

RESOLUTION # 241

**RESOLUTION AMENDING THE CITY OF CHESTERFIELD ZONING ORDINANCE BY GRANTING A CONDITIONAL USE PERMIT IN THE "LLR" LARGE LOT RESIDENTIAL DISTRICT FOR A 12,000 SQUARE FOOT TRACT OF LAND LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD, APPROXIMATELY 3,800 FEET WEST OF THE INTERSECTION OF WILDHORSE PARKWAY. (AT&T WIRELESS PCS C/O QUINN, GROUND, AND BANTON, L.L.C)**

**WHEREAS**, Quinn, Ground, and Banton, L.L.C., filed with the City of Chesterfield through its Planning Commission a request for a Conditional Use Permit (CUP) in the "LLR" Large Lot Residential District for a tract of land approximately 12,000 square foot in size located on the south side of Wild Horse Creek Road, approximately 3,800 feet west of the intersection of Wildhorse Parkway; 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 "LLR" Large Lot Residential District for this property pursuant to P.Z. 17-98 AT&T Wireless PCS c/o Quinn, Ground, and Banton, L.L.C.; 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 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 “LLR” Large Lot Residential District for a 12,000 square foot tract of land located on the south side of Wild Horse Creek Road, approximately 3,800 feet west of the intersection of Wildhorse Parkway, described as follows:

A tract of land being situated within that tract as conveyed to the St. Thomas Evangelical Church of Gumbo, Missouri in Deed Book 4387 Page 271 in the St. Louis County Land Records Office in St. Louis County, Missouri also being situated in U.S. Surveys 102 and 479, Township 45 north, Range 3 east, St. Louis County, Missouri, and further being described as follows:

Commencing for reference at a found iron pipe marking the west line of property conveyed to Phillip A. Fick in Deed book 610 page 219 and the southern right of way line of New Wild Horse Creek (width varies) Road; thence departing from said right of way south 33 degree 00 minutes 16 seconds east a distance of 278.99 feet to a point; thence north 56 degrees 59 minutes 44 seconds east 48.02 feet to the point of beginning of the herein described tract; thence north 80 degrees 49 minutes 00 seconds east, a distance of 120.00 feet to a point; thence south 09 degrees 11 minutes 00 seconds east, a distance of 100.00 feet to a point; thence south 80 degrees 49 minutes 00 seconds west, a distance of 120.00 feet to a point; thence north 09 degrees 11 minutes 00 seconds west, a distance of 100.00 feet to a point to the point of beginning and said tract containing 12,000 square feet or 0.276 acres more or less.

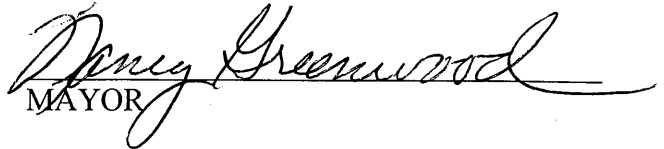
Section 2. The Conditional Use Permit is subject to all of the specific conditions as recommended by the Planning and Zoning Committee in their recommendation to the City Council as set out in “Attachment A” which is attached hereto and made a part hereof. The Planning and Zoning Committee’s recommendation 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.

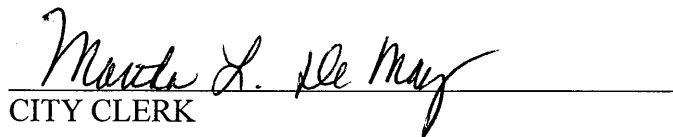
Section 3. That the Mayor and City Clerk shall execute on behalf of the City, all documents required by the Zoning Ordinance of the City of Chesterfield, to reflect the approval of the City of Chesterfield of said Conditional Use Permit.

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

Adopted this 19<sup>TH</sup> day of OCTOBER, 1998

  
MAYOR

ATTEST:

  
CITY CLERK

## **ATTACHMENT A**

### **1. PERMITTED USES**

- A. Use authorized by this Conditional Use Permit shall be limited to a cellular telephone tower with internally housed antennae not to exceed a total height of eighty (80) feet above the average ground elevation and accessory building and facilities. The tower shall be a monopole type structure painted red and white with a red flashing light at the top per Federal Aviation Administration requirements. Said tower will house three (3) co-locators or users. There will be six accessory buildings or cabinets on the subject site.
  
- B. Any and all users of this cellular telephone tower must notify the Mayor and City Council of the City of Chesterfield when the tower has reached its technological or functional obsolescence. At that time, the City Council will review all possible alternatives, including, but not limited to the removal of the tower.

### **2. SITE PLAN SUBMITTAL REQUIREMENTS**

Within twelve (12) months of the effective date of this Conditional Use Permit and prior to site development, the petitioner or developer shall submit to the Planning Commission for review and approval, a site plan. Where due cause is shown by the developer/petitioner, this time interval may be extended to appeal to, and approval by, the Planning Commission.

### **3. GENERAL CRITERIA**

The Site Plan shall include the following:

- a. Outboundary plat and legal description of the property.
- b. A general development plan, indicating a basic location, size and arrangement of lots and roadways on and adjacent to, the property setback lines.
- c. Existing and proposed contours at vertical intervals of not more than two (2) feet.
- d. A landscape plan including, but not limited to the location, type and general size of all plant materials to be used.
- e. Design, location and size of all proposed fences.
- f. Roadways and driveways on and adjacent to the property in question.

