

BILL NO. 2090

ORDINANCE NO. 1864

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "M-3" PLANNED INDUSTRIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 6.085 ACRE TRACT OF LAND LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD, WEST OF BAXTER ROAD, AND EAST OF CHESTERFIELD COMMONS DRIVE (P.Z. 09-2002 THF CHESTERFIELD TWO DEVELOPMENT).

WHEREAS, the petitioner, THF Realty, L.L.C., has requested a change in zoning from an "M-3" Planned Industrial District to a "PC" Planned Commercial District for a 6.085 acre tract of land located south of Chesterfield Airport Road, west of Baxter Road, and east of Chesterfield Commons Drive; and,

WHEREAS, the Planning Commission, having considered said request, recommends approval of the request for a change of zoning from an "M-3" Planned Industrial District to a "PC" Planned Commercial District for a 6.085 acre tract of land located south of Chesterfield Airport Road, west of Baxter Road, and east of Chesterfield Commons Drive, with conditions in the Attachment A regarding permitted uses.

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

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District for a 6.085 acre tract of land located south of Chesterfield Airport Road, west of Baxter Road, and east of THF Boulevard, and described as followed:

A tract of land being part of Lot 4 of the Subdivision of James Longs Estate, in U.S. Survey 2031, Township 45 North – Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the intersection of the South right-of-way line of Chesterfield Airport Road, 100 feet wide, with the East line of property conveyed to Peter and Mathilda Willi, by deed recorded in Book 1480, Page 530 of the St. Louis County Records; thence North 89 degrees 35 minutes 06 seconds East 445.54 feet along said South right-of-way line of Chesterfield Airport Road, 100 feet wide, to the West line of property conveyed to Dusadee Rotrakarn and Muk and Porntip Rotrakarn by deed recorded in Book 7827, Page 50 of the St. Louis County Records; thence South 01 degree 36 minutes 59 seconds West 635.87 feet along said West line of property conveyed to Dusadee Rotrakarn and Muk and Porntip Rotrakarn, to the North right-of-way line of Old Olive Street Road, 60 feet wide; thence North 80 degrees 01 minute 40 seconds West 450.04 feet along said North right-of-way line of Old Olive Street Road, 60 feet wide, to said East line of property conveyed to Peter and Mathilda Willi; thence North 01 degree 36 minutes 59 seconds East 554.68 feet along East line of property conveyed to Peter and Mathilda Willi to the point of beginning and containing 6.085 acres according to a survey by Volz, Inc.

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 THF Realty, L.L.C., in P.Z. 09-2002, requesting the 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 22nd day of April, 2002, 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 pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons 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 21st day of AUGUST, 2002.


MAYOR

ATT ST:


DEPUTY CITY CLERK

ATTACHMENT A

In keeping with the following Comprehensive Plan policies, these conditions have been developed:

- General Land Use Plan
- General Access and Circulation Plan
- Stormwater Drainage Improvements
- General Water and Sanitary Sewer Improvements
- General Landscape and Streetscape Improvements
- East Valley Action Areas
- Provision of Access Along Chesterfield Airport Road

I. PERMITTED USES

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

- (e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
- (h) Barber shops and beauty parlors.
- (i) Bookstores.
- (l) Cafeterias for employees and guests only.
- (n) Colleges and universities.
- (q) Film drop-off and pick-up stations.
- (s) Financial institutions.
- (w) 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.
- (x) Medical and dental offices.
- (z) Offices or office buildings.
- (ee) Public utility facilities.
- (hh) Restaurants, fast food
- (ii) Restaurants, sit down
- (mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.

- (nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
- (pp) Permitted signs (See Section 1003.168 'Sign Regulations').
- (rr) 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. The following restrictions shall apply to the above "PC" Planned Commercial District uses:

- (hh) Restaurants, fast food, with no drive-through facilities.

II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

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

1. The uses permitted within this "PC" Planned Commercial District shall be contained in a maximum of two (2) buildings. This shall include one building to be located on Outparcel #4, and one building to be located on Outparcel #5, as shown on the Preliminary Plan.
2. Gross floor area constructed for each outlot shall be based on the development's ability to comply with the parking and stormwater regulations of the City of Chesterfield.
3. Building height shall not exceed three (3) stories or forty-five (45) feet, whichever is less, as measured from the average finished ground elevation of the building. The above shall be exclusive of rooftop mechanical equipment.
4. The permitted buildings and any fencing shall be of an 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 developer shall submit to the City of Chesterfield 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 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 intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site.
 6. Preliminary stormwater and sanitary sewer facilities.
 7. Show existing improvements, including roads and driveways on the opposite side of roadways adjacent to the site.
 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. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
11. 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, free-standing signs, trash enclosures, other above ground structures and landscaping.
2. Existing and proposed contour intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site.
3. Existing and proposed roadway, 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 Airport Road.
4. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for 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 basins, 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 Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Monarch Chesterfield Valley Levee District 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

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

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.

