BILL NO. 2969 **ORDINANCE NO. 2791**

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2295 TO ALLOW FOR AN ADDITIONAL PERMITTED USE FOR A 1.95-ACRE TRACT OF LAND LOCATED AT 16625 OLD CHESTERFIELD ROAD AND 16635 OLD CHESTERFIELD ROAD [P.Z. 22-2013 BECKMANN PROPERTIES {16625 & 16635 OLD CHESTERFIELD ROAD}].

WHEREAS, the petitioner, Beckmann Properties, has requested an ordinance amendment to allow for an additional permitted use for this 1.95 acre tract of land located at 16625 and 16635 Old Chesterfield Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on February 10, 2014; and,

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

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the ordinance amendment with an amendment to the permitted uses; 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 The City of Chesterfield Ordinance Number 2295 is hereby repealed and those conditions therein are incorporated into the Attachment A, which is attached hereto and made a part hereof for Beckmann Properties.

Legal Description

A tract of land in U.S. Survey 2031, Township 45 North, Range 4 East, St. Louis County, MO, and described as follows: Beginning at a point in the north line of Olive Street Road (60 feet wide), and its intersection with the east line of a tract of land conveyed to Chesterfield Farmer's Elevator Supply Company, per deed recorded in Deed Book 467, page 165 of the St. Louis County Records; thence west along said north line of Olive Street Road, north 70 degrees, 47 minutes west, a distance of 300.00 feet to a point, and said point being the intersection of the west line of property of conveyed to St. Louis, Kansas City and Colorado Railroad Company by deed recorded in Deed Book 87, page 574 of the St. Louis County Records; thence along

said west line north 19 degrees, 13 minutes east, a distance of 175.00 feet to a point, said point being the northeast corner of property conveyed to Louis C. Goehri and wife by deed recorded in Deed Book 1741, page 445 of the aforesaid records; thence along Goehri's north line north 70 degrees, 47 minutes west, a distance of 100.00 feet to a point; thence north 19 degrees, 13 minutes east, a distance of 73.84 feet to a point in the south line of the right-of-way, 100 feet wide, of Chicago, Rock Island and Pacific Railroad Company; thence along said right-of-way, along a curve to the right having a radius of 1948.90 feet, and arc distance of 47.42 feet (the cord of which bears south 73 degrees, 27 minutes, 49 seconds east, a distance of 47.41 feet) to a point of tangency; thence south 72 degrees, 46 minutes east, a distance of 302.50 feet to a point of curve; thence along a curve to the left having a radius of 1470.85 feet an arc distance of 50.39 feet (the chord of which bears south 73 degrees, 44 minutes, 53 seconds east, a distance of 50.38 feet) to a point being the intersection of the east line of aforesaid property conveyed per book 467, page 165 with said right-of-way line; thence along said east line south 19 degrees, 13 minutes west, a distance of 264.13 feet to the point of beginning and containing 85,049 square feet or 1.95 acres, more or less.

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" which is attached hereto as and made part of.

Section 3. The City Council, pursuant to the petition filed by Beckmann Properties in P.Z. 22-2013, 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 10th day of February 2014, 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 23rd day of April, 2014.

Bob Nation
MAYOR

ATTEST:

Vickie Hass
CITY CLERK

FIRST READING HELD: March 17, 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 "PI" Planned Industrial District with a Landmark and Preservation Area (LPA) Procedure shall be:

   a. Gymnasium;

   b. Business, professional and technical training schools;

   c. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services related to floral or interior design, artwork, crafts for the home or other similar and related items are being offered for sale or hire to the general public on the premises;

   d. Business service establishment;

   e. Cafeterias for employees and guests only;

   f. Laundries and dry cleaning plants, which include dry cleaning drop-off and pickup stations;

   g. Offices or office buildings;

   h. Plumbing, electrical, air conditioning and heating equipment sales, warehousing and repair facilities;

   i. Restaurants, sit down;

   j. Sales, servicing, repairing, cleaning, renting, leasing and necessary outdoor storage of equipment and vehicles used by business, industry and agriculture;

   k. 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 premises;

   l. Warehousing, storage or wholesaling of manufactured commodities;

   m. Or other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.

