

FILED

APR 25 2024

JEANNIE GOFF
COUNTY CLERK, JEFFERSON COUNTY, MO

BILL NO.: 24-0411

ORDINANCE NO. 24-0188

INTRODUCED BY: Council Member Aarons

1 **AN ORDINANCE APPROVING APPLICATION PC24006 TO REZONE A**
2 **PORTION OF TWO PARCELS FROM NON-PLANNED COMMUNITY**
3 **COMMERCIAL (CC2) ZONE DISTRICT AND SINGLE-FAMILY**
4 **RESIDENTIAL (R10) ZONE DISTRICT TO PLANNED COMMERCIAL (PC)**
5 **ZONE DISTRICT AND THE DEVELOPMENT PLAN FOR ABOVE AND**
6 **BELOW LOCATED IN COUNCIL DISTRICT 3.**

7 **WHEREAS**, a hearing was held by the Planning and Zoning Commission of
8 Jefferson County, Missouri on March 14, 2024 on Application/Petition Number PC24006
9 for the rezoning of 1.62 acres (per the Applicant), from Non-Planned Community
10 Commercial (CC2) zone district and Single-Family Residential (R10) zone district to
11 Planned Commercial (PC) zone district, and a development plan for Above and Below on
12 the following described real estate located in Jefferson County, State of Missouri, to-wit:
13 Parcel Numbers: 09-3.0-08.0-1-001-112 and 09-3.0-08.0-1-001-113; and

14 **WHEREAS**, the record of the March 14, 2024, hearing and the recommendation
15 of the Planning and Zoning Commission have been filed with the Jefferson County,
16 Missouri, Council; and

1 **WHEREAS**, the Jefferson County, Missouri, Council has taken official notice of
2 the following items and exhibits filed with and presented to the Jefferson County,
3 Missouri, Council with respect to the Application:

4 a. Jefferson County Planning Division Staff Report to the Planning
5 and Zoning Commission and the case file for this Application.

6 b. The record of the hearing before the Planning and Zoning
7 Commission including the following exhibits:

8 Exhibit A, The Official Master Plan for Jefferson County, Missouri,
9 adopted August 6, 2003, and effective April 2, 2008;

10 Exhibit B, The Code of Ordinances of Jefferson County, Chapter 400:
11 Unified Development Order (UDO) adopted April 2, 2008, as
12 amended.

13 Exhibit C, Staff Report, and case file; and

14 **WHEREAS**, it is found by the Jefferson County, Missouri, Council that:

15 a. All persons required to receive notice of the hearing were notified,
16 all notices were published, and signs posted in accordance with Missouri law and
17 the Unified Development Order.

18 b. The Jefferson County, Missouri, Council has jurisdiction over the
19 subject matter of this application.

20 c. The requested change in zoning is consistent with the intent stated
21 for the Planned Commercial (PC) zone district.

1 d. The requested change in zoning is in accordance with the Official
2 Master Plan of Jefferson County, Missouri.

3 e. The requested change in zoning is in harmony with and is
4 compatible with surrounding and adjacent land uses and properties.

5 f. The requested development plan, as conditioned and modified by
6 this Ordinance, is consistent with the UDO in that the development plan is
7 designed, located, and proposed to be operated so that the public health, safety
8 and welfare will be protected.

9 g. The requested development plan, as conditioned and modified by
10 this Ordinance, is consistent with the UDO in that the development plan will not
11 impede the normal and orderly development and improvement of the surrounding
12 property.

13 h. The requested development plan, as modified and conditioned by
14 this Ordinance is consistent with the UDO in that the development plan
15 incorporates adequate ingress and egress that provides for the efficient flow of
16 traffic.

17 i. The modifications to Chapter 400, Section 400.2620, and Section
18 400.4750, as depicted on the development plan, and as conditioned by this
19 Ordinance, are in the best interest of the County in that the modifications
20 incorporate sound planning principles and design elements that are compatible
21 with surrounding properties and are consistent throughout the proposed project.

1 j. The modifications to Chapter 400, Section 400.2620 and Section
2 400.4750 as depicted on the development plan, and as conditioned by this
3 Ordinance, are in the best interest of the County in that the modifications further
4 the stated goals and intent of the UDO.

