. 1, as measured from the edge of pavement to the throat of the entrance, and 150' from the southern boundary of the PC District, along Chesterfield Mall Entry No.1, at the curve whose radius point bears S 33° 37' 02" W. The northernmost entrance shall be located no closer than 200' to Chesterfield Airport Road, as measured from the edge of pavement to the throat of the entrance and shall generally align with the

existing entrance on the west side of Chesterfield Center East. The entrance geometrics shall conform to the standards of the City of Chesterfield.

2. Access points to the main entrance drive (currently shown as the southernmost drive) shall be controlled as follows:
 - a. Parking spaces along the main drive shall be kept to a minimum of 60' from the existing edge of pavement of Chesterfield Center East.
 - b. Drive aisles from the parking lots shall be located no closer than 40' to the existing edge of pavement of Chesterfield Center East. A clear line of sight, as defined by a sight distance triangle (each leg of the triangle to be 45' long), shall be maintained. There shall be no parking spaces, plantings, obstructions or signage in excess of 3-1/2 feet in height within the triangle. Additionally, stop signs and stop bars on the cross drive's approaches to the main driveway shall be provided.
 - c. Any access, parking lot drive aisle or parking space etc., to the secondary entrance drive (currently shown as the northernmost drive) shall be a minimum of 40' from the existing edge of pavement of Chesterfield Center East as directed by the City of Chesterfield, Department of Planning and Public Works.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Conform to the requirement and/or the recommendation of the Missouri Department of Transportation regarding Chesterfield Airport Road (South Outer Road) in this area.
2. Pedestrian circulation throughout the development must be addressed. Connection to adjacent properties as directed by the City of Chesterfield.
3. The developer shall provide any additional right-of-way, and construct any improvements required by the City of Chesterfield and the Missouri Department of Transportation.
4. A two hundred (200) foot dedicated right-turn lane shall be constructed on Chesterfield Airport Road (South Outer Road), terminating at Clarkson Road.

K. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic and 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. 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.

M. 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).

N. 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.

O. 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 CONCEPT PLAN

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.
5. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

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, lot dimensions, lot 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, significant natural features, such as wooded areas and rock formations, and other karst features 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, St. Louis Department of Highways and Traffic, and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.
21. 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. 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.

These funds are to be allocated at the discretion of the City of Chesterfield. This contribution shall not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Land Use</u>	<u>Required Contribution</u>
Hotel	\$896.62/parking space
Restaurant (sit-down)	\$1,344.88/parking space
Loading Space	\$2,200.73/loading space

(Parking spaces as required by the City of Chesterfield Code, with an eleven point three (11.3) percent reduction allowed for this development.)

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, 2003 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.

