

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C-8" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 1.983 ACRE TRACT OF LAND LOCATED BETWEEN CLARKSON ROAD AND OLD BAXTER ROAD, SOUTH OF CHESTERFIELD PARKWAY EAST (P.Z. 38-2001).**

**WHEREAS**, the petitioner, Davis Street Land Company, L.L.C., has requested a change in zoning from a "C-8" Planned Commercial District to a "PC" Planned Commercial District for a 1.983 acre tract of land located between Clarkson Road and Old Baxter Road, south of Chesterfield Parkway East; and,

**WHEREAS**, the Planning Commission, having considered said request, recommends approval of the request for a change of zoning from a "C-8" Planned Commercial District with conditions in the Attachment "A" regarding access, floor area, parking and loading, landscape, architectural, and green space requirements to a "PC" Planned Commercial District for a 1.983 acre tract of land located between Clarkson Road and Old Baxter Road, south of Chesterfield Parkway East; and

**WHEREAS**, the configuration of this parcel and the attached parcel were originally joined as one single project for the purposes of rezoning under Ordinance 411; and

**WHEREAS**, the parcel as originally zoned to "C-8" is now split with two separate projects proposed for the original site; and

**WHEREAS**, with this site the City desires to preserve the advantages provided by unified development so as to protect the health, safety, and welfare of adjacent residential community as well as accessibility and safety issues related to traffic at this location; and

**WHEREAS**, the original approval for commercial development of this site called for a cross access over the entire site, with ingress and egress located away from the current signalized intersection of Lea Oak and Clarkson Road; and

**WHEREAS**, in the approval of the Drew Station development provisions were made for cross access at least 200' distance from the Lea Oak/Clarkson intersection; and

**WHEREAS**, for the public safety and public welfare, the development of this site for commercial use is dependant upon access away from the intersection, ultimately requiring the access at the three-way intersection on Lea Oak as approved by the City Department of Public Works; and

**WHEREAS**, the City Council, having reviewed the proposed preliminary plan, architectural elevations and landscape plan as set forth finds that petitioner has presented sufficient cause to vary from the required performance standards for parking and open space

set forth in Ordinance No. 1747 for Planned Commercial Districts as provided in Attachment "A" herein;

**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 1.983 acre tract of land located on located between Clarkson Road and Old Baxter Road, south of Chesterfield Parkway East, and described as described as follows:

A tract of land in U.S. Survey 2002, Township 45 North, Range 4 East of the 5th Principal Meridian, City of Chesterfield, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the Southeast corner of a tract of land conveyed to Elmer E. and Janet C. Weinrich, Trustees, by deed recorded in Book 13047 Page 1869 of the records of the Recorder of Deeds Office in St. Louis County, Missouri, being a point on the Western line of Old Baxter Road (originally 30 feet wide); thence along the Southern line of said Weinrich property North 84 degrees 17 minutes 00 seconds West 405.66 feet to a point on the Southeastern line of Clarkson Road (Route 340) as established by deed recorded in Book 8558 Page 2087 of the above said records; thence along the Southeastern line of Clarkson Road North 33 degrees 59 minutes 09 seconds East 97.63 feet to a point 85.48 feet perpendicular distance Southeast of Station 210 + 95.65 on the base line of the northbound of Clarkson Road; thence North 49 degrees 58 minutes 03 seconds East 182.94 feet to a point 145.00 feet perpendicular distance Southeast of Station 212 + 68.64 feet on the base line of the northbound lane of Clarkson Road; thence along the Southeast line and the Southwest line of Clarkson Road, as established by deed recorded in Book 8325 Page 413 of the above said records the following courses and distances: North 48 degrees 40 minutes 57 seconds East 165.62 feet to a point 65.50 feet perpendicular distance Southeast of Base Line Ramp No. 2, South 46 degrees 57 minutes 47 seconds East 122.50 feet to a point 187.00 feet perpendicular distance Southeast of Station 6 + 00 on the Base Line Ramp No. 2 South 06 degrees 51 minutes 57 seconds West 43.78 feet to a point 213.30 feet perpendicular distance Southeast of Station 5+ 69.84 feet on the Base Line Ramp No. 2 (Station 5 + 72.3 record), South 83 degrees 12 minutes 15 seconds East 19.33 feet to a point on the Western line of Old Baxter Road; thence along the Western line of Old Baxter Road South 04 degrees 56 minutes 00 seconds West 219.84 feet to the Point of Beginning and containing 86,371 square feet or 1.983 acres more or less.