5 **NOW, THEREFORE, BE IT ENACTED BY THE JEFFERSON COUNTY,**
6 **MISSOURI, COUNCIL, AS FOLLOWS:**

7 Section 1. Application Number: PC24006 an application to rezone 1.62 acres
8 from Non-Planned Community Commercial (CC2) zone district and Single-Family
9 Residential (R10) zone district to Planned Commercial (PC) zone district and a
10 development plan for Above and Below on the real estate described as Parcel Numbers:
11 09-3.0-08.0-1-001-112 and 09-3.0-08.0-1-001-113, is hereby approved subject to the
12 following modifications, regulatory requirements, departmental comments, and the
13 following conditions of approval:

14 **Modifications:**

- 15 1. Approval from Section 400.2620 – Driveway Requirements – Corner Clearance –
16 to allow relief from the requirement of 125’ offset from other driveways/entrances
17 and allow the ingress/egress point as depicted on the development plan.
- 18 2. Approval with Conditions from Section 400.4750 – Minimum Screen
19 Requirements – to allow relief from high impact screening buffer requirements
20 between the Planned Commercial (PC) zone district and Single-Family
21 Residential (R10) zone district with the following conditions:

- 1 a. High impact screening shall be installed if the residential portion of the
2 properties is ever to be developed.
- 3 b. High impact screening shall be installed if any clearing or tree removal
4 occurs in the rear residentially zoned portion of the subject properties
5 (includes the rear of parcels 09-3.0-08.0-1-001-112 and 09-3.0-08.0-1-
6 001-114).

7 **Regulatory Requirements:**

8 Permitted Uses

9 Land uses shall be permitted per the approved Development Plan:

10 Construction contractor (with machinery, equipment, and storage)

11 Floor Area, Height, and other Building Requirements

12 Maximum Area Ratio: 0.55 FAR

13 Maximum Structure Height: 70 feet

14 Site Development

15 Required Yards

16 Front Yard – 20 feet; Side Yard – 15 feet; Rear Yard – 20 feet

17 Design Standards

18 The development shall comply with the Mixed-Use Design Standards in
19 accordance with Article VII of the Jefferson County Unified Development
20 Order.

21 Access

1 Access shall be provided in accordance with the Jefferson County Unified
2 Development Order, except as specifically modified by this Ordinance.

3 **Parking**

4 Parking and loading shall be provided per the regulation of Article XII of
5 the Jefferson County Unified Development Order.

6 **Signs**

7 Signs shall comply with Article XIII of the UDO. All regulatory signs,
8 including stop signs, speed limit, etc. shall be provided by the developer.

9 **Lighting**

10 Lighting that by color, placement or design resembles or conflicts with
11 traffic control signs is prohibited. No lighting shall contain flashing lights,
12 intermittent lights, animators, or mechanical movements of any kind.

13 **Landscaping**

14 Landscaping, buffers, and tree protection shall comply with Article XIV of
15 the Jefferson County Unified Development Order, except as specifically
16 modified by this Ordinance.

17 **Stormwater and Erosion and Sediment Control**

18 Stormwater management and Erosion and sediment control shall comply
19 with Chapter 505: Erosion and Sediment Control / Stormwater
20 Management Design Manual of the Jefferson County Code of Ordinances.

21 **Departmental Comments:**

- 22 1. The existing plated lots must be consolidated through a boundary adjustment.

- 1 2. Pavement:
- 2 a) An entrance permit is required for access onto a state road from MODOT. No
- 3 plan approval will be given until a MODOT permit has been issued and submitted
- 4 to Planning for review.
- 5 b) Sight Distance:
- 6 i) Access onto a county road shall require 300' of stopping sight distance at 3.5'
- 7 height of eye and 4.25' height of oncoming vehicle (minimum 1' of clearance
- 8 between line of sight and surface/top of grass).
- 9 ii) The Engineer shall submit sight distance profiles showing that the required
- 10 sight distance is met.
- 11 iii) The engineer shall identify the clearance at the most restrictive point on the
- 12 profiles.
- 13 iv) Any vegetation or obstructions of any sort in the line of sight must be
- 14 identified.
- 15 c) Driveway entrances (within state ROW):
- 16 i) Pavement thickness shall provide 6" PCC/4" rock base (or 2" Type C
- 17 Asphaltic Concrete/5" Type X Asphaltic Concrete/4" rock base).
- 18 ii) The entrance width shall be provided from the street into the site for a throat
- 19 length of 60' in non-residential and multi-family developments with 400vpd
- 20 or more.
- 21 iii) Pavement width for entrance at ROW (including curbs) for two-way traffic
- 22 shall provide 36'–54' (Medium Volume/Non-Residential driveways).

