

**AN ORDINANCE AMENDING ORDINANCE NUMBER 1625 OF THE CITY OF CHESTERFIELD BY ADDING PERMITTED USES AND ANCILLARY USES FOR A 17.226 ACRES TRACT OF LAND ZONED "PF" PLANNED INDUSTRIAL DISTRICT (P.Z. 15-2002 THF DEVELOPMENT. L.L.C.).**

**WHEREAS**, the Petitioner, THF Development, L.L.C. requested an amendment to Ordinance 1625 (P.Z. 22-1999, Valley Real Estate Investors, L.L.C.) to allow additional permitted uses and ancillary uses to those uses currently permitted in the "PF" Planned Industrial District for a 17.226 acres tract of land located south of Chesterfield Airport Road, west side of RHL Boulevard, and north of Edison Avenue.; and

**WHEREAS**, the Petitioner requested the amendment so that the uses were consistent with uses allowed in Technology Park II, an adjacent project, and to accommodate market demand for recreational facilities, child care facilities, financial institutions, and ancillary restaurant uses; and

**WHEREAS**, the Planning Commission held a public hearing on September 9, 2002 to consider the matter; and

**WHEREAS**, the Planning Commission, having considered said request, by a vote of 9-0 recommends approval of the change of zoning; and

**WHEREAS**, the City Council, having considered said request, recommends approval of the change of zoning with amendments to the ancillary uses and signage.

**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 Number 1625 is hereby amended by permitting the following additional uses: (m) child care center, nursery schools and day nurseries; (q) financial institutions; (tt) recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters (excluding illuminated outdoor facilities, golf courses, golf practice ranges, and drive in theaters); and to allow ancillary uses: (w) restaurants, fast food; (ww) restaurants, sit down, for a 17.1226 acres site in a "PF" District located south of Chesterfield Airport Road, west of RHL Boulevard and north of Edison Avenue.

### Legal Description

A TRACT OF LAND BEING PART OF U.S. SURVEY 125, TOWNSHIP 45 NORTH – RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF CHESTERFIELD AIRPORT ROAD, 100 FEET WIDE, WITH THE WEST LINE OF LOT 1 OF THE HERMAN FICKE ESTATE SUBDIVISION, SAID WEST LINE BEING THE WEST LINE OF PROPERTY CONVEYED TO THF CHESTERFIELD DEVELOPMENT, L.L.C. BY DEED RECORDED IN BOOK 11684 PAGE 1094 OF THE ST. LOUIS COUNTY RECORDS; THENCE SOUTH 00 DEGREES 21 MINUTES 46 SECONDS WEST 1156.91 FEET ALONG SAID WEST LINE OF LOT 1 OF THE HERMAN FICKE ESTATE SUBDIVISION, BEING ALSO THE WEST LINE OF PROPERTY CONVEYED TO SAID THF CHESTERFIELD DEVELOPMENT, L.L.C. TO THE ACTUAL POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE OF LOT 1 OF THE HERMAN FICKE ESTATE SUBDIVISION, BEING ALSO THE WEST LINE OF PROPERTY CONVEYED TO SAID THF CHESTERFIELD DEVELOPMENT, L.L.C. SOUTH 00 DEGREES 21 MINUTES 46 SECONDS WEST 663.87 FEET TO THE NORTH LINE OF PROPERTY CONVEYED TO THE MONARCH CHESTERFIELD LEVEE DISTRICT BY DEED RECORDED IN BOOK 11819 PAGE 1928 OF THE ST. LOUIS COUNTY RECORDS; THENCE WESTWARDLY ALONG SAID NORTH LINE OF PROPERTY CONVEYED TO THE MONARCH CHESTERFIELD LEVEE DISTRICT THE FOLLOWING COURSES AND DISTANCES: SOUTH 83 DEGREES 11 MINUTES 59 SECONDS WEST 125.72 FEET, SOUTH 80 DEGREES 22 MINUTES 57 SECONDS WEST 229.34 FEET; SOUTH 80 DEGREES 04 MINUTES 48 SECONDS WEST 210.07 FEET, SOUTH 89 DEGREES 51 MINUTES 46 SECONDS WEST 173.19 FEET, NORTH 62 DEGREES 15 MINUTES 45 SECONDS WEST 207.01 FEET AND NORTH 49 DEGREES 12 MINUTES 45 SECONDS WEST 227.76 FEET TO THE EAST LINE OF SHARE NO. 1 OF THE THE SUBDIVISION IN PARTITION OF THE ESTATE OF PETER STEFFAN, BEING ALSO THE EAST LINE OF PROPERTY CONVEYED TO RICHARD J. SLAIS, ET. AL., TRUSTEES BY DEED RECORDED IN BOOK 6842 PAGE 898 (PROPERTY F) OF THE ST. LOUIS COUNTY RECORDS; THENCE NORTH 00 DEGREES 34 MINUTES 15 SECONDS EAST 501.66 FEET ALONG SAID EAST LINE OF SHARE NO. 1 OF THE THE SUBDIVISION IN PARTITION OF THE ESTATE OF PETER STEFFAN, BEING ALSO THE EAST LINE OF PROPERTY CONVEYED TO RICHARD J. SLAIS, ET. AL., TRUSTEE TO A POINT; THENCE NORTH 89 DEGREES 38 MINUTES 12 SECONDS EAST 1085.97 FEET TO THE POINT OF BEGINNING AND CONTAINING 17.226 ACRES ACCORDING TO CALCULATIONS BY VOLZ, INC. DURING JUNE, 1999.

