

Introduced by Councilmember Campisi

**AN ORDINANCE**

AMENDING THE ST. LOUIS COUNTY ZONING ORDINANCE AND THE OFFICIAL ZONING DISTRICT MAPS BY CHANGING THE BOUNDARIES OF THE "R-3" RESIDENCE DISTRICT AND THE "C-8" PLANNED COMMERCIAL DISTRICT; APPROVING THE APPLICATION AND PRELIMINARY PLANS FOR THE DEVELOPMENT IN THE "C-8" PLANNED COMMERCIAL DISTRICT OF A TRACT OF LAND, SUBJECT TO CONDITIONS; AND REPEALING ORDINANCE NO. 14,839 (P.C. 81-06 DEAN CLIMER).

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. The St. Louis County Zoning Ordinance and the Official Zoning District Maps which are a part thereof are amended by changing the boundaries to include all of the following land within the "C-8" Planned Commercial District on the said maps, the following described land:

A TRACT OF LAND BEING IN FRACTIONAL SECTION 12, TOWNSHIP 43 NORTH AND RANGE 6 EAST AND BEING PART OF LOT 400, LOTS 401 AND 402 OF WOODLEIGH ESTATES AS RECORDED IN PLAT BOOK 137, PAGE 6 AND 7 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE AT THE SOUTHEAST CORNER OF PROPERTY CONVEYED TO A C TELEGRAPH LLC IN DEED BOOK 16071, PAGE 2967 OF THE ST. LOUIS COUNTY RECORDER OF DEEDS; THENCE NORTH 84 DEGREES 48 MINUTES 01 SECONDS WEST, 226.14 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF TELEGRAPH (WIDTH VARIES) ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE OF TELEGRAPH ROAD NORTH 00 DEGREES 55 MINUTES 59 SECONDS EAST, 110.32 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 20.0 FEET AND LENGTH OF 31.72 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WHITSHIRE (50'W) DRIVE; THENCE ALONG SAID RIGHT-OF-WAY LINE OF WHITSHIRE DRIVE, SOUTH 89 DEGREES 56 MINUTES 10 SECONDS EAST, 211.10 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE OF WHITSHIRE DRIVE, SOUTH 02 DEGREES 55 MINUTES 59 SECONDS WEST, 150.73 FEET TO THE POINT OF BEGINNING AND CONTAINING 31,985 SQUARE FEET OR 0.73 ACRES.

SECTION 2. Approval of the application and preliminary plans, as amended, for a Planned Commercial Development and amended development is granted for a certain tract of land located in the "C-8" Planned Commercial District in St. Louis County, Missouri, as described in Section 1 above.

SECTION 3. The authority and approval embodied in this ordinance is granted subject to all ordinances, rules and regulations and on condition that said development, amended development and plans be carried out in accordance with the preliminary plans filed with the St. Louis County Planning Commission, as amended and forwarded by said Planning Commission to the County Council, with a communication dated January 23, 2007, which preliminary plans, as amended, are hereby approved, adopted and incorporated herein by reference as if fully set out in this ordinance and made a part of this ordinance and subject to the following conditions:

#### 1. PERMITTED USES

This "C-8" Planned Commercial District shall authorize all uses permitted in the C-2 Shopping District except that no advertising signs or telecommunications towers shall be permitted.

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

- a. The uses permitted in this C-8 Planned Commercial District shall not exceed 5,400 square feet in gross floor area, contained within a rectangular building not more than one (1) story in height.
- b. Architectural elevations, including light standards, shall be approved by the Planning Commission in conjunction with the Site Development Plan. The building shall appear residential in style as approved by the Planning Commission on the Architectural Elevations.

#### 3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the Preliminary Development Plan by the County Council and prior to any site disturbance, the developer shall submit to the Planning Commission for their review and approval a Site Development Plan. Where due cause is shown by the developer, time intervals may be extended by the Planning Commission in accord with requirements of Section 1003.145 of the Zoning Ordinance. The Site Development Plan shall include, but not be limited to, the following:

- a. The location and size of all proposed structures, including business signs.
- b. Outboundary plat and legal description of the property.
- c. Location map of generalized nature, north arrow, and plan scale.

- d. Existing and proposed contours at two (2) foot intervals.
- e. Location and size of all parking areas and corresponding parking calculations.
- f. Roadways and driveways on and adjacent to the property in question including any roadway right-of-way dedication, pavement widening, and cross access easement areas.
- g. The design, location, and size of all proposed lighting, fences, and trash areas.
- h. A landscape plan, including, but not limited to, the location, size, and general type of all plant and other material to be used.
- i. The approximate location of all stormwater facilities and sanitary sewer facilities.
- j. Parking and structure setbacks from adjacent property lines.
- k. Location of all existing easements.