**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 hereof.

**Section 3.** The City Council, pursuant to the petition filed Davis Street Land Company, L.L.C., in P.Z. 38-2001, 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 28th day of January, 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.

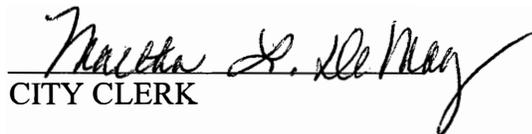
**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 21<sup>st</sup> day of OCTOBER, 2002.

  
MAYOR

ATTEST:

  
CITY CLERK

## ATTACHMENT "A"

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

- 1.1.1 Conservation of Existing Quality of Life
- 1.1.2 Reinforce Existing Development Pattern
- 1.2.1 Coordinated Growth
- 1.2.2 Quality New Development
- 1.3.3 Urban Core
- 2.2.3 Neighborhood/Service Oriented Retail Facilities
- 2.2.4 Control Strip Development
- 4.1.12 Internal Commercial Circulation
- 4.1.6 Limit Curb Cuts

### 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.
- (s) Financial institutions.
- (z) Offices or office buildings.
- (ii) Restaurants, sit down.
- (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 above uses in the "PC" Planned Commercial District shall be restricted as follows:

1. Restaurants, sit down shall be limited to specialty establishments where a limited variety of food and beverages such as baked goods or coffee may be prepared and consumed on site.

2. Indoor sale of motor vehicles shall be prohibited.
3. Hours of operation for all uses shall be between 7:00 a.m. and 9:30 p.m.
4. 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 shall be limited to "low intensity specialty retail establishments" where uses that are compatible with, and targeted to, local residential consumers, and that reduce the hazards of local traffic by limiting the size of the building and restricting uses to those that need significantly fewer parking spaces than is required by the established retail performance standard. Such stores or services may include high-end clothiers, pharmacies, bakeries, coffee shops, barbershops and beauty parlors, drycleaners, shoe repair, small commercial postal services, flower shops, and similar uses. Drive-in establishments, such as gas stations, fast-food or drive-through restaurants, and other high traffic generators such as "discount" or "outlet retailers," and "big-box" or "large-format" retailers do not meet this definition. Building structures or shopping centers designated for "Low Intensity Specialty Retail" shall not be located adjacent to other stores, shops, markets, or service facilities not designated "Low Intensity Specialty Retail" where parking lots could potentially be shared.
5. Any second story construction of building structures shall be limited in use to storage areas required by a business, firm, or service to carry on business operations.

## **II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS**

- A. The following requirements 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.
  2. Building height shall not exceed two (2) stories or thirty-five (35) feet, whichever is less, as measured from the average finished ground elevation of the building.
  3. Gross floor area constructed for the two (2) buildings shall not exceed 20,500 square feet.

4. 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.
5. The architectural style of the permitted building and any fencing shall be of traditional residential character comparable in quality, material, construction and scale to the adjacent residential neighborhood and shall be 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 exclusively to storage 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.

B. 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 2-foot intervals 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.
12. Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

## **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 the development.

4. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for utilities, storm water 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. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines.
11. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site.
12. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
13. Provide comments/approvals from the Metropolitan St. Louis Sewer District, Missouri Department of Transportation, Laclede Gas, and the Chesterfield Fire Protection District.
14. 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.
15. Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

#### **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. Eight (8) feet from the right-of way of Clarkson Road (Rte. 340) bearing N 48° 40' 57" E 165.62'
2. Eight (8) feet from the right-of way of Clarkson Road (Rte. 340) bearing N 49° 58' 03" E 182.94'
3. Eight (8) feet from the right-of way of Clarkson Road (Rte. 340) bearing N 33° 59' 09" E 97.63'
4. Forty-nine (49) feet from the right-of way of Old Baxter Road bearing S 46° 57' 47" E 122.50'
5. Forty (40) feet from the right-of way of Old Baxter Road bearing S 06° 51' 57" W 43.78'
6. Thirty-nine (39) feet from the proposed right-of way of Old Baxter Road bearing S 04° 56' 00" W 219.84'
7. Twenty-nine (29) feet from the southern boundary of the total tract bearing N 84° 17' 00" W 405.66'

