

BILL NO. 2960

ORDINANCE NO. 2786

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "R-2" RESIDENCE DISTRICT (15,000 SQFT LOT MIN.) TO A "PUD" PLANNED UNIT DEVELOPMENT FOR A 17.0 ACRE TRACT OF LAND LOCATED NORTHWEST OF THE INTERSECTION OF CLAYTON RD. AND SCHOETTLER RD. (P.Z. 10-2013 SCHOETTLER GROVE {2349 SCHOETTLER RD.} 20R310137 & 20R220010).

WHEREAS, Brinkman Holdings, LLC. has requested a change in zoning to "PUD" Planned Unit Development for a 17.0 acre tract of land located northwest of the intersection of Clayton Rd. and Schoettler Rd.; and,

WHEREAS, a Public Hearing was held before the Planning Commission on August 12, 2013; and,

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

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the change of zoning with several amendments; and,

WHEREAS, on February 19, 2014 a motion for the approval for this change of zoning request failed at City Council;

WHEREAS, on March 3, 2014 a motion for reconsideration was approved at City Council.

WHEREAS, the City Council, having reconsidered said request, voted to approve the change of zoning request with an amendment pertaining to the maintenance of the cemetery.

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 Zoning Ordinance and the Official Zoning District Map, which are part thereof, are hereby amended by establishing a

"PUD" Planned Unit Development for a 17.0 acre tract of land located at 2349 Schoettler Rd. and as described as follows:

A tract of land being part of Fractional Section 24 in Township 45 North, Range 4 East of the Fifth Principal Meridian in the City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at a point in the Southern line of U.S. Survey 412, said point being the Northwest corner of a tract of land described in a deed book 10722, page 1411 of the St. Louis County records; thence along the Northern line of said tract North 57 degrees 31 minutes 00 seconds East, a distance of 26.57 feet to the Western line of Schoettler Road; thence along the Western line of Schoettler Road the following: thence South 25 degrees 42 minutes 00 seconds East, a distance of 368.46 feet to a point; thence South 19 degrees 37 minutes 59 seconds East, a distance of 191.05 feet to a point; thence South 25 degrees 12 minutes 22 seconds East, a distance of 110.00 feet to a point; thence South 30 degrees 02 minutes 14 seconds West, a distance of 121.85 feet to a point on the Northern line of Clayton Road; thence along said Northern line South 61 degrees 05 minutes 27 seconds West, a distance of 386.11 feet to a point; thence leaving said North line along the Eastern and Northern line of Gascony, a subdivision filed for record on Plat Book 354, Pages 161 and 162 of the St. Louis County Records the following: North 31 degrees 36 minutes 00 seconds West, a distance of 250.99 feet to a point; thence South 59 degrees 40 minutes 00 seconds West, a distance of 577.80 feet to a point on the Eastern line of a tract of land described in a deed to the First Baptist Church of Ballwin as recorded in Deed Book 9408 Page 1794 of the St. Louis County Records; thence along the Eastern line of said tract South 32 degrees 29 minutes 30 seconds East, a distance of 66.60 feet to the Southeast corner thereof; thence along the Southern line of said tract South 57 degrees 27 minutes 30 seconds West, a distance of 230.78 feet to the Southwestern corner thereof; thence along the Western line of said tract North 32 degrees 33 minutes 55 seconds West, a distance of 487.84 feet to the Northwest corner thereof, said corner also being on the Southern line of Westerly Place, a subdivision filed for record in Plat Book 302, Pages 18 and 19 of said St. Louis County Records;

thence along the Southern line of said Westerly Place and the Northern line of the aforesaid First Baptist Church tract North 57 degrees 31 minutes 00 seconds East, a distance of 231.41 feet to the Northeast corner of said First Baptist Church tract; thence continuing along the Southern line of Westerly Place North 57 degrees 31 minutes 00 seconds East, a distance of 1140.00 feet to the Point of Beginning and containing 17.0 acres more or less as per calculations by Stock & Associates Consulting Engineers, Inc. during the Month of July, 2013.

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 recommendation to the City Council, which are set out in the Attachment "A" and the preliminary plan indicated as "Attachment B" which is attached hereto as and made part of.

