

D:\inetpub\archive\ORDS\1989\14658.ORD (7 hits)

---

BILL NO. 388, 1989

ORDINANCE NO. 14,658, 1989

Introduced by Councilman Whitehall

AN ORDINANCE

AMENDING THE ST. LOUIS COUNTY ZONING ORDINANCE BY CHANGING THE BOUNDARIES OF THE "NU" NON-URBAN DISTRICT, THE "R-2" 15,000 SQ. FT. RESIDENCE DISTRICT AND THE "C-8" PLANNED COMMERCIAL DISTRICT AND APPROVING THE APPLICATION AND PRELIMINARY PLANS FOR THE DEVELOPMENT IN THE "C-8" PLANNED COMMERCIAL DISTRICT OF A TRACT OF LAND, SUBJECT TO CONDITIONS. (P.C. 120-89 WESTGROVE CORPORATION).

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 transferring from the "NU" Non-Urban District and the "R-2" 15,000 Sq. Ft. Residence District to the "C-8" Planned Commercial District on the said maps, the following described land:

A tract of land being in the Northeast quarter of the Northeast quarter of Section 30, Township 44 North, range 5 East, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at a point on the Southwestern line of Hwy 141, 80 foot wide, at its intersection with the Southern line of Valley Park Hills subdivision as recorded in Plat Book 7, Page 75, of the St. Louis County, Missouri Records, and also being the Southeast corner of the resubdivision of Lots 1 and 2 of Centurion West and adjusted Lots 3 and 5 of the resubdivision of Lots 3, 4, and 5 of Centurion West as recorded in Plat Book 283, Page 4, of the St. Louis County, Missouri Records;

Thence leaving the Southern line of Valley Park Hills subdivision along the Southwestern line of Hwy 141 and the Eastern line of Lot 1 of Sancta Maria Estates as recorded in Plat Book 218, Page 6, of the St. Louis County, Missouri Records South 35 degrees 55 minutes 01 seconds East, a distance of 367.02 feet to a point of curvature;

Thence along a curve to the left having a radius of 1870.08 feet, the chord of which bears South 37 degrees 00 minutes 04 seconds East, a chord distance of 70.75 feet, an arc distance of 70.75 feet to a point, said point being at the intersection of the Southwestern line of said Hwy 141 with the Northern line of Wisdom Court, 50 foot wide;

Thence leaving the Southwestern line of said Hwy 141 along the Northern line of said Wisdom Court South 54 degrees 04 minutes 33 seconds West, a distance of 213.92 feet to a point, said point being the Southwestern corner of Lot 2 of said Sancta Maria Estates;

---

Thence leaving the Northern line of said Wisdom Court along the Western line of said Lot 2 North 35 degrees 55 minutes 27 seconds West, a distance of 100.48 feet to a point, said point being the Northwestern corner of said Lot 2;

Thence leaving the Northwestern corner of said Lot 2 Along the Northern line of said Sancta Maria Estates and the Northern line of Sancta Maria Estates Plat 2 and the Northern line of Sancta Maria Estates Plat 1 as recorded in Plat Book 223, Pages 34 through 36 and Plat Book 228, Pages 90 through 91, of the St. Louis County, Missouri Records North 88 degrees 35 minutes 18 seconds West, a distance of 572.14 feet to a point;

Thence leaving the Northern line of said Sancta Maria Estates Plat 1 along the Eastern line of Sancta Maria Estates Plat 3 as recorded in Plat Book 237, Pages 1 and 2, of the St. Louis County, Missouri Records North 00 degrees 49 minutes 49 seconds East, a distant of 394.76 feet to a point, said point being on the Southern line of the aforementioned Valley Park Hills subdivision and the Southern line of the aforementioned Centurion West;

Thence leaving the Eastern line of said Sancta Maria Estates Plat 3 along the Southern line of said Valley Park Hills subdivision and the Southern line of said Centurion West South 88 degrees 50 minutes 30 seconds East, a distance of 540.66 feet back to the point of beginning and containing 277 564 square feet, or 6.372 acres more or less.

SECTION 2. Approval of the application and preliminary plans for a Planned Commercial

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 herein.

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 and plan be carried out in accordance with the preliminary plans filed with the St. Louis County Planning Commission and forwarded by said Planning Commission to the County Council, with a communication dated September 26, 1989, which preliminary plans 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

The uses permitted in this "C-8" Planned Commercial District shall be limited to retail sales and services and all uses permitted in the "C-2" District without a Conditional Use Permit, excluding advertising signs.

