

RESOLUTION # 192

**RESOLUTION AMENDING THE CITY OF CHESTERFIELD ZONING ORDINANCE BY GRANTING A CONDITIONAL USE PERMIT IN THE "R-1A" 22,000 SQUARE FOOT RESIDENCE DISTRICT FOR A 1.065 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF WILD HORSE CREEK ROAD, APPROXIMATELY 350 FEET WEST OF THE INTERSECTION OF WILD HORSE CREEK ROAD AND BAXTER ROAD EXTENSION (P.Z. 24-95 FAHRENHORST ENT. (ALL ABOUT CHILDREN)).**

**WHEREAS**, Fahrenheit Enterprises filed with the City of Chesterfield through its Planning Commission, a request for a Conditional Use Permit (CUP) in the "R-1A" 22,000 square foot Residence District for a tract of land approximately 1.065 acres in size located on the north side of Wild Horse Creek Road, west of the intersection of Wild Horse Creek Road and Baxter Road Extension; 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-1A" 22,000 square foot Residence District for this property pursuant to P.Z. 23-95 Fahrenheit Enterprises (All About Children); 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 day care facility 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-1A" 22,000 square foot Residence District for a 1.065 acre tract of land located on the north side of Wild Horse Creek Road, approximately 350 feet west of the intersection of Wild Horse Creek Road and Baxter Road Extension, described as follows:

A tract of land being Part of US Survey 2760, Township 45 North Range 4 East, St. Louis County, Missouri, City of Chesterfield, and being described as follows:

Beginning at the Northeast corner of U S Survey 2760, thence along the North line of said Survey, said line also being the South line of Chesterfield Farms Plat One, according to the subdivision plat thereof recorded in Plat Book 322, Page 35 of St. Louis County records, North 89 degrees 09 minutes 00 seconds West, 236.58 feet; thence along the East line of a tract of land conveyed to Konnemann by Deed Book 1517, Page 16 of said records, South 12 degrees 50 minutes 00 seconds East, 295.46 feet to the North right-of-way line of Wild Horse Creek Road (60 feet wide); thence along said North line, North 53 degrees 09 minutes 00 seconds East, 32.85 feet; thence North 36 degrees 51 minutes 00 seconds West, 5.00 feet; thence North 53 degrees 09 minutes 00 seconds East, 183.96 feet to the East line of US Survey 2760, thence along said East line, North 00 degrees 10 minutes 00 seconds East, 149.54 feet to the Point of Beginning, containing 46,391 square feet or 1.065 acres, more or less.

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 20<sup>TH</sup> day of NOVEMBER, 1995.

  
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MAYOR

ATTEST:

  
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CITY CLERK

**ATTACHMENT A**

**1. PERMITTED USES**

The use permitted under this Conditional Use Permit shall be a child care center.

**2. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS**

- a. The child care center shall be contained in a one (1) story building, not to exceed a total of 4,500 square feet.
- b. The ratio between the site coverage of this development, which includes buildings, parking areas and drives, and the total area of the site, must not exceed .34.
- c. A maximum of one hundred and five (105) children shall be permitted at this facility.

**3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENT**

Within twelve (12) months of the date of approval of the Conditional Use Permit by the Planning Commission and prior to issuance of any building or occupancy permit, the developer shall submit to the Planning Commission for its review and approval a Site Development Plan. 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. The location and size of all structures, including freestanding business signs.
- b. Existing and proposed topographical information with contours at two (2) foot intervals extending 150 feet beyond the limits of the subject site.
- c. The location and size of all parking, loading spaces including vehicular storage.
- d. Roadways, driveways, and walkways on and adjacent to the property in question including required roadway right-of-way dedication and pavement widening.
- e. Curb cut locations.
- f. The design, location and size of all proposed lights and fences, trash areas, retaining walls, handicapped ramps and other above ground structures including retaining walls in common areas.
- g. A landscape plan, including, but not limited to, the location, size and general type of all plant and other material to be used. Identification of all tree masses to be retained.
- h. The approximate location of all sanitary and stormwater sewers and detention areas.
- i. Provide a key map showing the tract and its relation to the surrounding area.
- j. Graphic scale.
- k. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance, Section 1005.060.

**4. SITE DEVELOPMENT PLAN DESIGN CRITERIA**

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

Building and Structure Setbacks

- a. Front Yard: Minimum setback shall be twenty-five (25) feet from the road right-of-way.
- b. Side Yard: Minimum setback shall be twelve (12) feet.
- c. Rear Yard: Minimum setback shall be fifteen (15) feet.

Parking Requirements

- d. Minimum parking requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Access and Roadway Improvements, Including Sidewalks

- e. Access shall be via one (1) curb cut onto Wild Horse Creek Road (State Route CC).
- f. The entrance geometrics and drainage design should be in accordance with Missouri Highway and Transportation Department (MHTD) standards and shall be reviewed and approved by MHTD and the City of Chesterfield.
- g. The petitioner shall construct a left turn lane off of Wild Horse Creek Road (Route CC). The design shall be in accordance with Missouri Highway and Transportation Department (MHTD) standards and shall be reviewed and approved by MHTD.
- h. The developer is required to dedicate the necessary right-of-way for the construction of the left turn lane off Wild Horse Creek Road (Route CC) as directed by the Missouri Highway and Transportation Department.
- i. Provide a five (5) foot wide sidewalk adjacent to Wild Horse Creek Road within a six (6) foot sidewalk, maintenance and utility easement as directed by the Chesterfield Department of Public Works.
- j. Installation of Landscaping and Ornamental Entrance Monument or Identification signage construction, if proposed, shall be reviewed by the Missouri Highway and Transportation Department and the City of Chesterfield for sight distance considerations and approved prior to installation or construction.

