

BILL NO. 2044

ORDINANCE NO. 1823

A REQUEST FOR A CHANGE IN ZONING FROM "C8" PLANNED COMMERCIAL DISTRICT TO "PC" PLANNED COMMERCIAL DISTRICT FOR A 23.973 ACRES TRACT OF LAND LOCATED ON SOUTH OUTER FORTY, WITH FRONTAGE ON CHESTERFIELD PARKWAY EAST, EAST OF CLARKSON ROAD/STATE HIGHWAY 340. (P.Z. 43-1999 SSM HEALTH CARE CENTRAL REGION).

WHEREAS, the Petitioner, SSM Health Care Central Region, requested a change in zoning from "C8" Planned Commercial District to "PC" Planned Commercial for 23.973 acres of land located on South Outer Forty with frontage on Chesterfield Parkway East, East of Clarkson Road/State Highway 340.

WHEREAS, the Planning Commission, held a public hearing on the 13th day of December 1999 regarding the petition;

WHEREAS, the Planning Commission, having considered said request, approved the petition by a vote of 9-0 on October 22, 2001;

WHEREAS, the Planning and Zoning Committee approved the petition by a vote of 4-0 on November 26, 2001.

WHEREAS, the City Council approved the petition by a vote of 8-0 on February 20, 2002, with amendments to the building setbacks, parking structure setbacks, Trust Fund, traffic generation assessments, and Power of Review.

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

Section 1. The City of Chesterfield Zoning Ordinance and Official Zoning District Maps, which are part thereof, are hereby amended by approving preliminary plans for a change in zoning of a "C8" Planned Commercial District to a "PC" Planned Commercial District for a 23.973 acres tract of land located on South Outer Forty, with frontage on Chesterfield Parkway East, east of Clarkson Road/State Highway 340:

Property Description

A TRACT OF LAND BEING PART OF LOT 1 OF HUMPHREY'S ESTATE IN U.S. SURVEY 2002, TOWNSHIP 45 NORTH – RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF "SCHOETTLER VILLAGE PLAT ONE", A SUBDIVISION ACORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 172 PAGE 68 OF THE ST. LOUIS COUNTY RECORDS, SIAD BEGINNING POINT BEING ALSO A POINT ON THE SOUTH LINE OF INTERSTATE HIGHWAY 64 AND U.S. HIGHWAY 40/61, FORMERLY MISSOURI HIGHWAY 40TR; THENCE SOUTHWARDLY ALONG THE WEST LINE OF SAID "SCHOETTLER VILLAGE PLAT ONE" SOUTH 00 DEGREES 22 MINUTES 30 SECONDS WEST 1006.74 FEET TO A POINT ON THE NORTH LINE OF CHESTERFIELD PARKWAY EAST, 66 FOOT WIDE; THENCE WESTWARDLY ALONG SAID NORTH LINE SOUTH 72 DEGREES 24 MINUTES 10 SECONDS WEST 905.65 FEET TO A POINT ON THE EAST LINE OF PROPERTY CONVEYED TO CHESTERFIELD VILLAGE, INC. AS DESCRIBED IN THE DEED RECORDED IN BOOK 11857 PAGE 1803 OF THE ST. LOUIS COUNTY RECORDS; THENCE NORTHWARDLY ON SAID EAST LINE NORTH 09 DEGREES 00 MINUTES 52 SECONDS WEST 521.17 FEET TO A POINT ON THE SOUTH LINE OF PROPERTY CONVEYED TO CHESTERFIELD VILLAGE INC. AS DESCRIBED IN THE DEED RECORDED IN BOOK 11003 PAGE 972 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG THE BOUNDARY OF SAID CHESTERFIELD VILLAGE, INC. PROPERTY THE FOLLOWING COURSES AND DISTANCES: NORTH 63 DEGREES 06 MINUTES 01 SECONDS EAST 127.07 FEET, NORTH 74 DEGREES 52 MINUTES 48 SECONDS EAST 91.52, NORTH 23 DEGREES 15 MINUTES 23 SECONDS WEST 55.28 FEET, NORTH 14 DEGREES 03 MINUTES 41 SECONDS WEST 126.33 FEET, NORTH 13 DEGREES 07 MINUTES 23 SECONDS WEST 47.08 FEET, NORTH 18 DEGREES 44 MINUTES 30 SECONDS WEST 45.85 FEET, NORTH 23 DEGREES 30 MINUTES 36 SECONDS WEST 63.92 FEET, NORTH 38 DEGREES 57 MINUTES 07 SECONDS WEST 74.60 FEET, NORTH 14 DEGREES 45 MINUTES 37 SECONDS WEST 52.41 FEET AND NORTH 31 DEGREES 13 MINUTES 31 SECONDS WEST 244.74 TO A POINT ON THE EAST LINE OF PROPERTY CONVEYED MARKE ADOLPHUS FAMILY TRUST AS DESCRIBED IN THE DEED RECORDED IN BOOK 7580 PAGE 1132 OF THE ST. LOUIS COUNTY RECORDS; THENCE NORTHWARDLY ALONG SAID EAST LINE NORTH 12 DEGREES 51 MINUTES 26 SECONDS EAST 24.11 FEET TO A POINT ON THE RIGHT OF WAY LINE OF AFORESAID INTERESTATE HIGHWAY 64 AND U.S. HIGHWAY 40/61 BEING ALSO THE SOUTH LINE OF SOUTH OUTER FORTY ROAD; THENCE EASTWARDLY ALONG SAID SOUTH LINE NORTH 84 DEGREES 28 MINUTES 27 SECONDS EAST 876.80 FEET, SOUTH 70 DEGREES 04 MINUTES 45 SECONDS EAST 100.00 FEET, AND SOUTH 67 DEGREES 12 MINUTES 53 SECONDS EAST 74.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,044,264 SQUARE FEET OR 23.973 ACRES ACCORDING TO A SURVEY BY VOLZ, INC. DURING AUGUST, 1999.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and made a part of.