A. Structure Setbacks

No building or structure, other than boundary walls, retaining walls, signs, light standards, flagpoles or fences, shall be located within the following setbacks:

1. Outparcel #4:
 - a. Fifty (50) feet from the new right-of-way line of Chesterfield Airport Road.
 - b. Fifty (50) feet from the internal east/west roadway.
 - c. Twenty (20) feet from the east property line.
 - d. Fifty (50) feet from the west property line.

2. Outparcel #5:
 - a. Fifty (50) feet from the new right-of-way line of Chesterfield Airport Road.
 - b. Fifty (50) feet from the internal east/west roadway.
 - c. Fifty (50) feet from the east property line.
 - d. Twenty (20) feet from the west property line.

B. Parking and Loading Space Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress, shall be located within the following setbacks:

1. Outparcel #4:
 - a. Five (5) feet from the east property line.
 - b. Twenty (20) feet from all other property lines.
 - c. Twenty (20) feet from the internal east/west roadway.
2. Outparcel #5:
 - a. Five (5) feet from the west property line.
 - b. Twenty (20) feet from all other property lines.
 - c. Twenty (20) feet from the internal east/west roadway.
3. South of Internal East/West Roadway
 - a. Zero (0) feet from the east, west, and southern property lines.
 - b. Ten (10) feet from the internal east/west roadway.

C. Parking and Loading Requirements

1. Parking shall be prohibited along both sides of internal roadways.
2. Parking shall be prohibited on the Chesterfield Airport Road.
3. No construction parking will be permitted on the Chesterfield Airport Road right of way.
4. Parking and loading requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance.

5. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.

D. Access

1. Cross access shall be provided between this site and adjacent sites, as well as between outlots, as directed by the City of Chesterfield and the Saint Louis County Department of Highways and Traffic.
2. Access to the Outlots shall be from an interior roadway, and shall be at least 150 feet from entrances to adjacent outlots. All outlot entrances shall align with drive aisles for the parking lot on the south side of the interior roadway.
3. The Outlots shall have no direct access to Chesterfield Airport Road.

E. Public/Private Road Improvements, Including Sidewalks

1. The Developer shall provide any additional right-of-way and construct any improvements to Chesterfield Airport Road as required by the St. Louis County Department of Highways and Traffic and the City of Chesterfield's Department of Public Works.
2. An interior connector roadway shall be provided from the east property line to the west property line. Said roadway shall be parallel to Chesterfield Airport Road and spaced approximately 250 to 300 feet from the Chesterfield Airport Road right of way, or as directed by the City of Chesterfield Department of Public Works.
3. All streets within this development shall be private and remain private forever. A disclosure statement shall be provided to all potential buyers in conformance with Section 1005.265 of the Subdivision Ordinance. A sign shall be posted at the entrance to the subdivision stating "Private Streets-Maintained by owner/developer" or other wording that is acceptable to the Department of Public Works.
4. Edge of pavement radii shall be a minimum of 50 feet as directed by the City of Chesterfield Department of Public Works. Secondary access to the drive entrances shall be designed to support a Single Unit Truck turning radius of 42 feet at a minimum.
5. Provide a five (5) foot wide sidewalk and associated handicap access ramps, constructed to St. Louis County ADA standards, along the south side of Chesterfield Airport Road. Sidewalks shall be required on the west

side of the main access drive to the development as directed by the City of Chesterfield's Department of Public Works.

F. Traffic Study

Prior to Site Development Plan approval, provide a traffic study, including internal and external circulation, for review, and approval, by the City of Chesterfield Department of Public Works, and the St. Louis County Department of Highways and Traffic.