- 1 3. Parking areas:
- 2 a) Contractor storage yards must provide an 8" rock base minimum.
- 3 i) Drive aisles shall be 24' wide for all 90-degree parking (one-way and two-
- 4 way).
- 5 ii) Drive aisles shall be 20' wide for all two-way angled parking (0-60 degree).
- 6 iii) Drive aisles shall be 20' wide for one-way 0 degree and 60 degrees (if both
- 7 sides).
- 8 iv) Drive aisles shall be 16' wide for one-way for 45 degree and 60 degree (if one
- 9 side).
- 10 b) No parking space shall be located within the entrance throat.
- 11 c) Lighting shall conform to UDO Section 400.2460.
- 12 d) A streetlight is required at the intersection with the State Highway.
- 13 4. Detention:
- 14 a) Stormwater detention is *required* for this development. It does not meet any of the
- 15 allowed exceptions in Division 4, Section 400.5560, D-4. Stormwater shall be
- 16 detained and released at a rate not to exceed the release rate from the site under
- 17 the existing (pre-developed) conditions for the 2 and 100-year storm
- 18 events. Detention/retention basins must also contain an overflow structure capable
- 19 of passing a 100-year, 20-minute design storm.
- 20 b) Channel protection is required to treat the high-frequency, low-severity storm
- 21 runoff events within the detention basins by metering it out slowly over 24-48
- 22 hours.

- c) Stormwater system shall be designed for the 15-year, 20-minute event. Provide hydraulic calculations and drainage area map for each system.
- d) Roadside ditches/swales may be used only if all lots are over 2 acres in size.

5. Walls:

- a) Any wall over 6' requires a permit from the Building Division.
- b) Provide details for walls which are under 6' in height.

Conditions of Approval:

1. The existing fence along the frontage of US Hwy 61-67 shall be removed from MoDOT right-of-way.
2. A six-foot tall (6ft), sight-proof fence constructed of 100% opaque vinyl shall be erected along the entire frontage of the property in order to screen the outdoor storage from the highway. In addition, a sight-proof fence of the same height and material shall be installed along the northern property line and shall extend back to the point where the newly proposed Planned Commercial zoning designation ends.
3. A Site Development Plan shall be submitted to the Jefferson County Planning Division in accordance with the Unified Development Order (UDO) of Jefferson County.
4. A copy of the approved Development Plan incorporating any conditions and approved modifications shall be attached to each set of Site Development plans submitted.

1 5. All improvements required in the Development Plan and Site Development
2 Plan must be installed or an escrow accepted for all incomplete items prior to
3 occupancy of the site.

4 6. If more than one (1) acre of land is being disturbed, the proposed development
5 will require a Jefferson County Land Disturbance Permit.

6 7. No solid waste may be stored on the property.

7 Section 2. The zoning map of Jefferson County, Missouri shall be
8 amended by changing the area where said real estate is located on the map with the
9 marking "PC24006."

10 Section 3. This Ordinance shall be in full force and effect immediately upon
11 passage by the Jefferson County, Missouri, Council as of the date listed below.

12 Section 4. If any part of this Ordinance is invalid for any reason, such
13 invalidity shall not affect the remainder of this Ordinance.

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THIS BILL BEING DULY INTRODUCED, THE MEMBERS OF THE JEFFERSON COUNTY, MISSOURI, COUNCIL VOTED AS FOLLOWS:

Council Member District 1, Brian Haskins	<u>yes</u>
Council Member District 2, Gene Barbagallo	<u>yes</u>
Council Member District 3, Lori Arons	<u>yes</u>
Council Member District 4, Charles Groeteke	<u>yes</u>
Council Member District 5, Scott Seek	<u>yes</u>
Council Member District 6, Daniel Stallman	<u>yes</u>
Council Member District 7, Bob Tullock	<u>yes</u>

THE ABOVE BILL ON THIS 22 DAY OF April, 2024:

PASSED FAILED

Charles Groeteke

Charles Groeteke, County Council Chair

Cherlynn Boyer
Cherlynn Boyer, Council Executive Assistant


THIS BILL WAS ✓ APPROVED BY THE JEFFERSON COUNTY EXECUTIVE AND EXACTED AS AN ORDINANCE OF JEFFERSON COUNTY, MISSOURI, THIS 24 DAY OF April, 2024.

THIS BILL WAS _____ VETOED AND RETURNED TO THE JEFFERSON COUNTY, MISSOURI, COUNCIL WITH WRITTEN OBJECTIONS BY THE JEFFERSON COUNTY EXECUTIVE, THIS _____ DAY OF _____, 2024.



Dennis J. Gannon, Jefferson County, Missouri, Executive

ATTEST:



Jeannie Goff, County Clerk

By 

First Reading: 04-08-2024

Second Reading: 04-22-2024

Third Reading: 04-22-2024