Section 3. The City Council, pursuant to the petition filed by SSM Health Care Central Region in P.Z. 43-1999, requesting the rezoning amendment embodied in this ordinance,

and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 13th day of December, 1999, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power to planning and zoning.

Section 4. This ordinance and requirements thereof are exempt from the warning, summons and penalty for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 20TH day of FEBRUARY, 2002.


MAYOR, JOHN NATIONS

ATTEST:


CITY CLERK, MARTY DEMAY

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As indicated within the Conceptual Land Use Plan of the City of Chesterfield Comprehensive Plan, the site is located within an area designated as the Urban Core. The "Urban Core" land use designation provides for high-density retail/office/residential. The Petitioner has requested uses that conform to the Comprehensive Plan and meet and array of Plan objectives. The Plan objectives used in review of this petition include:

- 1.1.2 Reinforce Existing Development Pattern - substantiated
- 1.2.1 Coordinated Growth - substantiated
- 1.2.2 Quality New Development – substantiated
- 1.3.1 Preservation of Natural Features and Open Space – partially substantiated
- 1.3.2 Encourage Quality Project Planning – substantiated
- 1.3.3 Urban Core - substantiated
- 2.3.2 High Density Office - substantiated
- 3.1.3 Trail System – partially substantiated
- 5.1.1 Revise Existing Zoning - substantiated

I. PERMITTED USES

A. Uses allowed in this "PC" Planned Commercial District shall be:

1. Associated work and storage areas required by a business, firm, or service to carry on business operations;
2. Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly;
3. Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages;
 - (iii) Confections;
4. Barber shops and beauty parlors;
5. Bookstores;
6. Cafeterias for employees and guests only;
7. Child care centers, nursery schools, and day nurseries;
8. Dry cleaning drop-off and pick-up stations;
9. Film drop-off and pick-up stations;
10. Financial institutions;
11. Hospitals;

12. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - (i) Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - (ii) Placed underground; or
 - (iii) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning;

13. Medical and dental offices;
14. Offices or office buildings;
15. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours;
16. Public utility facilities;
17. Recreational facilities consisting of an outdoor exercise path;
18. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
19. Restaurants, sit down;
20. Permitted signs (See Section 1003.168 'Sign Regulations');
21. Souvenir shops and stands, no including any zoological displays, or permanent open storage and display of manufacturing goods;
22. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises;

B. Restrictions

1. Uses 4,5,7,8,9,10,19,21 & 22 above are only permitted as ancillary uses and shall be located in one of the buildings. They are not permitted as the only use in a freestanding building.
2. The indoor sale of motor vehicles is prohibited.