G. Landscape Plan

The developer shall submit a landscape plan in accord with the Landscape Guidelines adopted by the Planning Commission, either as part of the appropriate Site Development Concept Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:

1. A landscape buffer shall be required on the south side of Chesterfield Airport Road on the Site Development Plan.
2. All new required landscaping material shall meet the following criteria:
 - a. Deciduous trees - two and one half (2 1/2) inch minimum caliper.
 - b. Evergreen trees – six (6) feet minimum height.
 - c. Shrubs - eighteen (18) inch minimum diameter.
3. If the estimated cost of new landscaping indicated on the Site Development Section Plans 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 amount to guarantee the installation of said landscaping.
4. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

H. Sign Requirements

1. A Sign Package will be submitted to the Department of Planning in conjunction with the Site Development Concept Plan.
2. Freestanding signs: The location of the 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's Zoning Ordinance.

3. Ornamental Entrance Monument 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 prior to installation or construction.
4. No advertising signs, temporary signs, portable signs or attention getting devices shall be permitted in this development.
5. Shopping cart storage, within the parking areas, shall have no attached advertising of any kind.
6. 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.
7. Commercial vehicle parking/Outlots: Vehicles with commercial signage in excess of four (4) square feet shall be parked behind a line drawn parallel to Chesterfield Airport Road which touches the closest edge of the building on that outlot.
8. Commercial vehicle parking/other: Vehicles with commercial signage in excess of four (4) square feet shall be parked a minimum of three hundred (300) feet from the new right-of-way of Chesterfield Airport Road.
9. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.
10. Illumination of any sign shall be by an internal source only.

I. Lighting Requirements

1. Provide for the installation, maintenance, operation and all expenses related thereto for the street lighting along all public streets associated with this development, including Chesterfield Airport Road in perpetuity, as directed by the City of Chesterfield's Department of Public Works. The street lighting plan shall comply with the Chesterfield Valley Master Street Lighting Plan.
2. 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.

3. A lighting plan is required to be submitted in conjunction with the Site Development Concept Plan. The lighting plan shall include a layout of proposed luminaries locations, including aiming angles, minimum and average illuminances for each task, uniformity ratios, a description of the equipment (catalog cuts), glare control devices, lamps, mounting heights and means, hours of operation, maintenance methods proposed, and an illumination (foot-candle) grid demonstrating intensities and uniformity. The illumination grid scales shall be maximized to the extent of a thirty (30) inch by forty-two (42) inch drawing. Additional submissions may be required showing greater detail of areas needing further clarification. Said plans shall satisfy the following standards.
 - a. Parking lot lighting:
 - i. Fully shielded flat-lens enclosed luminaries must be used.
Agree
 - ii. Pole heights cannot exceed a maximum of thirty-nine (39) feet. Agree, but must also note this is in addition to the base of the pole (typically 3 feet).
 - iii. The source type shall be metal halide. Horizontal illuminance (measured at 5'-0" above the ground) must conform, within +/- 10%, to the following maintained illuminance values established by the Illuminating Engineering Society of North America (IESNA):
 - Minimum 0.5 footcandles
 - Average 2.5 footcandles
 - Maximum 7.5 footcandlesIESNA recognized maintenance factors (lamp lumen depreciation-LLD, luminaire dirt depreciation-LLD and equipment operating factor-EOF) shall be used for computing illuminance levels. A metal halide parking lot lighting system normally requires a 0.65-combined factor.
 - iv. Light trespass onto neighboring properties shall be mitigated such that maximum vertical illuminance measured at the adjacent property line shall be not more than 0.50 footcandles at 5'-0" above grade.
 - v. All lighting fixtures shall be controlled through as automated system with timeclock capabilities.

- vi. Within one (1) hour after close of business, illumination shall be reduced to security lighting levels of 25% of normal maintained levels.
 - vii. This provision is not necessary with the inclusion of (1)g.
 - viii. Searchlights are prohibited.
- b. Building lighting:
- i. Building mounted lighting, including both utilitarian and decorative applications, shall be limited to fully shielded, cut-off optics, flat lens luminaires.
 - ii. Decorative wall sconces are prohibited on the sides of the building.
- c. Maintenance
- All lighting installations shall be re-lamped or repaired as necessary to maintain prescribed illumination levels and glare control.

