

BILL NO. 2111

ORDINANCE NO. 1890

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT AND “FPNU” FLOODPLAIN NON-URBAN DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 5.3 ACRE TRACT OF LAND LOCATED NORTH OF NORTH OUTER FORTY ROAD AND WEST OF BOONE’S CROSSING (P.Z. 12-2002 TDG ACQUISITIONS – JUNIOR ACHIEVEMENT).**

**WHEREAS**, the petitioner, TDG Acquisitions has requested a change in zoning from an “NU” Non-Urban District and “FPNU” Floodplain Non-Urban District to a “PI” Planned Industrial District for a 5.3 acre tract of land located north of North Outer Forty Road and west of Boone’s Crossing; and,

**WHEREAS**, the Planning Commission, having considered said request, recommends approval of the request for a change of zoning from an “NU” Non-Urban District and “FPNU” Floodplain Non-Urban District to a “PI” Planned Industrial District for a 5.3 acre tract of land located north of North Outer Forty Road and west of Boone’s Crossing, 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 “PI” Planned Industrial District for a 5.3 acre tract of land located north of North Outer Forty Road and west of Boone’s Crossing, and described as followed:

A tract of land in U.S. Survey 125, Township 45 North, Range 4 East of the 5<sup>th</sup> Principal Meridian, St. Louis County, Missouri, being part of Lots 1, 2, 3, and 4 of the Subdivision of Herman Ficke Estate lying north of Interstate 40, as established by Cause No. 290860 of the Circuit Court of St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the intersection of the Northern right-of-way line of Interstate 64, variable width, as described in deed recorded in Book 6343, Page 824 of the records of the Recorder of Deeds Office in St. Louis County, Missouri, with the western line of the above said Lot 1, also being the Western line of a tract of land conveyed to St. Louis County Water Company by deed recorded in Book 7892, Page 1636 of the above said records, also being the most Western corner of a tract of land conveyed to the State of Missouri by deed recorded in Book 12097, Page 830 of the above said records; thence along the Western line of the above said St. Louis County Water Company property, North 00 degrees 21 minutes 46 seconds East 576.83 feet to the centerline of a levee; thence along last said centerline South 85 degrees 12 minutes 02 seconds East 905.43 feet; thence leaving last said centerline South 02 degrees 06 minutes 38 seconds West 8.92 feet to a point on the Northern line of the above said tract of land conveyed to the State of Missouri by deed recorded in Book 12097, Page 830 of the above said records; thence along last said Northern line the following courses and distances: South 82 degrees 52

minutes 26 seconds West 146.68 feet, South 67 degrees 52 minutes 26 seconds West 244.82 feet, South 48 degrees 15 minutes 27 seconds West 341.32 feet, South 55 degrees 14 minutes 13 seconds West 175.93 feet, and South 67 degrees 59 minutes 24 seconds West 144.58 feet to a point on the Western line of the above said Lot 1 and the point of beginning, and containing 232,822 square feet or 5.345 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc. on April 10, 2002.

**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 by TDG Acquisitions in P.Z. 12-2002, 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 24<sup>th</sup> day of June, 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 4<sup>th</sup> day of NOVEMBER, 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
- 1.2.3 Diversity of Development
- 1.3.2 Encourage Quality Project Planning
- 4.1.6 Limit Curb Cuts
- 4.2.3 New Development for Stormwater Control

**I. PERMITTED USES**

A. The uses allowed in this "PI" Planned Industrial District shall be:

Permitted Uses:

- (f) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
- (j) Business, professional, and technical training schools.
- (k) Business service establishments.
- (q) Financial institutions.
- (v) Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), and indoor and unlighted outdoor tennis courts (public or private).
- (y) Hotels and motels.
- (dd) Mail order sale warehouses.
- (gg) Medical and dental offices.
- (ii) Offices or office buildings.
- (kk) Outpatient substance abuse treatment facilities.
- (oo) Printing and duplicating services
- (uu) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- (ww) Restaurants, sit down.
- (eee) Permitted signs (See Section 1003.168 'Sign Regulations').
- (iii) 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.
- (rr) Warehousing, storage, or wholesaling of manufactured commodities.