II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

A. The following restrictions shall apply to the permitted uses:

1. A maximum of four (4) buildings shall be permitted in this development.
2. A maximum of four (4) parking structures shall be permitted in this development.
3. Gross floor area constructed for this development shall not exceed 410,000 square feet. The square footage constructed shall be based on the development's ability to comply with the parking and stormwater regulations of the City of Chesterfield.
4. The maximum square footage of a single building is 150,000 square feet.
5. The maximum building footprint of a single building is 75,000 square feet.
6. The development shall not exceed a maximum Floor Area Ratio (FAR) of .50. Floor Area Ratio (FAR) is calculated by taking the gross floor area and dividing by the site area.
7. The district shall contain a minimum of forty-five percent (45%) greenspace, excluding stormwater drainage structures. Greenspace is calculated by combining all green area and non-paved surfaces and dividing by the total area of the site.
8. The minimum parking requirement for office space within the development shall be 4 spaces / 1,000 square feet of office space.
9. Building Height

For determining building height limitations, the site area shall be divided into two sub-areas – the South Outer 40 sub-area and the Chesterfield Parkway sub-area. The Chesterfield Parkway sub-area shall be defined as that part of the site area south of a line that is three hundred (300) feet north of the Chesterfield Parkway right-of-way. The South Outer 40 sub-area shall consist of the remainder of the site area north of the Chesterfield Parkway sub-area.

- a) South Outer 40 sub-area:

Any building that is primarily (greater than 50% of square footage) within this sub-area shall be subject to the following maximum height limitations:
 - i) 710 ft. above mean sea level exclusive of mechanical equipment.
 - ii) 70 ft. above the finished grade exclusive of mechanical equipment.

 - b) Chesterfield Parkway sub-area:

Any building that is primarily (greater than 50% of square footage) within this sub-area shall be subject to the following maximum height limitations:
 - i) 692 ft. above mean seal level exclusive of mechanical equipment.
 - ii) 60 ft. above finished grade exclusive of mechanical equipment.

 - c) Parking Structure Height:

All parking structures shall not exceed thirty (30) foot above average grade at top rail.
10. The permitted buildings, parking structures, retaining walls and any fencing shall be of architectural style and construction type approved by the Planning Commission on building elevations and architectural renderings reviewed in conjunction with the Site Development Plan.

III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

- A. Within eighteen (18) months from the preliminary development plan approval date by the City of Chesterfield and prior to issuance of any building permit, the petitioner shall submit to the Planning Commission for their review and approval a Site Development Concept Plan. Within twelve (12) months of the Site Development Concept Plan approval date, the developer shall submit the first Site Development Section Plan to the City of Chesterfield for review and approval. Where due cause is shown by the developer, this time interval may be extended by the City of Chesterfield.

Failure to comply with aforementioned time limits will result in the expiration of the preliminary plan/site development concept plan for that portion not developed

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and will require a new public hearing. Said Site Development Plans shall include but not be limited to the following:

IV. GENERAL CRITERIA - CONCEPT PLAN

A. The Site Development Concept Plan shall include the following:

1. Outboundary plat and legal description of the property.
2. Conceptual location, design (with design statement), materials, and size, including height, of all proposed buildings, parking and loading areas, and lots.
3. Specific structure and parking setbacks along all roadways and property lines.
4. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
5. Existing and proposed contours at 2-foot intervals extending 150 feet beyond the limits of the site.
6. Preliminary stormwater and sanitary sewer facilities.
7. Show all existing improvements and the locations of significant natural features, such as wooded areas, wetlands and rock formations, that are to remain or be removed.
8. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
9. The scale to which the Site Development Concept Plan will be drawn shall be no greater than one (1) inch equals one hundred (100) feet.
10. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.