2. The uses permitted in section 1.a, 1.f, 1.h, and 1.j above shall only be permitted in conjunction with the buildings which were in existence at the time of passage of this ordinance.

3. HOURS OF OPERATION

   a. Hours of operation for all uses shall be restricted from 6:00 A.M. to 10:00 P.M.

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

1. FLOOR AREA

   a. Total building floor area shall not exceed 24,990 square feet.
   b. Total building floor area for the "gymnasium" use permitted in section A.1.a shall not exceed 6,000 square feet.

2. HEIGHT

   a. The maximum height of the building, exclusive of roof screening, shall not exceed one (1) story.

3. BUILDING REQUIREMENTS

   a. Openspace: Openspace includes all areas excluding the building or areas for vehicular circulation.

      A minimum of eight percent (8%) openspace is required for this development.

   b. Floor Area Ratio: F.A.R. is the gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking. Planning Commission may request two (2) calculations: one (1) calculation for those areas above grade and another that includes building area below grade.

      This development shall have a maximum Floor Area Ratio (F.A.R.) of (30%).

C. SETBACKS

1. STRUCTURE SETBACKS

   No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

a. Fifty (50) feet from the right-of-way of Old Chesterfield Road. If additional right-of-way is required by the St. Louis County Department of Highways and Traffic, this shall be measured from the right-of-way.

b. Twenty (20) feet from the northern limits of this "PI" Planned Industrial District.

c. Twenty five (25) feet from property lines adjoining property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.

d. Twenty (20) feet from the eastern limits of this "PI" Planned Industrial District.

2. PARKING SETBACKS

No parking stall, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:

a. In this "PI" Planned Industrial District, no unenclosed parking or loading space or internal drive shall be closer than ten (10) feet to any adjoining "PS" Park and Scenic, "NU" Non-Urban or "R" Residence District.

b. Said parking setbacks shall be effectively screened. Such screening shall consist of a sight-proof fence or wall, and such screening shall be not less than five (5) feet in height above the surface or wall, and such screening shall not be less than five (5) feet in height above the surface elevation of the parking area, except where sight distance regulations at streets require other arrangements.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading 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.

c. Construction parking shall not be permitted on public-maintained roadways. Adequate off-street stabilized parking area(s) shall be provided for construction employees.

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. All signage is subject to review by the City of Chesterfield for compatibility with the existing historic area.

2. 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.

3. 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.

4. No temporary, portable, or advertising signs shall be permitted.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

2. Light standards shall not exceed twenty-four (24) feet in height and the location of light standards shall be as approved by the Planning Commission on the appropriate development plan.

3. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways.

4. Streetlights are required to be added which will be in keeping with the historical character of the area, as approved by the City of Chesterfield.

H. ARCHITECTURAL

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

2. Proposed structures will remain in harmony with the existing surrounding historic area.

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 complemented by adequate landscaping approved by the Planning Commission on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development from Old Chesterfield Road shall be restricted to the existing entrances, as directed by the City of Chesterfield.

2. The entrance(s) shall not be less than twenty-four (24) feet wide or more than forty (40) feet wide at the right-of-way line. The radius used to increase the opening at the curb or pavement edge shall not be less than ten (10) feet or more than forty (40) feet. The City of Chesterfield must approve any method used to channel traffic within the site.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.

2. If street grades in excess of six percent (6%) are desired, steep grade approval must be obtained. In no case shall slopes in excess of twelve percent (12%) be considered. Any request for steep street grades must include justification prepared, signed and sealed by a registered professional engineer and include plans, profiles, boring logs, cross-sections, etc in accordance with the Street Grade Design Policy. The justification should clearly indicate site conditions and alternatives considered. If steep grades are approved for this site, a disclosure statement shall be provided to all potential buyers and a note indicating that priority snow removal will not be given to this site shall be included on the Site Development Plan and Record Plat.