### **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. Thirty (30) feet from the right-of way of Clarkson Road (Rte. 340) bearing N 48° 40' 57" E 165.62'
2. Ten (10) feet from the right-of way of Clarkson Road (Rte. 340) bearing N 49° 58' 03" E 182.94'
3. Five (5) feet from the right-of way of Clarkson Road (Rte. 340) bearing N 33° 59' 09" E 97.63'
4. One hundred fifty-five (155) feet from the right-of way of Old Baxter Road bearing S 46° 57' 47" E 122.50'
5. One hundred twenty (120) feet from the proposed right-of way of Old Baxter Road bearing S 04° 56' 00" W 219.84' with the exception of loading spaces. Said loading spaces shall not be located within the following setback: Sixty-eight (68) feet from the proposed right-of way of Old Baxter Road bearing S 04° 56' 00" W 219.84' as shown on the preliminary plan.
6. Ten (10) feet from the southern boundary of the total tract bearing N 84° 17' 00" W 405.66'

C. Landscape Setback

1. There shall be a densely screened landscape buffer, and a berm where appropriate, along the eastern edge of the site that shields the proposed building from the existing neighborhoods adjacent to Old Baxter Road. The landscape buffer along the Old Baxter Road property line shall be a minimum width of not less than 10% of the width of the property to be developed. A minimum of thirty (30) feet will be required, as measured from the new right-of-way of the roadway to the building and include preservation of the existing trees with 85% of any additional trees in the landscape buffer area consisting of evergreen species, specifically to include Norway Spruce and shrubbery (For additional information see section VII. H. Landscape Plan).

D. Parking and Loading Requirements

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

2. Parking requirements shall be four (4) spaces per one thousand (1000) square feet of gross floor area.
3. All other parking and loading requirements shall be in accord with the regulations of Section 1003.165 of the City of Chesterfield Zoning Ordinance.

E. Access

1. Future permanent access to this site shall be located a minimum of 200 feet east of the Clarkson Road/Lea Oak intersection, at the current terminus of the three lane entrance road to Drew Station. Until such time as this future permanent access is acquired and constructed, the existing access for this site shall be along the State outer road. The existing access shall be for this site only and shall be abandoned in favor of the future permanent access once that access is acquired and constructed. If Petitioner is unable to obtain the necessary easements and other appropriate legal instruments or agreements for the future permanent access, and the necessary easements or rights-of-way for the future permanent access are acquired by the City of Chesterfield, Petitioner shall pay the cost of acquiring such easements or rights-of-way and all costs of constructing the access. The cost of acquiring such easements or rights-of-way shall include the cost of the land, attorney's fees, appraiser's fees and costs of litigation, if any.
2. Final location and geometry of the access shall be as approved by the City of Chesterfield.
3. Right-of-way dedication equal to up to one half of a 50' wide right-of-way will be required along Old Baxter Road.
4. A hardened surface pedestrian plaza with dual use as an emergency vehicle access way shall be sited between the building structures, as directed by the Chesterfield Fire Protection District and the City of Chesterfield. No permanent structures or fixed-element features shall be permitted in said plaza.
5. No direct vehicular access will be allowed to Old Baxter Road.
6. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreements guaranteeing permanent access between this site and adjacent properties as directed by the City of Chesterfield.

F. Public/Private Road Improvements, Including Sidewalks

1. Provide a 5' wide sidewalk along Old Baxter Road. Said sidewalk shall begin at the southern property line and connect to the proposed sidewalk to be constructed with the Highway 340 Enhancement project.

G. Traffic Study

1. Prior to Site Development Plan approval, a traffic study will be required as directed by the City of Chesterfield and the Missouri Department of Transportation.