V. GENERAL CRITERIA - SECTION PLANS

A. Site Development Section Plans shall include the following:

1. Location and size, including height, of all uses, buildings, parking and loading areas, light standards, fencing, freestanding signs, flag poles, trash enclosures, other above-ground structures and landscaping.
2. Existing and proposed contours at 2-foot intervals extending 150 feet beyond the limits of the site.
3. Existing and proposed roadways, drives, and walkways on and adjacent to the property in question, including location of curb cuts, necessary right-

- of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of Chesterfield Parkway East.
4. All existing and proposed easements and rights-of-way on site and all existing or proposed off-site easements/rights-of-way required for streets, utilities, stormwater drainage, grading or other improvements.
 5. Specific structure and parking setbacks along all roadways and property lines.
 6. The location of the proposed storm sewers, detention facilities, sanitary sewers, and connection(s) to existing systems.
 7. Location and size of all parking areas.
 8. A landscape plan, including, but not limited to, location, size and type of all plant and other material to be used.
 9. Area of each building phase.
 10. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
 11. Provide comments/approvals from the St. Louis County Department of Highways and Traffic, the Metropolitan St. Louis Sewer District, MoDOT, and the appropriate Fire District.
 12. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.

VI. SITE DEVELOPMENT PLAN SUBMITTAL OPTION

- A. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may instead submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the Preliminary Development Plan by the City. Said Plan shall be submitted in accord with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.

VII. SPECIFIC CRITERIA

- A. The Site Development Concept and Section Plans shall illustrate adherence to the following specific design criteria. Information to be shown on the Site Development Concept Plan shall be limited to those items specified in Section A, General Criteria-Concept Plan.

1. Building Setbacks

The Building Setbacks for the SSM Tract shall be as follows. For clarification purposes, refer to the drawing of Exhibit 1.

The setback along the northern boundary of the tract:

Beginning at a point that is seventy (70) feet south of the northern boundary of the tract and one hundred ninety (190) feet east of the easternmost line of the western boundary of the tract and extending eastward seventy (70) feet from and parallel to the northern boundary of the tract to a point that is fifty (50) feet west of the eastern boundary of the tract.

The setback along the eastern boundary of the tract:

Beginning at a point that is seventy (70) feet south of the northern boundary of the tract and fifty (50) feet west of the eastern boundary of the tract and extending south fifty (50) feet west of and parallel to the eastern boundary of the tract to a point that is eighty (80) feet north of the southern boundary of the tract and fifty (50) feet west of the eastern boundary of the tract.

The setback along the southern boundary of the tract:

Beginning at a point that is twenty-five (25) feet east of the westernmost line of the western boundary of the tract and that is one hundred (100) feet north of the southern boundary and extending eastward one hundred (100) feet north of and parallel to the southern boundary for one half the distance of the southern boundary property line at which midpoint the set back decreases from one hundred (100) feet to eighty (80) feet north of the southern boundary and continues eighty (80) feet north of and parallel to the southern boundary eastward to a point that is fifty (50) feet west of the eastern boundary of the tract.

The setback along the western boundary of the tract:

Beginning at a point that is twenty-five (25) feet east of the westernmost line of the western boundary of the tract and that is one hundred (100) feet north of the southern boundary and extending northward twenty-five feet east of and parallel to the westernmost line of the western boundary to a point that is twenty-five feet south of the southernmost northern line of the tract, and thence eastward twenty-five (25) feet south of and parallel to the southernmost northern line of the tract to a point that is one hundred ninety (190) feet east of the easternmost line of the western boundary, and thence northward one hundred ninety (190) feet east of

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and parallel to the easternmost line of the western boundary of the tract to a point that is seventy (70) feet south of the northern boundary of the tract.

NOTE: Any portion of a parking structure that is located beneath a building shall comply with the appropriate building setback.

2. Parking Structure Setbacks

The Parking Structure Setbacks shall be as follows. For clarification purposes refer to the drawing of Exhibit 1.

The setback along the northern boundary of the tract:

Beginning at a point that is seventy (70) feet south of the northern boundary of the tract and one hundred ninety (190) feet east of the easternmost line of the western boundary of the tract and extending eastward seventy (70) feet from and parallel to the northern boundary of the tract to a point that is fifty (50) feet west of the eastern boundary of the tract.

The setback along the eastern boundary of the tract:

Beginning at a point that is seventy (70) feet south of the northern boundary of the tract and fifty (50) feet west of the eastern boundary of the tract and extending south fifty (50) feet west of and parallel to the eastern boundary of the tract to a point that is eighty (80) feet north of the southern boundary of the tract and fifty (50) feet west of the eastern boundary of the tract.