Landscape Requirements

- k. All new deciduous trees shall be a minimum of two and one-half (2 1/2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height, and all shrubs shall have a minimum diameter of eighteen (18) inches.
- l. Retention of existing tree masses and individual trees shall be provided for specifically along the north property line. Trees to be retained and all proposed landscaping shall be depicted on the site development plan. Prior to the preparation of the site for development and the approval of a site development plan, a landscape plan depicting all existing tree masses and those to be retained shall be submitted to the Planning Commission for approval.
- m. A minimum fifteen (15) foot wide landscaped area shall be required along the north, east and west property lines, which shall consist of a combination of landscaping and fencing, as approved by the Planning Commission on the Site Development Plan.
- n. The natural vegetation in the northern portion of the site shall be maintained to the maximum extent practical. All existing vegetation and vegetation to be removed in this area shall be depicted on the Site Development Plan.

Miscellaneous Conditions

- o. No source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. Lighting shall be required in compliance with the City of Chesterfield Subdivision Ordinance.
- p. All signs shall be erected in accordance with Section 1003.168 Sign Regulations.
- q. Exterior trash areas, if any, shall be surrounded by a six (6) foot high sight-proof fence.
- r. Hours of operation for the child care center shall be from 6:30 a.m. to 6:00 p.m. Monday through Friday.
- s. Architectural Elevations shall be approved by the Planning Commission.

**5. VERIFICATIONS PRIOR TO APPROVAL**

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

Stormwater

- a. Submit to the Planning Commission a preliminary engineering plan approved by the Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.
  1. All stormwater sewers and appurtenances shall be designed per City of Chesterfield and Metropolitan St. Louis Sewer District standards.
  2. Detention/retention is to be provided, for the entire site, in each watershed, as required by the Department of Public Works. Detention of the differential runoff of stormwater is required by providing permanent detention facilities, such as dry reservoirs, ponds or another acceptable alternative. The detention facilities shall be operational prior to paving of any driveway or parking areas.
  3. The adequacy of any existing downstream storm sewer shall be verified and upgraded if necessary.
  4. The developer is responsible for obtaining the necessary easements and temporary construction licenses necessary to construct and dedicate the stormwater and sanitary sewer systems.

Roadway Improvements and Curb Cuts

- b. Provide verification of approval by Missouri Department of Highways and Transportation Department of proposed curb cuts, areas of new dedication, and roadway improvements.

Geotechnical Report

- c. Provide a geotechnical report, as required by Chesterfield Department of Public Works, prepared by a professional engineer licensed in the State of Missouri. Said report shall verify the suitability 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. This shall address the existence of any potential sinkholes, ponds, septic fields, etc., and recommendations for treatment.

Sanitary Sewers

- d. Provide verification of approval by M.S.D. for adequate handling of sanitary sewage. Please be advised, there will be a \$2,750.00/acre Surcharge for this site in order to fund improvements of Caulks Creek payment.

Miscellaneous

- e. Provide verification of comments from the appropriate Fire District.

**6. RECORDING**

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

**7. VERIFICATION PRIOR TO BUILDING PERMITS**

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

Notification to the Department of Planning

- a. Prior to the issuance of foundation or building permits, all approvals from the Chesterfield Department of Public Works, Missouri Highway and Transportation Department, the Metropolitan St. Louis Sewer District and the Chesterfield Fire Protection District must be received by the Department of Planning.
- b. If required landscaping is in excess of \$1,000.00, the developer shall furnish a two (2) year bond 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 the release of the Landscape bond, a two (2) year Landscape Maintenance Bond, sufficient in amount to guarantee the replacement of landscaping, shall be furnished. Said bond shall be assessed on costs determined by a plant nursery and approved by the Department of Planning.

Certification of Plans

- c. Provide verification that construction plans are designed to conform to the requirements and conditions of Geotechnical Report Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

**8. GENERAL DEVELOPMENT CONDITIONS**

- a. A grading permit is required prior to any grading on the site. No change in watersheds will be permitted. Interim stormwater drainage control in the form of siltation control and/or siltation basins 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 erosions, if adequate stormwater detention and erosion control devices have not been established.
- c. The petitioner shall be responsible for obtaining all necessary permits from the Department of Natural Resources Clean Water Commission as they relate to the development of this tract.
- d. Additional lanes 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, step grades, or other conditions not apparent at this time.
- f. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas should be prohibited in order to eliminate the conditions whereby mud from construction and employee vehicles is traced onto the pavement causing hazardous roadway and driving conditions.
- g. Provide temporary slope and construction license agreements for any grading required off-site.
- g. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.
- h. The Zoning Enforcement Officer of the City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accordance with Site Development Plans approved by the Planning Commission and City Departments.