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

**Section 3.** The City Council, pursuant to the petition filed by the THF Development, L.L.C., City of Chesterfield, in P.Z. 15-2002, 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 9th day of September, 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.

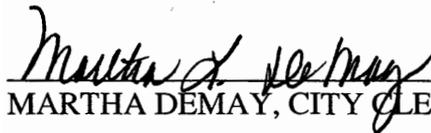
**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 18<sup>th</sup> day of November, 2002.

  
JOHN NATIONS, MAYOR

ATTEST:

  
MARTHA DEMAY, CITY CLERK

**P.Z. 22-1999 Chesterfield Valley Crossing  
Planning and Zoning Committee  
April 18, 2000  
September 17, 2002 (Amended as P.Z. 15-2002)  
November 8, 2002 (City Council)**

**ATTACHMENT A – P.Z. 15-2002**

**I. PERMITTED USES**

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

1. Animal hospitals, veterinary clinics and kennels;
2. Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly;
3. Automatic vending facilities for:
  - (i) Ice and solid carbon dioxide (dry ice);
  - (ii) Beverages;
  - (iii) Confections.
4. Broadcasting studios for radio and television;
5. Business, professional, and technical training schools;
6. Business service establishments;
7. Cafeterias for employees and guests only;
8. Child care center, nursery schools and day nurseries;
9. Churches shall be allowed on tracts of land of at least one acre in area;
10. Financial institutions;
11. Fishing tackle and bait shops. Open storage and display are prohibited;
12. Laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.
13. 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;

14. Mail order sale warehouses;
15. Manufacturing, fabrication, assembly, processing or packaging of any commodity except:
  - (i) Facilities producing or processing explosives or flammable gases or liquids;
  - (ii) Facilities for animal slaughtering, meat packing or rendering;
  - (iii) Sulphur plants, rubber reclamation plants or cement plants; and,
  - (iv) Steel mills, foundries or smelters.
16. Medical and dental offices;
17. Offices or office buildings;
18. Outpatient substance abuse treatment facilities;
19. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours;
20. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities;
21. Printing and duplicating services;
22. Public utility facilities;
23. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters (excluding illuminated outdoor facilities, golf courses, golf practice ranges, and drive in theaters); ancillary uses:
24. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
25. 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;
26. Permitted signs (See Section 1003.168 'Sign Regulations');
27. 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;

28. Union halls and hiring halls;
29. Vehicle repair facilities;
30. Vehicle service centers;
31. Vehicle washing facilities;
32. Welding, sheet metal and blacksmith shops.
33. Warehousing, storage, or wholesaling of manufactured commodities, live animals, explosives or flammable gases and liquids.

**B. Ancillary Uses:**

1. Restaurants, fast food;
2. Restaurants, sit down.

These ancillary uses are permitted only within the building containing the principal permitted uses. No separate access from the exterior building shall be permitted with respect to these uses. The primary purposes of these ancillary uses are to serve the occupants and patrons of the principal permitted uses within the building.

**C. Restriction of above uses:**

1. Warehousing, storage, or wholesaling of live animals, explosives or flammable gases and liquids is prohibited.

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

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

1. The uses permitted within this "PI" Planned Industrial District shall be contained in a maximum of four (4) buildings
2. Gross floor area constructed for the development shall not exceed 233,512 square feet. The square footage constructed shall be based on the development's ability to comply with the parking and stormwater regulations of the City of Chesterfield.
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 architectural style and construction type approved by the Planning Commission on building

elevations and architectural renderings reviewed in conjunction with the Site Development Plan.