The setback along the southern boundary of the tract:

Beginning at a point that is twenty-five (25) feet east of the westernmost line of the western boundary of the tract and that is eighty (80) feet north of the southern boundary and extending eastward eighty (80) feet north of and parallel to the southern boundary to a point that is fifty (50) feet west of the eastern boundary of the tract and eighty (80) feet north of the southern boundary of the tract.

The setback along the western boundary of the tract:

Beginning at a point that is twenty-five (25) feet east of the westernmost line of the western boundary of the tract and that is eighty (80) feet north of the southern boundary and extending northward twenty-five feet east of and parallel to the westernmost line of the western boundary to a point that is twenty-five feet south of the southernmost northern line of the tract, and thence eastward twenty-five

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(25) feet south of and parallel to the southernmost northern line of the tract to a point that is one hundred ninety (190) feet east of the easternmost line of the western boundary, and thence northward one hundred ninety (190) feet east of and parallel to the easternmost line of the western boundary of the tract to a point that is seventy (70) feet south of the northern boundary of the tract.

NOTE: Any portion of a parking structure that is located beneath a building shall comply with the appropriate building setback.

3. Surface Parking and Loading Space Setbacks

- a. 30 ft. from South Outer 40 right-of-way.
- b. 50 ft. from Chesterfield Parkway right-of-way.
- c. 25 ft. from the eastern and western district boundaries.
- d. 15 ft. from internal drives, not including parking aisles.
- e. 15 ft. from the northwest district boundary with bearings North 63 degrees 06 minutes 01 second East and North 23 degrees 52 minutes 48 seconds East.

4. Parking and Loading Requirements

- a. Parking shall be prohibited along both sides of internal roadways.
- b. No parking shall be allowed on South Outer Forty. Prior to issuance of any occupancy permit, the City of Chesterfield will adopt an ordinance prohibiting this parking. No Parking signs will be placed on South Outer Forty by MoDOT after receipt of the aforementioned City ordinance..
- c. No construction parking will be permitted on the Chesterfield Parkway East and South Outer 40 Road rights-of-way.
- d. Parking and loading requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance
- e. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.

5. Access

- a. Access to this development from Chesterfield Parkway East shall be restricted to two (2) access points as directed by the St. Louis County Department of Highways and Traffic. The main access shall be located as shown on the approved concept plan and be

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constructed with channelization islands as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. The developer will be responsible for installation of a signal at this entrance, including all necessary interconnect as directed by the St. Louis County Department of Highways and Traffic.

A second entrance will be permitted. The location of this entrance will be reviewed and determined by the City of Chesterfield as part of the Site Development Concept/Section or Site Development Plan process. This entrance will be restricted to right-in/right-out by the modification of the existing median within Chesterfield Parkway East as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

- b. Minor driveways or parking lot aisles shall not intersect the main driveway closer than 200' from the Chesterfield Parkway East right-of-way, or as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield, but in no event shall it be closer than one hundred twenty (120) feet to the centerline of said drives.
- c. Minor driveways or parking lot aisles shall not intersect the secondary driveways closer than 80' from the Chesterfield Parkway East or South Outer Forty rights-of-way.
- d. No access will be allowed at Eastbound 40 on ramp from Highway 40's south outer road due to the existing large traffic volume on the existing on ramp.
- e. No median breaks shall be allowed along Route 340.
- f. No direct access will be granted to Route 64 or to Route 340.
- g. Access to this development from South Outer Forty shall be restricted to one access point as directed by MoDOT and the City of Chesterfield Department of Public Works. Said access should be a continuation of the main access drive within the site.
- h. Provide 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 City of Chesterfield.