J. Miscellaneous

1. Trash enclosures: A masonry enclosure two (2) feet higher than the dumpster and/or trash compactor equipment is required. The gate to the masonry enclosure shall be located away from abutting residential property. The location, elevation and material of any trash enclosure shall be as approved by the Planning Commission on the Site Development Plan.
2. Architectural elevations for the building and design package for the development shall be as approved by the Planning Commission in conjunction with the Site Development Concept Plan.
3. Roofing or other screening as approved by the Planning Commission shall adequately screen all mechanical equipment. Non-reflective black or earth tone colors shall be used for all roofing materials.
4. Hours of operation for retail sales will be as follows:

Normal Hours

6 a.m. to 11 p.m., Sunday-Thursday

6 a.m. to 12 midnight, Friday and Saturday

Seasonal Hours

(From the day after Thanksgiving through December 23)

6 a.m. to 12 midnight, Sunday-Thursday

6 a.m. to 1 a.m., Friday and Saturday

Four promotions per calendar year

(By permit only; same as "Seasonal Hours"-limit three (3) days per promotion)

5. All deliveries and trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.
6. No retail sales, storage or displays are permitted outside the building.

K. Power of Review

Either Councilmember of the Ward where a development is proposed, of 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 twenty-four (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.

VIII. VERIFICATION PRIOR TO APPROVAL

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

A. Roadway Improvements and Curb Cuts

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.

B. Stormwater and Sanitary Sewer

1. Due to the inherent nature of development, the specific size, location, and configuration of the storm water infrastructure are conceptual in nature. The exact location, size, and type of each segment of storm water infrastructure is to be reviewed and approved in conjunction with the development of specific sites. It is expected that developers will submit alternate plans, proposed alternative geometry, size, and type for these infrastructure improvements, along with supporting hydraulic computations. The routing calculations, signed and sealed by a registered

professional engineer licensed to practice in the State of Missouri, demonstrating functionally equivalent operation shall be submitted. The calculations shall be performed using identical methods as the initial analysis, AdICPR software. The Public Works Department will review said proposals for functional equivalence. Functional equivalence is said to be achieved when, as determined by the Director of Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system wide benefits without adversely affecting water surface profiles at other locations or adjacent properties.

2. The maintenance of the required storm water/ditch system shall be the responsibility of the property owner(s).
3. Storm Water Master Plan: The current Chesterfield Valley Storm Water Plan depicts a 10 foot wide flat bottom ditch with a 3:1 side slopes directly adjacent to Chesterfield Airport Road. The channel directs storm water across the frontage of the site from the east side of the site to the west. This channel must be constructed across the frontage of the parcel to the west and shall tie into the existing channel located on Outparcel #15 of Chesterfield Commons.
4. Sanitary Valley Master Plan: The current Chesterfield Valley Sanitary Sewer Master Plan depicts a public pump station, force main and a series of gravity sewers that will serve the region surrounding this development in the vicinity of this development. A functional equivalence study shall be submitted to the Metropolitan St. Louis Sewer District and the City of Chesterfield's Department of Public Works for review/approval prior to receiving approval of the Improvement Plans for this Development.
5. Storm water drainage improvements shall be operational prior to the paving of any driveways or parking lots. Roadway and related improvements shall be constructed prior to 60% occupancy of the retail portion of the site.
6. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided.

C. Geotechnical Report

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 sinkhole, ponds, dams, septic fields, etc., and recommendation for treatment.

D. Grading and Improvement Plans

1. A clearing/grading permit or improvement plan approval is required prior to any clearing or grading on the site. Be advised, the Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and grading permit. No change in watersheds will be permitted. Interim stormwater drainage control in the form of siltation control and/or siltation basins is required. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to any clearing, grading, and/or improvement plan approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in stormwater 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.
2. 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. Construct temporary settlement basins during construction to allow for settling of sediment, prior to the discharge of stormwater from this site.
3. Prior to approval of any grading permit or improvement plans for the development, an underseepage study shall be submitted for review/approval as directed by the Monarch Chesterfield Levee District, the U.S. Army Corps. of Engineers and the City of Chesterfield's Department of Public Works.
4. 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 Director of Public Works/City Engineer.

5. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area. 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 roads in the area clear of mud and debris related to his construction at all times. The streets surrounding this development and any street used for construction access thereto shall be cleaned continuously throughout each day.
6. 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, if adequate stormwater detention and erosion control devices have not been established.
7. 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 Department of Planning in cases of undue hardship because of unfavorable ground conditions.
8. Prior to improvement plan approval, provide comments/approvals from the St. Louis County Department of Highways and Traffic, the Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Missouri Department of Natural Resources, the Monarch Chesterfield Valley Levee District and the appropriate Fire District.
9. 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.
10. Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.

