

RESOLUTION # 129 (PZ)

RESOLUTION AMENDING THE CITY OF CHESTERFIELD ZONING ORDINANCE BY GRANTING A CONDITIONAL USE PERMIT IN THE "R-1" ONE ACRE RESIDENCE DISTRICT FOR A 3.221 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF CLARKSON ROAD AND RELOCATED WILSON ROAD (P.Z. 28-92 BUCHHOLZ MORTUARIES, INC.).

WHEREAS, Buchholz Mortuaries, Inc., filed with the City of Chesterfield through its Planning Commission, a request for a Conditional Use Permit in the "R-1" One Acre Residence District for a tract of land approximately 3.221 acres in size located at the southwest quadrant of Clarkson Road and Relocated Wilson Road; and

WHEREAS, the petitioner has also requested an amendment to the City of Chesterfield Zoning Ordinance in changing the boundaries of the "NU" Non-Urban District to the "R-1" One Acre District for this property pursuant to P.Z. 27-92 Buchholz Mortuaries, Inc.; and

WHEREAS, the petitioner proposes a Conditional Use Permit for operation of a mortuary within a proposed 30,346 square foot one-story structure, with conditions; and

WHEREAS, the Planning Commission of the City of Chesterfield held a public hearing with regard to a request of the petitioner and approved said Conditional Use Permit for a mortuary use with conditions; and

WHEREAS, the Chesterfield Director of Planning presented the report of the Chesterfield Planning Commission to the Chesterfield Planning and Zoning Committee indicating that under Section 1003.181 a CUP required the following criteria in evaluating the Petition;

1. consistency of the use with good planning practice;
2. the use can be operated in a manner not detrimental to permitted developments and uses in the District;
3. the use can be developed and operated in a manner visually compatible with permitted uses in the surrounding area; and
4. the use is essential or desirable to preserve and promote public health, safety, and general welfare.

WHEREAS, the City Council has exercised the power of review in accordance with the City of Chesterfield Zoning Ordinance and the matter has been referred to the City Council of the City of Chesterfield for approval pursuant to the Zoning Ordinance of the City of Chesterfield.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City of Chesterfield Zoning Ordinance and the official zoning district maps, which are made a part thereof, are amended by establishing a Conditional Use Permit in the "R-1" One Acre Residence District for a 3.221 acre tract of land located at the southwest quadrant of the intersection of Clarkson Road and Relocated Wilson Road, described as follows:

A tract of land in Section 21, Township 45 North, Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at a point on the East line of Wilson Road, 40 feet wide, said point the most Northern corner of property conveyed to William H. Erker by deed recorded in Book 6594, Page 435 (Tract #2) in the St. Louis County Records; thence North 00 degrees 12 minutes 40 seconds East 583.81 feet along said East line of Wilson Road to the Southwest line of Relocated Wilson Road as established by deed recorded in Book 8625, Page 577 of the St. Louis County Records; thence Southeastwardly along said Southwest line of Relocated Wilson Road the following courses and distances: along a curve to the left whose radius point bears North 64 degrees 56 minutes 28 seconds East 612.96 feet from the last mentioned point, a distance of 180.22 feet; South 41 degrees 54 minutes 17 seconds East 204.80 feet; South 36 degrees 11 minutes 39 seconds East 100.50 feet; South 41 degrees 54 minutes 17 seconds East 40.00 feet; South 23 degrees 28 minutes 11 seconds East 63.25 feet; and, South 13 degrees 42 minutes 27 seconds West 52.49 feet to the Northwest line of Clarkson Road (Route 340) as established by deed recorded in Book 8625, Page 577 of the St. Louis County Records; thence along a curve to the left whose radius point bears South 44 degrees 33 minutes 54 seconds East 1527.69 feet from the last mentioned point, a distance of 285.19 feet along said Northwest line of Clarkson Road (Route 340) to the Northeast line of aforesaid Erker property; thence North 44 degrees 29 minutes 57 seconds West 218.91 feet along said Northeast line of Erker property to the Point of Beginning and containing 3.221 acres according to a survey by Volz Engineering and Surveying, Inc. during September of 1992.

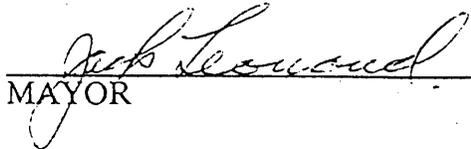
Section 2. The Conditional Use Permit is subject to all of the specific conditions as recommended by the Planning and Zoning Committee in their recommendation to the City Council as set out in "Attachment A" which is attached hereto and made a part hereof. The Planning and Zoning Committee's recommendation was based on the following findings:

- a. the use proposed is consistent with good planning practice;
- b. the use proposed can be operated in a manner not detrimental to permitted developments and uses in the area;
- c. the use proposed can be developed and operated in a manner visually compatible with permitted land uses in the surrounding area;
- d. the use proposed does not present any unique problems detrimental to preserving and promoting the public health, safety and general welfare of the citizens in the area.