6. Public/Private Road Improvements, Including Sidewalks

- a. Conform to the requirements and/or recommendations of the Missouri Department of Transportation regarding South Outer 40 Road in this area.
- b. Provide additional right-of-way and pavement to improve Chesterfield Parkway East at South Outer Forty for a 300' northbound right turn lane with 10:1 tapers and including all storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic. This improvement may include geometric modification at the intersection of the Schoettler Road By-Pass as directed by the St. Louis County Department of Highways and Traffic. If, after good faith efforts, the developer is unable to acquire the additional right-of-way St. Louis County may need to use its powers of eminent domain to aid the developer in acquiring the additional right-of-way, and occupancy permits will not be withheld while condemnation is pending. All costs associated with condemnation and property acquisition are to be borne by the petitioner.
- c. The main access shall be constructed with a minimum 10-foot width of landscaped median extending a minimum of 90 feet into the site. Additional channelization of the access will be as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works.
- d. Provide improvements along the frontage of Chesterfield Parkway in accordance with the "Pathway on the Parkway" project, as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. A minimum 14' wide area is required for the improvements. The improvements may be located in the St. Louis County right-of-way or within an easement on the subject property. The improvements include, but are not limited to, construction of a 6' wide sidewalk and installation of street trees and street lights.
- e. Construct 10' wide medians in Chesterfield Parkway East in accordance with St. Louis County Department of Highways and Traffic standards. The medians shall connect to the existing medians and shall be continuous, except as necessary for access to the site, across the entire frontage of the site. The Developer will be responsible for the installation of landscaping and an irrigation

system in the median, as directed by the City of Chesterfield Department of Public Works. After a one-year warranty period of the landscaping and the irrigation system the City will be responsible for all future maintenance.

- f. The developer is responsible for fully actuated detection on Route 340 at Highway 40 signals as directed by the Missouri Department of Transportation.
- g. Pedestrian access between this development and development to the east and west (i.e. sidewalks, crosswalks).
- h. MoDOT will not be responsible for, nor will it take part in any funding for, noise abatement for the benefit of this development along Route 64 or 340.
- i. Modifications to the timing of the traffic signals along Chesterfield Parkway East and Route 340 must be completed prior to issuance of an occupancy permit for any structure on the site as directed by the City of Chesterfield Department of Public Works, the St. Louis County Department of Highways and Traffic and the Missouri Department of Transportation.

7. Traffic Study and Progression Analysis Study

- a. The development will also impact the existing traffic signals on Route 340 at Baxter Road and Lea Oaks Drive, and Highway 40 at the eastbound and westbound off ramps. Traffic and its effects should be evaluated at these locations prior to approval of the Site Development Plan
- b. A progression analysis study is required prior to approval of the Site Development Plan. The proposed timing plans on Route 340 from Chesterfield Parkway at Olive Boulevard to Baxter Road (six traffic signals) shall be reviewed by MoDOT.
- c. The petitioner will provide a traffic analysis to assess the signal timing at Chesterfield Parkway and Schoettler Valley Drive as occupancy of this site occurs.

8. Landscape Requirements

- a. All new deciduous trees shall be a minimum of three (3) inches in caliper. All new evergreen trees shall be a minimum of seven (7)

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feet in height, and all shrubs shall have a minimum diameter of twenty-four (24) inches. Flowering trees shall be a minimum of two and one-half (2-1/3) inches in caliper.

- b. A perimeter landscape buffer shall be required.
- c. The landscape buffer at the eastern edge of the property and adjacent to the neighboring apartment complex shall be enhanced in accommodation of the neighboring residents. Landscaping shall be of sufficient height, thickness, and year-round coverage and variety to provide ample buffering between the proposed commercial uses and neighboring residential uses.
- d. A walking trail, for the benefit of the public, is required around the lake.
- e. The lake shall include fountain features.
- f. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in an amount to guarantee the installation of said landscaping.
- g. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

9. Sign Requirements

- a. A Sign Package will be submitted to the Department of Planning in conjunction with Site Development Concept Plan.
- b. Freestanding signs: The location of all freestanding signs shall be as approved by the Planning Commission on the Site Development Plan and shall be in conformance with the City of Chesterfield Zoning Ordinance.
- c. Ornamental Entrance Monument or Identification Signage construction, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works and/or the St. Louis County Department of Highways and Traffic for sight distance considerations and approved prior to installation or construction.

- d. No advertising signs, temporary signs, portable signs or attention getting devices shall be permitted in this development.
 - e. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This landscaping shall be as approved by the Planning Commission on the Site Development Plan.
 - f. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.
 - g. Illumination of any sign shall be by an internal source only.
10. Lighting Requirements
- a. Light standards: The location of the light standards shall be as approved by the Planning Commission on the Site Development Plan and shall be in conformance with City of Chesterfield regulations. A lighting plan is required to be submitted in conjunction with the Site Development Concept Plan, noting foot candles and fixture information.
 - b. Minimal external illumination of buildings and parking garages shall be required of the Petitioner and users of the site. Lighting measures for safety and security shall be considered as requested by the Petitioner.
 - c. External lighting shall not be directed off-site, specifically property to the southern boundary of the district.
 - d. Parking garages at the southern and eastern boundaries of the district shall have screening elements as necessary (either architectural or landscaping) to minimize headlight glare resulting from parking garage traffic onto residential properties.
11. Architectural Requirements
- a. The developer shall submit architectural elevations and building materials. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission.