#### 4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

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

##### Building and Structure Setbacks

- a. No building or structure, other than boundary and/or retaining walls, fences, signs, detention facilities, and/or light standards, shall be located within the following setbacks:
  - (1) Fifty (50) feet of the right-of-way of Telegraph Road.
  - (2) Twenty (20) feet of the right-of-way of Whitshire Drive.
  - (3) Fifty (50) feet of the eastern limits of this C-8 District.
  - (4) Twenty (20) feet of the southern limits of this C-8 District.

##### Parking, Loading, and Internal Drives

- b. No parking stalls, loading spaces, internal drives or roadways, excluding points of ingress and egress, shall be within the following setbacks:
  - (1) Fifteen (15) feet of the right-of-way of Telegraph Road.
  - (2) Twenty (20) feet of the right-of-way of Whitshire Drive.
  - (3) Twenty-five (25) feet of the eastern limits of this C-8 District.
  - (4) Zero (0) feet of the southern limits of this C-8 District.

- c. Minimum parking requirements shall be as set forth in Section 1003.165 of the Zoning Ordinance for this C-8 Planned Commercial District development.

#### Access and Roadway Improvements, Including Sidewalks

- d. Conform to the requirements and/or recommendations of the Missouri Department of Transportation (MoDOT) regarding Telegraph Road in this area.
- e. No access shall be permitted to Whitshire Drive.
- f. Access to this development from Telegraph Road shall be limited to the existing commercial access on the adjacent property to the south via a cross access easement as shown on the Site Development Plan submitted with this proposal, as directed by MoDOT and the Department of Highways and Traffic.
- g. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right-of-way will require permits. Entrance geometrics and drainage design shall be in accordance with MoDOT standards.
- h. Provide a sidewalk conforming to County ADA standards adjacent to Whitshire Drive or provide the finish grading therefore and required cash escrow, as directed by the Department of Highways and Traffic.
- i. Provide a cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the Departments of Planning and Highways and Traffic.

#### Miscellaneous Roadway Requirements

- j. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as directed by the Department of Highways and Traffic.
- k. The developer is advised that utility companies will require compensation for relocation of their utility 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.

- l. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage shall be reviewed by the Department of Highways and Traffic for sight distance considerations and approved prior to installation or construction.

#### Landscape Requirements

- m. The western and northern setbacks shall be adequately landscaped as approved on the Site Development Plan. The eastern setback shall be densely landscaped and a decorative six (6) foot sight-proof fence shall be required to screen the eastern parking area as approved on the Site Development Plan.
- n. Parking islands and drive aisles shall be adequately landscaped, as approved on the Site Development Plan.
- o. All new landscaping materials shall meet the following criteria:
  - (1) Deciduous trees shall be a minimum two and one-half (2<sup>1/2</sup>) inches in caliper.
  - (2) Evergreen trees shall be a minimum six (6) feet in height.
  - (3) Shrubs shall have a minimum diameter of twenty-four (24) inches.
  - (4) Flowering trees shall be a minimum of one and one-half (1<sup>1/2</sup>) inches in caliper.

#### Lighting

- p. No on-site illumination source shall exceed sixteen (16) feet in height, except light standards within eighty (80) feet of the eastern limits, which shall be bollard-style and no more than four (4) feet in height.
- q. The location of all lighting standards shall be as approved by the Planning Commission on the Site Development Plan. 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 1003.167 Miscellaneous Regulations of the Zoning Ordinance. Light standards shall be shielded and maintain a cut off angle of not more than 85 degrees.

#### Signs

- r. Signs shall be permitted in accord with the regulations of Section 1003.168 of the St. Louis County Zoning Ordinance pertaining to the C-2 Shopping District, however only one free standing business sign, monument style only, shall be permitted.
- s. No business wall signs are permitted on the east wall of the building.

#### Retaining Walls

- t. All retaining walls in excess of three (3) feet shall be constructed of concrete, an interlocking concrete block system, or a boulder style wall system as approved on the Site Development Plan.

Miscellaneous Conditions

- u. All trash areas shall be enclosed with a six (6) foot high sight-proof fence with gate and be appropriately landscaped around its perimeter. Said trash areas shall be located as far away as possible from residentially zoned property as approved on the Site Development plan.
- v. Handicap parking and access requirements shall comply with Section 512.4 of the Building Code.
- w. All rooftop mechanical equipment shall be appropriately screened from view on all sides of this development.

5. TRAFFIC GENERATION ASSESSMENT TRUST FUND

The developer shall contribute to the North Oakville Traffic Generation Assessment Road Trust Fund established by Ordinance No. 15,216. This contribution shall not exceed an amount established by multiplying the ordinance-required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$537.19/Parking Space
Medical Office	\$1,611.66/Parking Space
General Retail	\$1,611.66/Parking Space
Loading Space	\$2,637.29/Parking Space

(Parking space as required by the site specific ordinance or by Section 1003.165 of the Zoning Ordinance.)