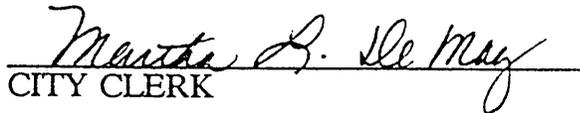
Section 3. That the Mayor and City Clerk shall execute on behalf of the City, all documents required by the Zoning Ordinance of the City of Chesterfield, to reflect the approval of the City of Chesterfield of said Conditional Use Permit.

Section 4. This Resolution shall be in full force and effect from and after its passage and approval.

Adopted this 19<sup>TH</sup> day of APRIL, 1993.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

ATTACHMENT A

1. PERMITTED USES

This Conditional Use Permit (CUP) shall authorize a mortuary with parlor seating not to exceed one hundred sixty (160) seats, lounge/lobby area not to exceed sixty (60) seats and a chapel not to exceed one hundred twenty (120) seats.

2. BUILDING AREA AND HEIGHT REQUIREMENTS

a. The above-specified uses shall be accommodated within a one (1) story structure not to exceed 30,400 square feet in gross floor area.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the effective date of this Conditional Use Permit and prior to any site preparation or construction, a Site Development Plan shall be submitted to the Planning Commission for its review and approval. Where due cause is shown by the developer, this time interval may be extended through appeal to, and approval by, the Planning Commission. Said Site Development Plan shall include, but not be limited to, the following:

- a. A general development plan, including basic arrangement of structures and roadway right-of-way dimensions.
- b. The location and size, including height, of all proposed buildings.
- c. Building and parking setbacks.
- d. Parking calculations.
- e. The design, location and size of all parking, light standards, fencing, retaining walls, freestanding signs and trash enclosures.
- f. Curb cut locations.
- g. Existing and proposed contours at two (2) foot intervals.
- h. A landscape plan including, but not limited to, the location, size and general type of all plants and other materials to be used.
- i. Preliminary plan for sanitary and stormwater facilities.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Building Setbacks

- a. No building or structure, other than boundary walls and/or retaining walls, signs, fences, or detention structures in excess of six (6) feet in height, or parking light standards shall be located within the following setbacks:
- (1) Thirty (30) feet of any roadway right-of-way.
  - (2) Fifteen (15) feet of all other limits of this CUP, except that a minimum of twenty (20) foot landscape buffer shall be provided along the west line adjacent to the remaining portion of the Old Wilson Road public right-of-way.

Parking Setbacks

- b. No parking stall, loading space, internal drive, or roadway excluding points of ingress or egress, shall be located within the following setbacks:
- (1) Thirty (30) feet of any roadway right-of-way.
  - (2) Fifteen (15) feet of all other limits of this CUP, except a minimum twenty (20) foot landscape buffer shall be provided along the west line adjacent to the remaining portion of the Old Wilson Road public right-of-way.

Access

- c. Access to the development shall be limited to two (2) driveways, one (1) each on Wilson Road (relocated) and Clarkson Road, as directed by the Missouri Highway and Transportation Department and the Chesterfield Department of Public Works. The aforementioned driveways shall be located as far as possible from the intersection of Wilson Road (relocated) and Clarkson Road.
- d. Provide cross-access easement for future access between the subject site and property to the south, now or formerly the property of William H. Erker, as directed by the City of Chesterfield.

### Sidewalks

- e. A sidewalk shall be provided adjacent to Wilson Road (relocated) within the right-of-way as directed by the Chesterfield Department of Public Works. A sidewalk shall be provided along Clarkson Road within a five (5) foot wide sidewalk maintenance and utility easement, within or adjacent to the Clarkson Road right-of-way, as directed by the Chesterfield Department of Public Works.

### Lighting Requirements

- f. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways. Illumination levels shall comply with the provisions of Section 1005.320 Street and Parking Area Lighting of the City of Chesterfield Subdivision Ordinance.
- g. Light standards shall not exceed sixteen (16) feet in height. The location of all light standards shall be as approved by the Planning Commission on the Site Development Plan.

### Sign Requirements

- h. Sign regulations for this development shall be in accordance with "R-1" Residence District, as specified in Section 1003.168 Sign Regulations of the City of Chesterfield Zoning Ordinance.
- i. Signage for this site shall be restricted to one (1) free standing monument-type sign to be located at the corner of Clarkson Road and Wilson Road (relocated). Said sign shall not exceed six (6) feet in height when measured from the existing finished grade adjacent to the sign or the elevation of the adjacent street, whichever is higher, nor shall it exceed fifty (50) square feet in outline area.

### Landscape Requirements

- j. Retention of existing tree masses and individual trees shall be provided for. All existing trees of three (3) inch caliper, or more and proposed landscaping shall be depicted on the site development plan, or separate landscape plan, with an indication of those trees to be retained or removed. Said site development plan or landscape plan shall be submitted to the Planning Commission for review and approval prior to the preparation of the site for development.