- b. All buildings in the development shall be constructed of compatible materials and designed with compatible architectural standards.
- c. All parking garages shall be constructed of compatible materials and shall be designed with compatible architectural standards as the building for which the parking is provided.

12. Miscellaneous

- a. Trash enclosures: All exterior trash areas shall be enclosed with a six (6) foot high sight-proof fence. The location, elevation and material of any trash enclosures shall be as approved by the Planning Commission on the Site Development Plan.
- b. Roofing or other screening as approved by the Planning Commission shall adequately screen all mechanical equipment.
- c. All loading docks are to be screened by sound attenuating material
- d. All deliveries, excluding 'stat' and emergency deliveries, and trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.

13. Power of Review

- a. Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan for a development be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning Commission review and approval. The City Council will then take appropriate action relative to the proposal.

Upon approval of the Site Development Plan by the Planning Commission, the plan shall be forwarded to the Planning and Zoning Committee and the City Council for final review and approval.

VIII. VERIFICATION PRIOR TO APPROVAL

- A. Prior to approval of the Site Development Concept and Section Plans, the developer shall provide the following:

1. Roadway Improvements and Curb Cuts
 - a. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

2. Stormwater and Sanitary Sewer
 - a. Detention/retention is to be provided for this site. Detention of storm water runoff is required by providing permanent detention/retention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention/retention basin shall be operational prior to paving of any driveways or parking areas. The location and types of detention facilities shall be identified on the Site Development Plan.

 - b. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. No Change in watersheds shall be permitted. The adequacy of any existing downstream storm water facilities shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided. Off-site easements for areas inundated by headwater from on-site improvements shall be provided as required by the Department of Public Works.

 - c. Stormwater drainage improvements shall be operational prior to the paving of any driveways or parking lots. Roadway and related improvements shall be constructed at such time as directed by the Department of Public Works. The roadway and bridge across the nexus of the two lakes will be constructed at such time as a building is constructed in the area of the west of the southern lake.

 - d. All drainage detention storage facilities must be placed outside of the building setbacks, or 15 feet from the new or existing right-of-way line of Chesterfield Parkway East and South Outer 40 Road, whichever is greater.

 - e. Submit to the City of Chesterfield an engineering plan approved by the St. Louis County Department of Highways and Traffic and

MSD showing that adequate handling of the stormwater drainage of the site is provided.

3. Geotechnical Report

- a. Provide a geotechnical report, as directed by the City of Chesterfield Department of Public Works, prepared by a Professional Engineer licensed to practice 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 and sealed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. This report shall address the existence of any potential sinkholes, ponds, septic fields, etc., and recommendations for treatment.

4. Grading and Improvement Plans

- a. A clearing and grading permit or improvement plan approval shall be required prior to any clearing or grading on the site. The Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing or grading permit. The Tree Preservation Plan must indicate realistic clearing limits for the installation of various stormsewers.
- b. Approval from the State of Missouri Department of Natural Resources is required prior to any grading on the site. Significant cultural resources may be adversely impacted.
- c. Interim storm water drainage control in the form of siltation control and/or siltation basins shall be required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the City of Chesterfield Department of Public Works prior to any clearing or grading permit approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and adherence to the SWPPP plan. Its purpose is to ensure the design, implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.

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- d. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, shall be constructed during construction to allow for settling of sediment, prior to the discharge of stormwater from this site. Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
- e. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the City of Chesterfield Director of Public Works/City Engineer.
- f. Adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area shall be provided during construction. No construction parking shall be allowed along the South Outer 40 Road or Chesterfield Parkway East. Parking on non-surfaced areas is 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. The contractor shall keep the road clear of mud and debris at all times. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day.
- g. 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 erosion.
- h. Prior to improvement plan approval, provide comments/approvals from the St. Louis County Department of Highways and Traffic, the Metropolitan St. Louis Sewer District, the Missouri Department of Natural Resources, and the appropriate Fire District.
- i. Be advised, this development will require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five(5) or more acres.

