BILL NO. 3024 **ORDINANCE NO.** 2841

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 1328 TO MODIFY DEVELOPMENT CONDITIONS AND ADD LAND USES FOR A 2.93 ACRE TRACT OF LAND, MORE OR LESS, ZONED C8, PLANNED COMMERCIAL LOCATED SOUTHEAST OF THE INTERSECTION OF CHESTERFIELD AIRPPORT ROAD AND LONG ROAD {P.Z. 17-2014 STEVE W WALLACE (H.V. REAL ESTATE CORP.) 17U140441, 17U140450, 17U140461 & 17U140472}.

WHEREAS, Automotive and Trailer II, LLC, has requested an ordinance amendment to modify development conditions and add land uses for a 2.93 acre tract of land, more or less, located southeast of the intersection of Chesterfield Airport Road and Long Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on January 12, 2015; 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; 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. City of Chesterfield Ordinance 1328 is hereby repealed and those conditions therein incorporated into the Attachment A, which is attached hereto and made a part hereof for Steve W Wallace and as described as follows:

A tract of land being part of lot 4 of a subdivision of the west half of U.S. Survey 126, Township 45 North, Range 4 East and being more particularly described as follows;

Commencing at a point on the centerline of Chesterfield Airport Road 100.00 feet wide, said point being distance North 88°13'03" East 302.10 feet from the centerline of Long Road, 60.00 feet wide, and also being the Northeast corner of the property now or formerly of F. William Human Jr. as recorded in Deed Book 7208 Page 2056 of the St. Louis County Records; thence along the east line of said property South 00°02'41" West a distance of 50.02 feet to a point on the south line of said Chesterfield Airport Road; thence continuing along said east line South 00°02'41" West a distance of 188.25 feet to a point in the north line of property conveyed to William and Anna May Gaehle as recorded in Deed Book 6413 Page 2610 of the St. Louis County Records and being the true point of beginning of the herein described tract of land; thence along said north line North 88°13'03" East a distance of 19.30 feet to the northeast corner of said Gaehle property; thence along the east line of said Gaehle property South 00°02'41" West a distance of 62.00 feet to the Southeast corner of said property; thence along the south line of said property South 88°13'03" West a distance of 15.40 feet to the Northeast corner of the property conveyed to Sandra B. Hunsaker as recorded in Deed Book 8603 Page 1511 of the St. Louis County Records; thence along the east line of said property South 00°02'41" West a distance of 220.19 feet to the southeast corner of said property; thence along the south line South 88°13'03" West a distance of 276.00 feet to the east line of said Long Road; thence along said east line North 00°02'41" East a distance of 371.33 feet to the south line of a tract conveyed to St. Louis County, Missouri by Deed Recorded in Book 9390 Page 1287 of the St. Louis County Records; thence along said south line South 89°57'19" East a distance of 2.99 feet to a point on a curve; thence along a curve to the right having a radius of 120.00 feet, the chord of which bears North 28°42'04" East 115.05 feet, an arc distance of 120.00 feet to a point in the south line of said Chesterfield Airport Road; thence along said south line North 88°13'03" East a distance of 2.20 feet to a point in the west line of said F. William Human Jr. property; thence continuing along said west line South 00°02'41" West a distance of 188.25 feet to a point in the north line of said property conveyed to William and Anna May Gaehle; thence along said north line North 88°13'03" East a distance of 211.70 feet to the point of beginning and containing 88,270 square feet or 2.03 acres more or less.

And

A tract of land being part of lot 4 of a subdivision of the west half of U.S. Survey 126, Township 45 North, Range 4 East and being more particularly described as follows;

Commencing at a point on the centerline of Chesterfield Airport Road, 100.00 feet wide, said property being distance North 88°13'03" East 302.10 feet from the centerline of Long Road, 60.00 feet wide, and also being the northeast corner of the property now or formerly of F. William Human Jr. as recorded in Deed Book 7208 Page 2056 of the St. Louis County Records; thence along the east line of said property South 00°02'41" West a distance of 50.02 feet to a point on the south line of said Chesterfield Airport Road and being the true point of beginning of the herein described tract of land; thence continuing along said east line South 00°02'41" West a distance of 188.25 feet to a point in the north line of property conveyed to William and Anna May Gaehle as recorded in Deed Book 6413 Page 2610 of the St. Louis County Records; thence along said north line South 88°13'03" West a distance of 211.70 feet; thence North 00°02'41" East a distance of 188.25 feet to a point in the south line of said Chesterfield Airport Road; thence along said south line North 88°13'03" East a distance of 211.70 feet to the point of beginning and containing 39,853 square feet or 0.9 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 Automotive and Trailer II, LLC in P.Z. 17-2014, 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 January 2015, 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 8 of the City of Chesterfield's Unified Development Code.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 22nd day of April, 2015

Bob Nation
MAYOR

ATTEST:

Vickie Hass
CITY CLERK

FIRST READING HELD: 3/16/15

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 C8 District shall be as follows:
   a. Filling station and convenience store with pump stations;
   b. Restaurant-fast food;
   c. Oil change facility; and,
   d. Vehicle repair and service facility.
2. The above uses in the C8 District shall be restricted as follows:
   a. All uses within this C8 Planned Commercial District shall be contained within a total of two (2) single-story buildings.
   b. The canopy structure associated with the Filling station and convenience store with pump stations shall not exceed 5,600 square feet in area and contain a total of six (6) fuel pumps.
   c. The Convenience store/restaurant-fast food co-use shall not exceed 6,000 square feet in overall size. The restaurant-fast food portion of this co-use shall not exceed sixty (60) seats.
   d. The Oil change facility and Vehicle repair and service facility uses shall be limited to three (3) bays and shall not exceed 2,100 square feet.
   e. There shall be no outdoor display and/or selling of merchandise within the limits of the C8 Planned Commercial District.
   f. Outdoor storage of derelict, wrecked or dismantled vehicles is prohibited.
   g. Unscreened outdoor storage is prohibited.
3. Hours of Operation.
   a. Hours of operation for this C8 District shall not be restricted.

4. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City of Chesterfield Unified Development Code.

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

1. Building Requirements

   a. A minimum of twenty-seven percent (27%) open space is required for this development.

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. Ninety (90) feet from the right-of-way of Chesterfield Airport Road.

   b. Twenty (20) feet from the eastern boundary of this C8 District.

   c. Fifteen (15) feet from the southern boundary of this C8 District.

   d. Forty (40) feet from the right-of-way of Long Road.

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. Twenty (20) feet from the right-of-way of Chesterfield Airport Road.

   b. Five (5) feet from the eastern boundary of this C8 District.

   c. Ten (10) feet from the southern boundary of this C8 District.

   d. Fifteen (15) feet from the right-of-way of Long Road.

D. 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. No more than two (2) freestanding project identification monument signs shall be permitted within the limits of this C8 District development. The height of one (1) such sign shall not exceed twelve (12) feet with a maximum of one hundred (100) square feet, and the height of the other sign shall not exceed eight (8) feet with a maximum of fifty (50) square feet, for a total of one hundred and fifty (150) square feet as approved by the Planning Commission on the Site Development Plan. A third sign for pricing is permitted and shall be no larger than twenty (20) square feet. The pricing sign may be included in the monument identification sign not to exceed one hundred (100) square feet or be used as a part of two (2) completely separate signs, one at eighty (80) square feet and one at twenty (20) square feet, for a total of one hundred and fifty (150) square feet for the approved uses, including twenty (20) square feet for the permitted price sign.

3. Except as otherwise permitted by this ordinance, 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.

4. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic (or MoDOT), for sight distance considerations prior to installation or construction.

5. No advertising signs or temporary signs (including balloons, banners, festoons of lights, strings of pennants, clusters of flags, twirlers or propellers, flares, spot lights and other similar devices of carnival nature) shall be permitted in this development.

E. ARCHITECTURAL

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

2. Trash enclosures: All exterior trash areas shall 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.

F. ACCESS/ACCESS MANAGEMENT

1. Cross access to adjacent properties shall be required as directed by the City of Chesterfield.

2. Driveway accesses are subject to City of Chesterfield, St. Louis County Department of Traffic and Highways and the Missouri Department of Transportation.

G. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Sidewalk adjacent to Chesterfield Airport Road shall be as directed by the City of Chesterfield.

2. Improve the southeast quadrant of the Chesterfield Airport Road and Long Road intersection to St. Louis County ADA standards as directed by the St. Louis County Department of Highways and Traffic.

3. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

4. No private features, such as signage or lighting shall be allowed within the Missouri Department of Transportation's right-of-way.

H. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or 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.

2. Provide a sight distance evaluation report, as required by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic or Missouri Department of Transportation, for the proposed entrance onto Chesterfield Airport Road and Long 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 or Missouri Department of Transportation.

I. 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.

J. 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. The location and types of storm water management facilities shall be identified on the Site Development Plan(s).

3. This development will require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) acre or more. A copy of the permit application must be submitted to the City of Chesterfield prior to the issuance of a grading permit or approval of improvement plans.

K. SANITARY SEWER

Metropolitan St. Louis Sewer District approval will be required if the petitioner wishes to re-subdivide the parcels. Properties shall have access to the public sanitary sewer. Private laterals shall not cross property lines or be shared by multiple properties.

L. 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.

R. 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 Code shall be required where applicable.

3. 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 City of Chesterfield and St. Louis County Department of Highways and Traffic or MoDOT. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

4. 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.

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, 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 Planning Commission may extend the period to commence construction for two (2) additional years.

IV. TRUST FUND CONTRIBUTION

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.

A. ROADS

The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund (No. 556). This contribution shall not exceed an amount established by multiplying the required parking spaces by the following rate schedule:

Type of Development	Required Contribution
General Office	$663.43
General Retail	$1,990.41
Loading Space	$3,257.06

(Parking spaces as required by the City of Chesterfield Code.)

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

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

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

As this development is located within a trust fund area established by St. Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development shall be retained in the appropriate trust fund.

Road improvement traffic generation assessment contributions shall be deposited with St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic or prior to the issuance of building permits in the case where no S.U.P. is required. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development. Funds shall be payable to Treasurer, St. Louis County.

The amount of all required contributions for roadway, storm water and primary water line improvements, if not submitted by January 1, 2016, 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 St. Louis County Department of Highways and Traffic.

B. WATER MAIN

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of $800.53 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before St. Louis County approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

C. STORM WATER

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by Saint Louis County and the Metropolitan Saint Louis Sewer District. The amount of the storm water contribution will be computed based on $2,539.89 per acre for the total area as approved on the Site Development Plan.

The storm water contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic or before the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to the Treasurer, St. Louis County.

D. SANITARY SEWER

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

V. 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.