- k. All new landscaping materials shall meet the following criteria:
- (1) Deciduous trees - two and one-half (2 1/2) inch minimum caliper.
  - (2) Evergreen trees - six (6) feet minimum height.
  - (3) Shrubs - eighteen (18) inch minimum diameter.
- l. A minimum four (4) foot high landscape berm when measured from the average adjacent street elevation, shall be provided adjoining the right-of-way of Wilson Road (relocated), as approved by the Planning Commission on the Site Development Plan.

#### Parking Requirements

- m. All parking requirements shall be as per Section 1003.165 "Off-Street Parking and Loading Requirements" of the City of Chesterfield Zoning Ordinance. However, a minimum of one hundred five (105) parking spaces shall be provided.
- n. Parking, circulation and other applicable site design features shall comply with the City of Chesterfield Zoning Ordinance.

#### Miscellaneous Conditions

- o. Exterior trash areas shall be surrounded by a six (6) foot high sight-proof fence in locations as approved by the Planning Commission on the Site Development Plan.
- p. Provide a site distance evaluation report, as required by the Chesterfield Department of Public Works, for the proposed entrance onto Wilson Road.
- q. Typical building elevations accompanied by sufficient information to indicate the material type and color to be used for all facades of the buildings shall be submitted to the Planning Commission for review and approval prior to issuance of a building permit.
- r. Funeral processions shall be restricted to the hours of 9:00 a.m. to 2:30 p.m. on weekdays, with unrestricted times on weekends. Processions are prohibited from proceeding northward on Wilson Road from the subject site.

5. VERIFICATIONS PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the developer shall:

Stormwater

- a. Submit to the Department of Planning a preliminary engineering plan approved by the Department of Public Works, indicating that adequate handling of stormwater drainage is provided.
  - (1) The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield and MSD standards.
  - (2) All stormwater shall be discharged at an adequate natural discharge point.
  - (3) Off site storm sewer improvements are required for this project, which may include, but not be limited to connecting to the existing storm sewer which crosses (Old) Wilson Road as well as connecting to, and coordinating with the storm sewer improvements associated with the relocation of Wilson Road. The developer's engineer will be required to verify the adequacy of the storm sewer system(s) in the area of (Old) Wilson Road and Wilson Road (relocated). In the event the existing culvert is undersized, this culvert is to be removed and replaced with a suitably sized pipe.
  - (4) Detention of differential runoff of stormwater is required by providing permanent detention facilities, such as dry reservoirs, bonds or another acceptable alternative. The detention facilities shall be completed and operate per Department of Public Works and MSD design standards.

Roadway Improvements and Curb Cuts

- b. Provide verification of approval by the Missouri Highway and Transportation Department of the location of any proposed curb cut.
- c. Utility companies may require compensation for relocation of their utility facilities within public right-of-way. Extensive delays in utility company relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

Geotechnical Report

- d. Provide a geotechnical report, as required by the Department of Public Works, to be prepared by a professional engineer licensed in the State of Missouri. Said report shall verify the adaptability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans.

Sanitary Sewers

- e. Provide verification of approval by M.S.D. for adequate handling of sanitary sewage.

6. RECORDING

Prior to the issuance of a building permit, the developer shall record a copy of the approved CUP and legal description for the tract with the St. Louis County Recorder of Deeds.

7. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of Site Development Plan, and prior to issuance of any foundation or building permit, the following requirements shall be met:

Notification

- a. Prior to the issuance of foundation or building permits, all approvals from the Department of Planning, the Department of Public Works, Missouri Highway and Transportation Department, and the Metropolitan St. Louis Sewer District must be received by the City of Chesterfield.

Landscape Bond or Escrow

- b. If required landscaping is in excess of \$1,000.00, the developer shall furnish two (2) year bond or escrow sufficient in amount to guarantee the installation of all landscaping required on the Site Development Plan. Said bond or escrow shall be based on costs determined by a plant nursery and approved by the Department of Planning. Prior to release of the landscape escrow or bond, a two (2) year Landscape Maintenance Bond or Escrow, sufficient in amount to guarantee the replacement of landscaping, shall be furnished. Said bond or escrow shall be based on costs determined by a plant nursery and approved by the Department of Planning.

8. VERIFICATION PRIOR TO OCCUPANCY PERMIT

Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. The delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

9. GENERAL DEVELOPMENT CONDITIONS

- a. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.
- b. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been provided.
- c. Additional lane and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices, and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
- d. 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.
- e. The Zoning Enforcement Officer of the City of Chesterfield, Missouri, shall enforce the conditions of this permit in accord with the Site Development Plan approved by the Planning Commission.
- f. Failure to comply with any or all the conditions of this permit shall be adequate cause for revocation of permits by issuing City of Chesterfield Departments or Commissions.