H. Landscape Plan

1. 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.
2. Building and paved area setbacks and landscaped areas shall contain adequate landscaping as required and approved by the Planning Commission on the Site Development Plan.
3. There shall be a densely screened landscape buffer, and a berm where appropriate, along the eastern edge of the site that shields the proposed building from the existing neighborhoods adjacent to Old Baxter Road. The landscape buffer shall be, at a minimum, thirty (30) feet wide, and include preservation of the existing trees with 85% of any additional trees in the landscape buffer area consisting of evergreen species, specifically to include Norway Spruce and shrubbery (For additional information see section VII. C. Landscape Setback).
4. Other landscape buffer areas should consist of multi-stem canopy trees.
5. Irrigation system sprinkler heads shall be a minimum of 40 feet from any existing trees.
6. 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.

7. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.
8. 37.5% Minimum Open Space shall be required for the total tract.

I. Sign Requirements

1. A Sign Package will be submitted to the Department of Planning in conjunction with the Site Development Plan. Approval of sign package by the Planning Commission does not constitute issuance of a permit for signage. Signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.
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 Missouri Department of Transportation, for sight distance considerations prior to installation or construction.
4. No advertising signs, temporary signs, portable signs, off-site signs, or attention getting devices shall be permitted in this development.
5. 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.
6. Illumination of any sign shall be by an internal source only.
7. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

J. Lighting Requirements

1. The Lighting Plan submittals for Concept and Section Site Development Plans shall conform to the Lighting Plan presented with the Preliminary Plan package.

2. 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, with specific product information, is required in conjunction with the Site Development Plan.
3. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. Lighting shall be required in compliance with City of Chesterfield regulations, including the Subdivision Ordinance.
4. All light standards within this development shall not exceed a total vertical height of fourteen (14) feet.
5. All light standards located on the parking structure, other than those for security purposes, shall be turned off by 9:30 p.m., seven (7) days a week.

K. Architectural elevations

1. The architectural style of the permitted buildings and any fencing shall be of traditional residential character, comparable in quality, material, construction and scale to the adjacent residential neighborhood and will include a faux window or windows on any second story portion of said buildings. Permitted buildings and any fencing shall be approved by the Planning Commission on building elevations and architectural renderings reviewed in conjunction with the Site Development Plan.
2. 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.

L. Power of Review

1. Either Council member 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 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.

M. Miscellaneous

1. Trash enclosures: The location and elevation of any trash enclosures shall be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas shall be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan. The material shall be as approved by the Planning Commission in conjunction with the Site Development Plan.
2. Mechanical equipment shall be adequately screened by roofing or other material as approved by the Planning Commission.
3. All utilities shall be installed underground. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
4. Sleeves for future telecommunication services shall be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

**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

1. Obtain approval from the City of Chesterfield Department of Public Works and the Missouri Department of Transportation of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

B. Stormwater and Sanitary Sewer

1. Detention/retention is to be provided for this site as directed by the City of Chesterfield Department of Public Works. 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.

2. 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. Geotechnical Report

1. 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.
2. Interim storm water 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.
3. 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 storm water 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.

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 shall be provided during construction. 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. No construction parking or access shall be allowed along Old Baxter Road. No construction parking shall be allowed along Clarkson Road (Rte. 340) ROW.
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 Metropolitan St. Louis Sewer District and the appropriate Fire District.
9. 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.

## **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. Failure to record the plan within sixty (60) days of approval shall deem the plan void.

## **X. 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.

## **XI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL**

Prior to Site Development Plan approval, provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.

## **XII. 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.

### **XIII. OCCUPANCY PERMIT/FINAL OCCUPANCY**

A. 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.

B. 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.

### **XIV. 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.

### **XV. 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.

## **XVI. SUPPLEMENTARY DEVELOPMENT CONDITIONS**

Supplementary development conditions relating to the operation of this development are as follows:

- A. 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.
- B. 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.
- C. Notice requirements set forth in Section 1003.410.2 of the Zoning Ordinance shall not apply to violations pursuant to this Attachment A.

## **XVII. GENERAL DEVELOPMENT CONDITIONS**

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

- A. 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.
- B. 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.
- C. 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.