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

Credits for roadway improvements will be awarded as directed by the Department of Highways and Traffic.

As this development is located within a trust fund area established by the 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 these required improvements, if not approved for construction by January 1, 2007, 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 St. Louis County Department of Highways and Traffic.

## 6. VERIFICATIONS PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN

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

### Stormwater Improvements

- a. Submit to the Planning Commission an engineering plan approved by MoDOT, the Department of Highways and Traffic, and Metropolitan St. Louis Sewer District showing that adequate handling of the stormwater drainage of the site is provided.
  - (1) The developer is required to provide adequate stormwater systems in accordance with County and Metropolitan St. Louis Sewer District Standards.
  - (2) All stormwater shall be discharged at an adequate natural discharge point.
  - (3) Detention may be required for the entire project site such that the release rates will not exceed the allowable release rates for the post developed peak of the 2-year and 100-year, 24 hour storm event.
  - (4) Detention of differential runoff of stormwater is at the discretion of Metropolitan St. Louis Sewer District. If required by Metropolitan St. Louis Sewer District, it shall be provided in permanent detention facilities, such as: dry reservoirs, ponds, or another acceptable alternative. The detention facilities shall be completed and in operation prior to paving of any driveways or parking areas.

### Sanitary Improvements

- b. The Metropolitan St. Louis Sewer District reviewed the preliminary plans for sanitary sewer service.
  - (1) Downstream sanitary sewers need to be evaluated to ensure adequate capacity.
  - (2) Downstream sanitary sewers may need to be replaced or upgraded.

### Geotechnical Report

- c. Provide a Geotechnical Report covering development and grading if required by improvements involved with this site, as directed by the Department of Highways and Traffic. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions which are susceptible to rapid erosion, landslide and/or creep. A statement of compliance with this study, signed by the

Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. The development plan and construction plans shall be designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical 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 soils requirements and conditions contained in the report.

#### Roadway Improvements and Curb Cuts

- d. Provide verification of approval by the Department of Highways and Traffic of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

### 7. RECORDING

Within sixty (60) days of approval of the Site Development Plan by the Planning Commission, the approved plan shall be recorded with the Recorder of Deeds.

### 8. VERIFICATION PRIOR TO LAND DISTURBANCE

Prior to clearing, grading, or any related work which results in removal of the natural site vegetation and destruction of the root zone, or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water, a land disturbance permit shall be required in conformance with the County Land Disturbance Code, Chapter 1114.

### 9. VERIFICATION PRIOR TO PERMITS

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

#### Landscape Bonds or Escrows

- a. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds an estimated cost of one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow, or other instrument sufficient in amount to guarantee the installation of said landscaping.

#### Notification to Public Works

- b. Prior to issuance of foundation or building permits, all approvals from the Department of Planning, the Department of Highways and Traffic and the Metropolitan St. Louis Sewer District must be received by the Department of Public Works. Partial permits for the construction of foundations or other parts of the



building or structure may be issued when clearances are obtained from the Reviewing Department/Agencies listed above for the scope of construction work requested.

#### Traffic Generation Assessment Contribution

- c. Traffic generation assessment contribution shall be deposited with the County in the form of a cash escrow prior to 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.

### 10. VERIFICATION PRIOR TO OCCUPANCY PERMITS

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

### 11. 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. 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.
- c. The petitioner shall be responsible for obtaining all necessary permits from the Department of Resources Clean Water Commission as they relate to the development of this tract.
- d. The Zoning Enforcement Officer shall enforce the conditions of this ordinance in accord with Site Development Plans approved by the Planning Commission and the Department of Planning.

SECTION 4. The application and preliminary plans, as amended, are returned to the St. Louis County Planning Commission for consideration of a site development plan, pursuant to Section 1003.145 SLCRO 1974 as amended.

SECTION 5. The St. Louis County Council, pursuant to the petition of Dean Climer, and pursuant to the recommendation of the St. Louis County Planning Commission that said petition be granted and the preliminary plans be approved, as amended, after a public hearing held by the said Commission on December 11, 2006, does adopt this ordinance pursuant to the St. Louis

County Charter authorizing the Council to exercise legislative power pertaining to planning and zoning.

SECTION 6. Ordinance No. 14,839 is hereby repealed.

ADOPTED: FEBRUARY 27, 2007                      MICHAEL E. O'MARA  
CHAIRMAN, COUNTY COUNCIL

APPROVED: FEBRUARY 28, 2007                      CHARLIE A. DOOLEY  
COUNTY EXECUTIVE

ATTEST: JEANETTE O. HOOK  
DEPUTY ADMINISTRATIVE DIRECTOR

APPROVED AS TO LEGAL FORM:

Patricia Redington  
COUNTY COUNSELOR