E. Floodplain

1. If any development in, or alteration of, the floodplain is proposed, the developer shall submit a Floodplain Development Permit/Application to the City of Chesterfield Department of Public Works for approval. Be advised that in conjunction with any site alteration the developer will be required to demonstrate that there will be no adverse effect on other properties located within the Chesterfield Valley. The Floodplain

Development Permit/Application must be approved by the City of Chesterfield Department of Public Works prior to the approval of the Improvement Plans or Grading Plans. If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development.

2. If any building is proposed to be located in an existing, or proposed, Special Flood Hazard Area the building shall be clearly labeled as being located in the Floodplain on the Approved Site Development Plan and Improvement Plan. The lowest Reference Level (floor), as defined by FEMA, shall be constructed a minimum of one (1) foot above the base flood elevation unless a LOMR has been issued by FEMA prior to construction. The minimum elevation for the Reference Level for each building shall also be noted on the approved Site Development Plan and Improvement Plan.

IX. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan shall be recorded with the St. Louis County Recorder of Deeds.

X. CHESTERFIELD VALLEY TRUST FUND

- A. The developer shall contribute to the Chesterfield Valley Trust Fund (No. 556). This fund was created for roadway improvements, stormwater improvements, sanitary sewer facilities and water main improvements in the Chesterfield Valley Area.

The trust contribution consists of four components representing the improvement categories.

1. Roads

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. Any cost associated with the required improvements, above the original estimate, shall be borne by the developer. The amount of the developer's contribution to this fund shall be computed on the basis of the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$1.66/sq. ft. of building space
Office	\$1.16/sq. ft. of building space
Industrial	\$4,003.84/acre of gross acreage

If the types of development proposed differ from those listed, rates shall be provided by the St. Louis County Department of Highways and Traffic. Where more than one land use type is proposed and each land use type constitutes thirty-five (35) percent or more of the gross building area, the applicable road improvement contribution shall be determined considering each land use exceeding thirty-five (35) percent as approved on the Site development Plan.

Credits for roadway improvements required in condition will be awarded as directed by the St. Louis County Department of Highways and Traffic. Any portion of the roadway improvement contribution which remains, following completion of road improvements required by the development shall be retained in the trust fund.

The roadway improvement contributions shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

2. Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$528.50 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contributions shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

3. Stormwater

The stormwater contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of stormwater from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by the City of Chesterfield, St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed on the basis of \$1,667.77 per acre for the total area as approved on the Site Development Plan.

The stormwater contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

4. Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek impact fee.

The sanitary sewer contributions within the Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

The amount of this required contribution for the roadway, stormwater and primary waterline improvements, if not submitted by January 1, 2003 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.

XI. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

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 this Department to guarantee completion of the required roadway improvements.

XII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to improvement plan approval, provide comments/approvals from the St. Louis County Department of Highways and Traffic, the Spirit of St. Louis Airport, MSD, the Missouri Department of Natural Resources, the Monarch-Chesterfield Levee District and the Chesterfield Fire Protection District.

XIII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

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:

A. Notification of Department of Planning

Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

B. 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 Department of Highways and Traffic and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

C. 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. 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 Saint 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.
- B. Prior to the issuance of an occupancy permit for any building within the development the Developer shall be required to submit an "Elevation Certificate" (FEMA form 81-31) for that building to the City of Chesterfield Department of Public Works.
- 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 Corners.

- 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

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 BUILDING PERMITS

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

- A. Sanitary Sewers

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

- B. Notification of City of Chesterfield

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 and the Metropolitan St. Louis Sewer District.

XVII. 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 the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments and Commissions and shall have the right to exercise all available remedies in the event of any violation.
3. A reciprocal easement agreement shall be recorded in a form acceptable to the City, providing for the integrated operation and maintenance of parking areas, lanes, drives, lighting, landscaping and all other common areas within the development and providing for the designation of the party responsible for the operation, management and maintenance of the common areas and as the party which (1) which the City shall contact in the event of operational, maintenance, repair, replacement or security problems within such common areas and (2) upon whom judicial process may be served for any purpose relating to such common areas. Such Reciprocal Easement Agreement shall further provide that it may not be amended without the prior written consent of the City.
4. The owner of the property herein rezoned shall file with the City a written acceptance of the conditions of approval, which shall be binding on its successors in ownership and any users of any portion of such property.
5. The City of Chesterfield, Missouri shall enforce the conditions of this ordinance in accord with the Site Development Concept Plan approved by the City of Chesterfield and any Site Development Section Plans approved by the City of Chesterfield.