- j. Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.
- k. Adequate detention shall be provided to eliminate any additional water discharge to encroach MoDOT right-of-way.

IX. RECORDING

- A. Within sixty (60) days of approval of the Site Concept Plan, Site Development Section Plans and/or Site Development Plan by the Planning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

X. CHESTERFIELD VILLAGE ROAD TRUST FUND

- A. If in the future this property is added to the current City of Chesterfield Outer 40 Trust Fund or any other Trust Fund established by the city, the developer shall contribute to the Chesterfield Village Road Trust Fund or such funds as directed by the City. 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	\$ 435.64/parking space
Medical Office	\$1,306.98/parking space
Hospital	\$2,614.04/parking space
Loading Space	\$2,138.71/loading space

(Parking space as required by the site specific ordinance or 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 St. Louis County Department of Highways and Traffic.

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

As this development is located within a trust fund area established by St. Louis County, any portion of the traffic generation assessment contribution which remains, following completion of road improvements required by the development, shall be retained in the appropriate trust fund.

- B. The amount of these requirement contributions, if not approved for construction by January 1, 2002, shall be adjusted on that date and on the first day of January

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in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

- C. Traffic generation assessment contributions shall be deposited with the City of Chesterfield or St. Louis County in the form of a cash escrow prior to the issuance of building permits as directed by the City of Chesterfield. 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.

XI. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

- A. Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit must be established with the St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.

XII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

- A. Prior to improvement plan approval, provide comments/approvals from the St. Louis County Department of Highways and Traffic, MSD, MoDOT, and the Chesterfield Fire Protection District.
- B. Prior to improvement plan approval, copies of recorded easements/right-of-way dedications for off-site work, including book and page information, shall be provided to the City of Chesterfield, as directed.

XIII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

- A. Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements shall be met:
 - 1. Vacation of Easements
 - a. The pipeline indicated on the plan has been removed from the subject tract. The easement for the pipeline will need to be vacated prior to the issuance of any building permits.

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- b. If structures are proposed over existing easements, the effected easements will need to be vacated prior to the issuance of any building permits.

2. Notification of Department of Planning

Prior to the issuance of foundation or building permits, all approvals from the St. Louis County Department of Highways and Traffic, MSD, MoDOT, the Chesterfield Fire Protection District, and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

3. Notification of St. Louis County Department of Public Works

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the St. Louis County Department of Highways and Traffic, MoDOT and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

4. Certification of Plans

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 soil requirements and conditions contained in the report.

XIV. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. However, if development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the St. Louis County Department of Highways and Traffic. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements. Should condemnation be required to acquire any right-of-way needed for road improvements, an occupancy permit will not be withheld solely due to the inability to make a right-of-way dedication or road improvement while the condemnation is pending. In the event road improvements are not completed prior to request for an Occupancy Permit, a bond in the amount of estimated improvements shall be established with the City of Chesterfield.

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- B. Prior to issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the City of Chesterfield Department of Planning in cases of undue hardship because of unfavorable ground conditions.
- C. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corner.
- D. Prior to final occupancy of any building the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XV. FINAL RELEASE OF ESCROW

- A. Prior to the release of final escrow, the developer shall provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XVI. VERIFICATION PRIOR TO SPECIAL USE PERMIT

- A. Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit must be established with St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements

XVII. VERIFICATION PRIOR TO BUILDING PERMITS

- A. Subsequent to approval of the appropriate development plan and prior to issuance of any building permit, the following requirements shall be met:

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1. Sanitary Sewers

- a. Provide verification to the St. Louis County Department of Public Works and the City of Chesterfield of provision of adequate sanitary services.

2. Notification of City of Chesterfield

- a. Prior to issuance of zoning approvals for foundation or building permits, the City of Chesterfield must receive approvals from the St. Louis County Department of Highways and Traffic, MoDOT and the Metropolitan St. Louis Sewer District.

XVIII. GENERAL DEVELOPMENT CONDITIONS

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:

1. 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 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.
2. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments or Commissions.
3. The City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accordance with Site Development Concept Plan approved by the City of Chesterfield and any Site Development Section Plans approved by the City of Chesterfield.

BUILDING AND PARKING STRUCTURE SETBACKS