Section 3. The City Council, pursuant to the petition filed by Brinkman Holdings, LLC in P.Z. 10-2013, requesting the amendment embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 12th day of August 2013, 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 17th day of March, 2014

Bob Nation
MAYOR

ATTEST:

Vickie Hass
CITY CLERK

FIRST READING HELD: February 3, 2014

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 PUD District shall be:
 - a. Dwellings, Single Family Detached.

B. DENSITY REQUIREMENTS

The total number of single family residential units shall not exceed thirty-one (31) units.

C. DEVELOPMENT STANDARDS

1. Minimum lot size for this development shall be 7,260 sf.
2. Unless specifically identified on the Preliminary Plan attached hereto and marked as Attachment B; structure setbacks shall be as follows. No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:
 - a. Twenty (20) feet from the front yard
 - b. Six (6) feet from the side yard
 - c. Fifteen (15) foot from the rear yard
3. Maximum height of all structures shall be fifty (50) feet.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. No construction related parking shall be permitted within Schoettler Road or Clayton Road right-of-way.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. A thirty (30) foot Landscape Buffer shall be required around the entire perimeter of the PUD except as identified on the Preliminary Plan attached hereto and marked as Attachment B.
3. Landscape plantings associated with buffers along Schoettler Road shall be escrowed for future installation after completion of Schoettler Road improvements due to slope and construction license requirements.
4. A minimum of 30% Common Open Space shall be required for this PUD.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield 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

The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development shall be comprised of a connection to the existing stub on Westerly Court and no more than one (1) street approach onto Schoettler Road.
2. No lot shall be allowed direct access to Schoettler Road or Clayton Road.

P.Z. 10-2013 Schoettler Grove
11/25/2013 Planning Commission
12/5/2013 Planning and Public Works Committee
1/9/2014 Planning and Public Works Committee
1/22/2014 City Council
2/3/2014 City Council
2/19/2014 City Council
3/17/2014 City Council

3. Upon re-development of the parcel located at 2297 Schoettler Road, access shall be provided from the Schoettler Grove development in lieu of Schoettler Road, as directed by the City of Chesterfield.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. The Developer of the property governed by this ordinance shall be responsible for providing full half-width improvements along the west side of Schoettler Road adjacent to the subject site, as determined by the Department of Public Services. Alternatively, in the event Schoettler Road improvements cannot be fully constructed at this time, or in the opinion of the City it is desirable to defer a portion of the improvements, the Developer will be required to deposit with the City of Chesterfield a special cash escrow for half width improvements to Schoettler Road as identified in the City-Wide Transportation Study and the City of Chesterfield's Schoettler Road Corridor Improvement Study. Said improvements shall include but not limited to pavement widening, bike lanes, sidewalks, streets lights, utility relocations, traffic signal modifications, and storm drainage facilities. Should roadway improvements be required in order to provide safe access to the development governed by this ordinance then the cost of those road improvements shall be deducted from the amount owed for the special cash escrow. The requirements in Section J of this Attachment are independent of other requirements and escrows herein.
2. Dedicate all necessary right-of-way and provide temporary slope construction licenses as necessary to accommodate the Schoettler Road Corridor Improvements and those improvements identified in the City-Wide Transportation Study. In the event that temporary slope and construction licenses are required over areas designated for landscape, reforestation or other improvements, the Developer will be required to provide a separate special cash escrow for these improvements in lieu of constructing them prior to completion of the road improvements.
3. A disclosure statement shall be prominently displayed in the sales trailer and included on all site development plans notifying potential buyers of the proposed improvements to Schoettler Road.
4. Developer shall be responsible for conveying to future lot owners the existence of the temporary slope construction licenses and the planned improvements to Schoettler Road.

5. A twenty (20) foot private easement shall be established from the existing terminus of Westerly Court, a stub street, to the proposed internal public drive within the Schoettler Grove development as identified on the Preliminary Plan attached hereto and marked as Attachment B. This private easement shall be a secondary emergency access only and shall include a gate. The gate shall be placed as directed by the City of Chesterfield. Said private easement shall never become a public street and shall have a sign posted at each end of the easement which states:

THIS IS A PRIVATE EASEMENT FOR EMERGENCY ACCESS ONLY. THE SCHOETTLER GROVE [OWNERS OR HOMEOWNERS' ASSOCIATION] IS RESPONSIBLE FOR ALL REPAIRS AND MAINTENANCE.

Maintenance of this access point, including, but not limited to, snow removal, shall be the responsibility of the developer/subdivision.