3. Obtain approvals from the City of Chesterfield for locations of proposed curb cuts, areas of new dedication, and roadway improvements.

4. Improve Old Chesterfield Road to one-half of a seventy (70) foot right-of-way and a thirty-nine (39) foot pavement with required tapers and include all storm drainage facilities as directed by the City of Chesterfield.

5. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along all frontages of the site as directed by the City of Chesterfield. The sidewalk shall provide for future connectivity to adjacent developments and/or roadway projects. The sidewalk may be located within right-of-way controlled by another agency, if permitted by that agency or on private property within a sidewalk, maintenance and utility easement dedicated for public use.

6. An easement for a pedestrian trail shall be dedicated to the City of Chesterfield. Said easement shall be located along the western property line and the southwestern property line of one hundred (100) feet noted as North 70 degrees 47 minutes 00 seconds West. Easement width shall be ten (10) feet unless adjacent to the existing building as shown on the Preliminary Plan dated March 1999. Easement adjacent to such building shall be the maximum allowable between the property line and the structure.

7. The existing fence located in the easement shall be relocated by the City of Chesterfield when the pedestrian trail is developed.

8. If the pedestrian trail is to be located at another location, a vacation of easement will be done by the City of Chesterfield. The setbacks shall be from the property line not the edge of the easement.

9. Provide street connections to the adjoining properties as directed by the City of Chesterfield. Stub street signage, in conformance with Section 1005.180 of the Subdivision Ordinance, shall be posted within 30 days of the street pavement being placed.

K. TRAFFIC STUDY

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

2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Old Chesterfield Road. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic.

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 an adequate piped system. The adequacy and condition of the existing downstream system shall be verified and upgraded if necessary.

2. 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.

3. Detention/retention, channel protection, and water quality measures are to be provided in each watershed as required by the City of Chesterfield and the Metropolitan St. Louis Sewer District. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty percent (60%) of the 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 all Site Development Plans.

4. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.

5. The lowest opening of all structures shall be set at least two (2) feet higher than the one hundred (100) year high water elevation in detention/retention facilities. All structures shall be set at least 30 feet horizontally from the limits of the one hundred (100) year high water.

6. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

N. SANITARY SEWER

Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

O. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, the developer shall provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the City of Chesterfield. 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 shall 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. Sleeves for future telecommunication services are required to be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

3. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.

4. Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program, as necessary.

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

A. The developer shall submit a Site Development Concept plan within 18 months of City Council approval of the change of zoning.

B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within 18 months of the date of approval of the change of zoning by the City.

C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.

D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.

E. Where due cause is shown by the developer, the City Council may extend the period to submit a Site Development Concept Plan or Site Development Plan for eighteen (18) months.

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 two (2) additional years.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development 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. Outboundary plat and legal description of the 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, and significant natural features, such as wooded areas and rock formations, 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 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 two (2) feet, 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. Provide a lighting plan in accordance with the City of Chesterfield Code.

20. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

21. 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.

22. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, and Spirit of St. Louis Airport.

23. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Road Trust Fund (Trust Fund No. 554). This contribution shall not exceed an amount established by multiplying the ordinance-required parking space by the following rate schedule:

Type of Development	Required Contribution
Recreational Use	$ 433.00/Parking Space
General Office	$ 626.57/Parking Space
Loading Space	$3,076.06/Space

(Parking Space as required by the site-specific ordinance or by section 1003.165 of the Saint Louis County Zoning Ordinance.)

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

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.

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.

The amount of the required contribution, if not approved for construction by January 1, 2015, 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 Saint Louis County Department of Highways and Traffic.

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.

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.