### **III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

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

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

11. Show the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
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.

## **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, flag poles, 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 roadways, drives, and walkways on and adjacent to the property in question, including location of curb cuts, necessary right-of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of Chesterfield 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

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

## VII. SPECIFIC CRITERIA

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

### 1. Structure Setbacks

- a. Fifty (50) feet from the northern, western and eastern limits of the "PP".
- b. Forty (40) feet from the right-of-way of Edison Avenue or as directed by the Monarch-Chesterfield Levee District and the City of Chesterfield.
- c. No building or structure, other than boundary walls, retaining walls, signs, light standards, flagpoles or fences, shall be located within the setbacks.

### 2. Parking and Loading Space Setbacks

- a. No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress, shall be located within the following setbacks:
  - (1) Ten (10) feet from the eastern and western limits of the "PP".
  - (2) Zero (0) feet from the northern limits of the "PP".
  - (3) Twenty (20) feet from the right-of-way of Edison Avenue.

3. Parking and Loading Requirements

- a. Parking shall be prohibited along both sides of internal roadways.
- b. Parking shall be prohibited on the Chesterfield Airport Road, Edison Avenue and RHL Drive and any dedicated public streets' rights-of-way.
- c. No construction parking will be permitted on the Chesterfield Airport Road, Edison Avenue, or RHL Drive rights-of-way.
- d. Parking and loading requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance
- e. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.

4. Access

- a. Edison Avenue: Access to Edison Avenue shall be limited to one street approach. The street approach shall be located a minimum of 500 feet from the RHL Drive right-of-way and not to be closer than 350 feet from the western property line.
- b. Access off internal streets or drives shall be a minimum distance of 200 feet from the right-of-way of Edison Avenue, as directed by the City of Chesterfield Department of Public Works.
- c. No driveway access will be permitted to Edison Avenue from any lot within the proposed development.
- d. RHL Drive: One entrance will be allowed to serve this site a minimum of 300 feet from the Edison Avenue right-of-way. An additional shared access may be allowed on the common line between the "PC" Planned Commercial District to the north (P.Z. 21-1999) and this "PI" Planned Industrial District. There shall be a minimum distance of 200 feet between entrances off the RHL Drive. Entrances shall be aligned with or a minimum of 200 feet from existing or proposed streets and entrances on the other side of the street.
- e. Access off internal streets or drives shall be as directed by the City of Chesterfield Department of Public Works.
- f. Cross Access: As directed by the City of Chesterfield Department of Public Works, cross access shall be provided between the lots

within this "PT" Planned Industrial District. Cross access shall be provided between lots in order to minimize the number of curb cuts on the interior street(s).

- g. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.

5. Public/Private Road Improvements, Including Sidewalks

- a. Edison Avenue is to be constructed within the sand berm of the Monarch Chesterfield Levee along Bonhomme Creek, by others. The developer shall be required to construct any street intersections, including, but not limited to widenings, striping, and/or turn lanes. Edge of pavement radii shall be a minimum of 50 feet as directed by the City of Chesterfield Department of Public Works.
- b. The Developer shall provide any additional right-of-way and construct any improvements to RHL Drive and Edison Avenue as directed by the City of Chesterfield Department of Public Works.
- c. Internal streets shall meet City of Chesterfield standards for right-of-way and street construction. Right-of-way for internal streets shall be a minimum of fifty (50) feet wide as required by the City of Chesterfield. Pavement shall be at least twenty-six (26) feet wide with seven (7) foot shoulders on both sides, and appurtenant storm drainage facilities, as required by the City of Chesterfield Department of Public Works. Additional right-of-way and pavement shall be provided to accommodate two approach lanes at the intersection with Chesterfield Airport Road and at Edison Avenue, as applicable. Edge of pavement radii shall be a minimum of fifty (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 forty-two (42) feet at a minimum.
- d. Pedestrian access between this development and development to the east, west and north shall be provided for (i.e. sidewalks, crosswalks).
- e. Install five (5) foot wide sidewalks, streetlights, and street trees along both sides of all internal streets as appropriate, in accordance with City standards.

6. Traffic Study

- a. 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.

7. 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 Site Development Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:

- a. All new required landscaping material shall meet the following criteria:
  - (i) Deciduous trees - two and one-half (2-1/2) inch minimum caliper.
  - (ii) Evergreen trees - six (6) feet minimum height.
  - (iii) Shrubs - eighteen (18) inch minimum diameter.
- 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.

8. Sign Requirements

- a. Signage shall be limited to the principal use.
- b. A Sign Package will be submitted to the Department of Planning in conjunction with Site Development Concept Plan.
- c. Freestanding signs: The location of all freestanding signs shall be as approved by the Planning Commission on the Site Development Plan and shall be in conformance with the City of Chesterfield Zoning Ordinance.