-2-

---

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

- a. A maximum of one (1) building shall be permitted within this development.
- b. The permitted building shall not exceed 42,000 square feet in gross floor area or one (1) story in height.
- c. Restaurant seating shall be limited to 75 seats.

#### 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 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 proposed structures, including freestanding business signs.
- b. Existing and proposed contours at two (2) foot intervals.
- c. Location and size of all parking areas and parking calculations.
- d. Roadways and driveways on and adjacent to the property in question including required roadway right-of-way dedication and pavement widening.
- e. The design, location, and size of all proposed lighting, fences, and trash areas.
- f. A landscape plan, including, but not limited to, the location, size and general type of all plant and other material to be used.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA Structure Setbacks

a. No new structure, except signs, lights, fences, retaining walls and flagpoles, shall be within the following setbacks:

- (1) Fifty (50) feet of the south limit of this "C-8" district.
- (2) One hundred and ten (110) feet of the west limit of this "C-8" District.
- (3) One hundred and five (105) feet of the improved right-of-way of Highway 141.
- (4) One hundred (100) feet of Wisdom Court.

Parking, Loading and Internal Drives

Setbacks

b. No parking space or internal drive, except points of ingress and egress, shall be within the following setbacks:

- (1) Twenty-five (25) feet of the south limit of this "C-8" District.
- (2) One hundred and five (105) feet of the west limit of this "C-8" District.
- (3) Sixty-five (65) feet of Wisdom Court.
- (4) Fifteen (15) feet of the improved right-of-way of Highway 141.

Access

c. Access to this development from New Smizer Mill Road (Route 141) shall be as directed by the Missouri Highway and Transportation Department.

-3-

---

d. Access to this development from Praise Boulevard shall be limited to two (2) commercial entrances which shall be located to provide required sight distance as directed by the City of Peerless Park and the Department of Highways and Traffic.

e. Access to this development from Wisdom Court shall not be permitted.

f. Provide cross access easements or other appropriate legal instrument or agreement guaranteeing permanent access between this site to adjacent properties plus required connecting pavement as directed by the Departments of Planning and Highways and Traffic and the City of Peerless Park.

#### Road Improvements and Sidewalks

g. Conform to the requirements of the Missouri Highway and Transportation Department regarding New Smizer Mill Road (Route 141) in this area.

h. The developer shall extend Praise Boulevard which was constructed as part of Sancta Maria Subdivision (P.C. 136-79 and 53-84, The Rowles Company, Inc.) approved as authorized by Ordinance No. 9 420 as amended. Praise Boulevard shall be constructed as a sixty (60) foot right-of-way and a thirty-eight (38) foot pavement, constructed to a minimum 275 foot centerline radius with rolled curbs and all storm drainage facilities as directed by the Department of Highways and Traffic. Construction of improvements to Praise Boulevard shall be coordinated with the proposed Command Development Corporation project, Centurion West Shopping Center, which will abut the north property line of the subject tract, and through which the extension of Praise Boulevard will be constructed to its proposed intersection with New Smizer Mill Road opposite Centurion Drive.

i. Provide additional pavement widening for and provide and install interim traffic signal facilities at the intersection of Praise Boulevard/Centurion Drive and New Smizer Mill Road (Route 141) or provide the required cash escrow therefor as directed by the Missouri Highway and Transportation Department and the Department of Highways and Traffic.

j. Provide a sidewalk or stabilized shoulder adjacent to New Smizer Mill Road (Route 141) as directed by the Missouri Highway and Transportation Department.

k. Provide a sidewalk adjacent to Praise Boulevard connecting to the existing sidewalk constructed as part of Sancta Maria Subdivision as directed by the Department of Highways and Traffic.

l. As portions of these roadway improvements may require the acquisition of additional right-of-way and easements from private property, the normal sequence of design, right-of-way acquisition and construction shall commence immediately upon approval of the requested rezoning. If the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owners involved, St. Louis County will acquire same through eminent domain proceedings. The cost of appraisals, negotiations, administration, court proceedings and all associated costs incurred by County proceedings shall be paid by the developer.

m. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. The developer

-4-

---

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.

n. Either as part of the development plan or on a separate drawing to be reviewed as part of said plan, the developer shall submit a landscape plan to comply with the following:

(1) All new deciduous trees shall be a minimum of one and one-half (1 1/2) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height. All new shrubs shall be a minimum of eighteen (18) inches in diameter.