6. Provide street lights on Schoettler Road as directed by the Department of Public Services.
7. Provide street lights on Schoettler Road as directed by the Department of Public Services.
8. If the right-of-way is reduced as permitted under Section 1005.180 of the City of Chesterfield Municipal Code, the front yard setback shall be increased by five (5) feet.
9. Traffic signal improvements shall be required as directed by the St. Louis County Department of Highways and Traffic.
10. Provide a sidewalk conforming to St. Louis County ADA standards adjacent to Clayton Road as directed by the Missouri Department of Transportation and the St. Louis County Department of Highways and Traffic.

11. As this development is not subject to traffic generation assessment, the roadway improvements required herein represent the developer's road improvement obligation. These improvements will not exceed an amount established by multiplying the ordinance-required parking spaces by the following applicable rates:

| <u>Type of Development</u> | <u>Required Contribution</u> |
|----------------------------|------------------------------|
| Single Family | \$1,025.36/Parking Space |

(Parking spaces as required by site specific ordinance or by Section 1003.165 of the St. Louis County Zoning Ordinance.)

If types of development differ from those listed, St. Louis County Department of Highways and Traffic will provide rates.

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

The applicable rates limiting required road improvements shall be adjusted on January 1, 2014 and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

12. Prior to Special Use Permit issuance by the St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with the St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.
13. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
14. Road improvements for Schoettler Rd. as depicted on Attachment B of the Preliminary Plan shall be constructed as directed by the City of Chesterfield.

K. TRAFFIC STUDY

Provide a traffic analysis as directed by the City of Chesterfield. The analysis shall be required prior to approval of the Site Development Plan. The scope of the analysis 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, and other improvements required. The analysis shall focus on the area immediately adjacent the proposed entrance on Schoettler Road. The purpose of the analysis shall be to analyze existing conditions in conjunction with the proposed entrance. Should the analysis indicate improvements are needed to safely accommodate the proposed conditions; the developer will then be required to construct roadway improvements as needed to comply with the traffic analysis. The requirements in Section K of this Attachment are independent of other requirements and escrows herein.

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

M. STORM WATER

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).

3. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield.
4. The lowest opening of all structures shall be set at least two (2) feet higher than the 100-year high water elevation in adjacent detention/retention facilities. All structures shall be set at least 30 feet horizontally from the limits of the 100-year high water elevation.

N. SANITARY SEWER

Provide public sewer service for this site in accordance with the Metropolitan St. Louis Sewer.

O. 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 Public Services. 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.

P. 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. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the St. Louis County Department of Highways and Traffic and/or the City of Chesterfield. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

3. The on-site cemetery, as depicted on the attached Preliminary Plan, marked as Attachment B, shall be cleaned from brush and debris, and fenced by the Developer. Fencing and other improvements shall be as approved by the City of Chesterfield. The cemetery shall be permanently maintained and preserved by the Schoettler Grove Home Owners Association.
 - a. The cemetery shall be maintained in perpetuity by the Schoettler Grove Home Owners Association.
 - b. A note stating that maintenance shall be the responsibility of the Schoettler Grove Home Owners Association shall be included on all site development plans and plats.
 - c. Any sales contract for subdivided lots, or new home construction, shall include a disclosure statement advising the purchaser that the Home Owner's Association is responsible for the maintenance of the Cemetery.
 - d. Prior to approval of the record plat, the Developer of the property shall deposit \$50,000 into a bank account established by the Home Owner's Association. Said fund shall be used solely for the maintenance of the cemetery on the property after the developer required improvements above are completed. After the funds are depleted, the Home Owner's Association shall remain obligated to maintain the cemetery in accordance with City Code.
 - e. Concurrent with the Developer's request for the City to consider acceptance of the public streets for maintenance, the Developer shall provide to the City, verification of the account balance for the segregated account referenced in Section P. Miscellaneous 3. d. above. An account balance of not less than \$50,000 shall be verified prior to any consideration for street acceptance. Proper verification of the appropriate account balance concurrent with the request for street acceptance will be satisfactory evidence of the developer's compliance with Section P. Miscellaneous 3. d. above.

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 City Council may extend the period to commence construction for not more than two (2) additional year.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.

4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, 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, Metropolitan St. Louis Sewer District (MSD) and St. Louis County Department of Highways and Traffic.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. RECORDING

Within sixty (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.

VI. 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.