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

- A. The following requirements shall apply to the permitted uses:
1. The amount of square footage constructed shall be based on the developer's ability to comply with the parking regulations of the City of Chesterfield Zoning Ordinance.
  2. The total square footage of the building in the district shall not exceed 38,000 square feet.
  3. Total number of buildings constructed on this development shall not exceed one (1) building.
  4. Maximum building height (from finished floor elevation) shall be two (2) stories or thirty-two (32) feet, whichever is less, excluding mechanical equipment.
  5. The district shall contain a minimum of sixty percent (60%) 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.

## **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, which 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 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, sizes, and types 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, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
12. Provide comments/approvals from the Missouri Department of Transportation, The Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Monarch Chesterfield Valley Levee District and the Chesterfield Fire Protection District.
13. 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**

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. 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:

- a. Two hundred ten (210) feet from the northern district boundary.
- b. Fifty (50) feet from the western district boundary.
- c. Forty-five (45) feet from the right-of-way of North Outer Forty Road.

2. 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:

- a. Sixty (60) feet from the northern district boundary.
- b. Fifteen (15) feet from the western district boundary.
- c. Twenty-five (25) feet from the right-of-way of North Outer Forty Road.

3. Parking and Loading Requirements

Parking and loading spaces for this development shall be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.

4. Access

- a. Direct access to North Outer Forty Road shall be as approved by the Missouri Department of Transportation and the City of Chesterfield.
- b. Access to the North Outer Forty Road shall be no closer than 100 feet to the western property line or as directed by the City of Chesterfield and the Missouri Department of Transportation.
- c. Provide provision for future cross access with an easement or other appropriate legal instrument guaranteeing permanent access to adjacent property to the west as directed by the City of Chesterfield, to be utilized at such a time that the proposed use shall change.

5. Public/Private Road Improvements, Including Sidewalks

Provide any additional right of way and pavement widening to the North Outer Forty Road as required by the Missouri Department of Transportation.

6. Traffic Study

Prior to Site Development Plan approval, a traffic study including internal and external circulation, may be required for review and approval as directed by the City of Chesterfield Department of Public Works, and the Missouri Department of Transportation.

7. Landscape Plan

- a. 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 Plan or on a separate drawing to be reviewed as part of said plan.
- b. 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 amount to guarantee the installation of said landscaping.
- c. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

- d. Since landscaping is not permitted in the underseepage berm area, landscape provisions for said area, including but not exclusive to landscaped parking islands and perimeter landscaping requirements, will not be required to adhere to the Landscaping Guidelines adopted by the Planning Commission. In this event, the landscaping plan shall be approved by the Planning Commission during the appropriate site development plan review. The landscaping plan will include additional landscaping provisions in the front portion of the building area that will supplement the lack of landscaping in the rear of the property. The landscaping plans will include additional landscaping that will not only be comprised of additional plantings but will also include landscape features which may include but not be limited to water features, brick planters and outdoor artwork.

8. Sign Requirements

- a. Attached wall signage shall not exceed the roofline in height.
- b. 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.
- c. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development. Real estate signs, including for sale or lease, are permitted.
- d. 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.
- e. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

9. Lighting Requirements

- a. The location and height of all light standards shall be as approved by the Planning Commission on the appropriate development plan. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways. Illumination levels shall comply with the provisions of Section 1005.160 Non-Residential Subdivision Design Standards and Section 1005.320

Street Lighting of the City of Chesterfield Subdivision Ordinance and the Chesterfield Valley Master Street Lighting Plan.

- b. 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 shall be provided by the developer in perpetuity as directed by the City of Chesterfield Department of Public Works.

10. Levee District

- a. The developer shall dedicate an underseepage berm easement adjacent to the existing Levee, as directed by the Monarch Chesterfield Levee District and the City of Chesterfield's Department of Public Works.
- b. Prior to approval of any grading permit or improvement plans for the development, an underseepage study may be required 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.
- c. No improvements or use that would alter, diminish, damage or interfere with the performance of the Monarch Chesterfield Levee including seepage berm is permitted.
- d. Any drainage structures or systems, including or not limited to under drains, installed for the relief of hydrostatic head or seepage water shall be designed, construed, operated, and maintained to prevent infiltration of soil/ground loss.
- e. Trees, vegetation and landscaping which have roots which extend more than six (6) inches in depth below the ground are not permitted in the Permanent Underseepage Berm Easement.
- f. Buildings or structures are not permitted in the Permanent Underseepage Berm Easement.