**4. SITE PLAN DESIGN CRITERIA**

The Site Plan shall adhere to the following specific design criteria.

a. Building and Area Structure Setback

No tower or accessory structure shall be located within the following setbacks:

1. Three hundred and thirty (330) feet from the northern property line.
2. Seven hundred and eighty (780) feet from the southern property line.
3. Five hundred and twenty (520) feet from the eastern property line.
4. Seventy (70) feet from the western property line.

b. Parking and Loading Drives

The required parking space must be within the lease area. The location of the parking space and the internal drive will be as approved on the Site Plan by the Planning Commission.

c. Minimum Parking Requirement

Minimum parking requirements shall be one (1) parking space.

d. Access

Access to propose facility shall be directed by the City of Chesterfield.

e. Landscape Requirements

Either as part of the site plan, or a separate drawing to be reviewed with said plan, a landscape plan shall be submitted to comply with the following:

1. The tower shall be surrounded by a landscape strip of not less than ten (10) feet in width, and planted with materials which will provide a visual barrier of a minimum height of six (6) feet at the time of planting.
2. All new evergreen trees shall be a minimum of six (6) feet in height, all deciduous trees shall be at least two and one-half (2-1/2) inch in caliper, and all shrubs shall be a minimum diameter of eighteen (18) inches at the time of planting.

**P.Z.18-98 AT&T Wireless (St. Thomas Church)**

**City Council**

**Attachment A**

**October 7, 1998**

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3. If the estimated cost on new landscaping indicated on the site plan, as required by the Planning Commission exceeds \$1,000, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow in sufficient amount to guarantee installation of said landscaping.
4. Upon release of a Landscape Installation Bond, a two (2) year Landscape Maintenance Bond shall be provided to the City.
5. No existing trees are to be removed from the site.
6. Cedars or another similarly shaped evergreen tree will be used in the landscape plan.

f. **Miscellaneous**

Elevations of the accessory building or cabinets and fencing material (including walls) shall be approved by the Planning Commission. Special attention shall be given to natural fencing material which shall be compatible with the cemetery.

**5. SIGNS**

**Directional and Information Signs**

- a. Directional and information signs shall be permitted in accordance with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance pertaining to the "NU" Non-Urban District.
- b. No advertising signs or business signs shall be permitted.

**6. LIGHTING REQUIREMENTS**

The tower shall be lighted per requirement from the Federal Aviation Administration (FAA). A description of the required lighting scheme shall be made a part of the application to install, build or modify the antennae support structure.

**7. VERIFICATION PRIOR TO SITE PLAN APPROVAL**

Prior to approval of a site plan the petitioner shall provide verification of approval by the Federal Aviation Administration of the location and height of the tower.

**8. RECORDING**

Prior to issuance of a building permit, or a permit authorizing use of the property, a copy of the conditions and a legal description shall be recorded with the St. Louis County Recorder of Deeds.

**9. VERIFICATION PRIOR TO BUILDING PERMITS**

Subsequent to approval of the Site Plan, and prior to the issuance of any building permits, the developer shall provide the following:

- a. Prior to the issuance of foundation and building permits all approvals from the Department of Planning, the Department of Public Works, and other appropriate agencies, shall be provided.

**10. GENERAL DEVELOPMENT CONDITIONS**

- a. A grading permit is required prior to any grading on the site. No change of water shed shall be permitted.
- b. Stormwater drainage control in the form of siltation control measures is required.
- c. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent groundcover, 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 established.
- d. 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 of Commissions.
- e. This site shall comply with City of Chesterfield Ordinance Number 1214.
- f. A representative of the Chesterfield Department of Planning shall enforce the conditions of the Conditional Use permit in accordance with the Site Development Plan approved by the Planning Commission.
- g. Clearing activities require a permit. No clearing may occur on the site without the appropriate permit approval.

**ATTACHMENT A**

**PERMITTED USES**

- I. A. The following land uses and developments are allowed and are depicted on the Preliminary Plan for this "PC" Planned Commercial District:
1. Offices or office building.
  2. Restaurant, fast food
- B. The following restrictions shall apply to the above uses:
1. Construction for the proposed offices or office building and fast food restaurant shall occur at the same time.
  2. There shall be no sit down nor drive through facilities operated in conjunction with the fast food restaurant. All activities in the fast food restaurant shall be compatible with those found in a bakery.

**SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

- II. Within eighteen (18) months of the approval date of the preliminary development plan by the City of Chesterfield and prior to issuance of any building permit, the developer shall submit to the City of Chesterfield for their review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended by the City of Chesterfield.

A. GENERAL CRITERIA

The Site Development Concept Plan shall include the following:

1. Outboundary plat and legal description of the property.
2. The location, design (with design statement), materials and size, including height, of all uses, buildings, parking and loading areas, light standards, retaining walls, free-standing signs, trash enclosures, and landscaping.
3. Specific structure and parking setbacks along all roadways and property lines.
4. The size and appropriate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.