(2) Heavy landscaping shall be placed in the southernmost corner of the site adjacent to Wisdom Court.

Lighting Requirements

o. The location of all lighting standards and flagpoles shall be as approved by the Planning Commission on the Site Development Plan. No on-site illumination source shall exceed sixteen (16) feet in height or be so situated that light is cast directly on adjoining properties or public roadways.

Signs

p. Signage shall be as allowed in Section 1003.168 as pertaining to the "C-2" Shopping District.

Miscellaneous

q. All trash areas shall be enclosed with a six (6) foot high sight-proof fence.

r. A sight-proof fence shall be provided along the south property line of this development as approved by the Planning Commission.

5. TRAFFIC GENERATION ASSESSMENT

As this development is not located within an established traffic generation assessment trust fund area, the roadway improvements required herein represent the developer's road improvement obligation. These improvements will not normally exceed an amount established by multiplying the ordinance required parking spaces by the following applicable rates:

<u>Type of Development</u>	<u>Required Contribution</u>
General Retail	\$ 964.92/Parking Space
Loading Space	\$1,578.97/Loading Space

(Parking space as required by Section 1003.165 of the St. Louis County Zoning Ordinance.)

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

The amount of this required contribution, if not submitted by January 1, 1990, shall be increased 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. VERIFICATION PRIOR TO SITE DEVELOPMENT PLAN APPROVAL

Prior to the approval of the Site Development Plan the petitioner shall:

-5-

---

### Stormwater

a. Submit to the Planning Commission a preliminary engineering plan approved by 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 St. Louis County and M.S.D. standards.

(2) All stormwater shall be discharged at an adequate natural discharge point.

(3) Detention of differential runoff of stormwater is at the discretion of M.S.D. If required by M.S.D. it shall be provided in permanent detention facilities, such as: dry reservoirs, ponds or another acceptable alternative. The detention basin shall be completed and in operation prior to paving of any driveways or parking areas.

### Road Improvements and Curb Cuts

b. Provide verification of approval of the St. Louis County Department of Highways and Traffic of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

#### Geotechnical Report

c. Provide a Geotechnical Report covering development and grading required by improvements involved with this site. Said report shall verify the adaptability of grading and improvements with soil and geologic conditions. 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.

#### 7. RECORDING

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

#### 8. VERIFICATION PRIOR TO BUILDING 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 sufficient in amount to guarantee the installation of said landscaping.

##### Notification to the Department of Public Works

b. Prior to the issuance of foundation or building permits, all approvals from the Department of

Planning, the Department of Highways and Traffic, the Metropolitan St.

-6-

---

Louis Sewer District, the City of Peerless Park, and the Missouri Highway and Transportation Department must be received by the Department of Public Works.

#### Certification of Plans

c. Provide verification that construction plans are 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.

#### 9. VERIFICATION PRIOR TO OCCUPANCY PERMIT

Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit.

#### 10. GENERAL DEVELOPMENT CONDITIONS

a. 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 as tracked onto the pavement causing hazardous roadway and driving conditions.

b. 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, steep grades, or other conditions not apparent at this time.

c. Road improvements and right-of-way dedication should be completed prior to the issuance of occupancy permit.

d. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted.

e. Interim stormwater drainage control in the form of siltation control measures is required.

f. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing County Departments or Commissions.

g. The Zoning Enforcement Officer of St. Louis County, Missouri, shall enforce the conditions of this ordinance in accord with the Site Development Plans approved by the St. Louis County Planning Commission and Department of Planning.

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

SECTION 5. The St. Louis County Council, pursuant to the petition of Westgrove Corporation requesting the approval embodied in this ordinance, and pursuant to the recommendation of the St. Louis County Planning Commission that said petition be granted and the preliminary plans be approved, after a public hearing held

-7-

---

by the said Commission on August 28, 1989 does adopt this ordinance pursuant to the St. Louis County Charter authorizing the Council to exercise legislative power pertaining to planning and zoning.

ADOPTED: October 19, 1989

WILLIAM E. WHITEHALL

CHAIRMAN, COUNTY COUNCIL

APPROVED: October 19, 1989

GENE McNARY

COUNTY EXECUTIVE

ATTEST: LELA APPERSON

DEPUTY ADMINISTRATIVE DIRECTOR

-8-

---

*dtSearch 6.31 (6393)*