11. Recreational Easement

An easement, for recreational and trail purposes shall be provided for this site as directed by the City of Chesterfield and the Monarch Chesterfield Levee District. The easement is anticipated to be located within or overlying the levee/seepage berm easement. Alternatively, the easement script for the seepage berm easement may permit recreational and trail usage as an allowable activity within the easement.

12. Architectural Elevations

- 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. The samples of building materials that were presented during the rezoning process shall be used for the entire project.
- c. Trash enclosure shall match the building materials.
- d. Due to the visibility from Interstate 64, the roof shall be striped as presented during the rezoning process, or as approved by Planning Commission.

13. Power of Review

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 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.

14. Miscellaneous

- a. All trash enclosures shall be enclosed by such means 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 utilities shall be installed underground. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of the East/West Connector Roadway and/or any applicable roadway on the site. Utility easements that cross over Chesterfield Valley Master Stormwater Easement shall be subordinate to the Chesterfield Valley Stormwater Easement.
- d. Sleeves for future telecommunications 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 uses.

### VIII. VERIFICATION PRIOR TO APPROVAL

A. Prior to approval of the Site Development Plan, the developer shall provide the following:

1. Roadway Improvements and Curb Cuts

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.

2. Stormwater and Sanitary Sewer

a. Due to the inherent nature of development, the specific size, location, and configuration of the stormwater infrastructure are conceptual in nature. The exact location, size, and type of each segment of stormwater infrastructure are 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 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.

b. The maintenance of the required storm water / ditch system shall be the responsibility of the property owner(s).

c. The Chesterfield Valley Master Stormwater Plan indicates that the drainage shall be directed to the east to the pump station at Long Road. Please be advised that the petitioner shall coordinate improvements with the adjacent parcel owners. In addition, in the event that the ultimate permanent improvements can not be constructed at the time of development, interim drainage facilities shall be provided. The interim facilities may include a temporary pump station as necessary to provide the required positive drainage. Interim facilities shall be removed promptly at such time as the permanent stormwater improvements can be constructed as required.

d. The development improvements shall provide the sanitary force main, gravity lines and/or regional pump station as depicted on the current MSD Conceptual Valley Master Plan. Alternatively, the Developer's Engineer may submit a functionally equivalent proposal to be reviewed and approved by the Metropolitan St. Louis Sewer District and the City of Chesterfield Department of Public Works.

3. Water Main Master Plan

The development improvements shall include construction of a water main as depicted on the Chesterfield Valley Master Plan. The size and location of the required Master Plan water main shall be as directed by the St. Louis County Water Company and the City of Chesterfield's Department of Public Works.

4. 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.

**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. 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. 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>     |
|----------------------------|----------------------------------|
| Industrial                 | \$4,119.95/acre of gross acreage |

|                |                    |
|----------------|--------------------|
| General Office | \$1.19/square foot |
| Commercial     | \$1.71/square foot |

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

Credits for roadway improvements required in condition will be awarded as directed by the St. Louis County 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 contribution 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 Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

**B. Water Main**

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$543.83 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 Highway and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

**C. 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 St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed on the basis of \$1,716.14 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.

D. Sanitary Sewer

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

The sanitary sewer contributions within Chesterfield Valley area shall be deposited with the Metropolitan 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, 2001 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 Departments of Highway and Traffic.

Trust fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

**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 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**

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. Notification of Department of Planning

Prior to issuance of zoning approvals for foundation or building permits, approvals from the Missouri Department of Transportation and the Metropolitan St. Louis Sewer District, and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

2. Sanitary Sewers

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

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 Missouri Department of Transportation 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. 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.

**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. 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. Stormwater 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.
  2. 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.
  3. 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 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.
  4. 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.
  5. Provide adequate temporary off-street parking for construction employees. 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. 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.
7. 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.
8. 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.
9. Prior to improvement plan approval, provide comments/approvals from the Missouri Department of Transportation, the Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Monarch Chesterfield Levee District, the Missouri Department of Natural Resources and the appropriate Fire District.
10. 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.
11. Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.
12. 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.

13. 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.
14. 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.
15. Notice requirements set forth in Section 1003.410.2 of the Zoning Ordinance shall not apply to violations pursuant to this Attachment A.