- d. 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.
- e. No advertising signs, temporary signs, portable signs or attention getting devices shall be permitted in this development.
- f. 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.
- g. Vehicles with commercial signage in excess of four (4) square feet shall be parked a minimum of one hundred and fifty (150) feet from the right-of-way of Edison Avenue and RHL Drive.
- h. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.
- i. Illumination of any sign shall be by an internal source only.

9. Lighting Requirements

- a. 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 Department of Public Works. The street lighting plan shall comply with the Chesterfield Valley Master Street Lighting Plan.
- b. 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.

10. Architectural elevations

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.

11. 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.

12. Monarch-Chesterfield Levee District

- a. The developer shall dedicate an underseepage berm easement adjacent to the existing Levee, as directed by the City of Chesterfield in consultation with the Monarch-Chesterfield Levee District.
- b. The structural setback shall be as directed by the City of Chesterfield in consultation with the Monarch-Chesterfield Levee District.

13. Recreational Easement

- a. 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.

14. Miscellaneous

- a. Trash enclosures: All exterior trash areas shall be enclosed with a six (6) foot high sight-proof fence. The location, elevation and material of any trash enclosures shall be as approved by the Planning Commission on the Site Development Plan.
- b. Architectural elevations for all buildings and design package for the development shall be as approved by the Planning Commission in conjunction with the Site Development Concept Plan.
- c. Roofing or other screening as approved by the Planning Commission shall adequately screen all mechanical equipment.

- d. All doors are to remain closed except for temporary access between the hours of 7:00 p.m. and 7:00 a.m.
- e. All loading docks are to be screened by sound attenuating material.
- f. No commercial vehicles shall remain on the premises with idling engines between the hours of 7:00 p.m. and 7:00 a.m.
- g. All deliveries and trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.
- h. No retail sales, storage or displays are permitted outside the main building unless one side is attached to said building. Screening for remaining three (3) sides shall be approved by the Planning Commission as part of the Site Development Plan.
- i. Screening for outdoor storage shall be as approved by the Planning Commission on the Site Development Plan and shall have the same sight-proof materials as approved on the Site Development Plan for The Commons.
- j. 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.
- k. All references herein to the City of Chesterfield Zoning Ordinance or sections thereof shall refer to said Ordinance and amendments thereto as approved by the City of Chesterfield City Council, as of the date the petitioner submits a Site Development Plan for review and approval.

### VIII. VERIFICATION PRIOR TO APPROVAL

- A. Prior to approval of the Site Development Concept and Section Plans, the developer shall provide the following:
  - 1. Roadway Improvements and Curb Cuts
    - a. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

2. Stormwater and Sanitary Sewer

- a. 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 City of Chesterfield Department of Public Works 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. Storm Water Master Plan: The current Chesterfield Valley Storm Water Plan depicts a 10 foot wide trapezoidal channel along the southern portion of the site adjacent to Edison Avenue. The channel directs storm water across the frontage of the site along Edison Avenue from the parcels located on the west of the site to the east to connect to the box culvert that runs under RHL Drive into the large reservoir on the eastern adjacent parcel. In addition, the Master Plan depicts a 1.5 acre reservoir located along the western property line of the development. The reservoir storage shall be divided in half between this development and the parcel to the west. Therefore, this development shall be responsible for providing 0.75 acres of reservoir storage at the western side of the parcel. Prior to the approval of Improvement Plans for this development, the developer shall submit a storm water drainage plan which complies with the then-existing Chesterfield Valley Stormwater Plan, or its functional equivalent, to the City of Chesterfield's Director of Public Works for review and approval.
- d. 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. A public sanitary sewer pump station will be required to be constructed by the developer to serve this development and the parcel zoned "NU" immediately to the west.

- e. Water Main Master Plan: Construct a 12" water main extension of the main in an east-west direction across the southern limit of the property, adjacent to the Levee District Easement, or provide functionally equivalent potable water extension as approved by the City of Chesterfield Department of Public Works.
- f. 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.
- g. 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. Geotechnical Report

- a. Provide a geotechnical report, as directed by the City of Chesterfield Department of Public Works, prepared by a Professional Engineer licensed to practice in the State of Missouri. Said Report shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. This report shall address the existence of any potential sinkholes, ponds, dams, septic fields, etc., and recommendations for treatment.

4. Grading and Improvement Plans

- a. 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 or grading permit. No change in watersheds will be permitted. Interim storm water

drainage control in the form of siltation control and/or siltation basins shall be required throughout construction. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by the City of Chesterfield 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 management, maintenance and implementation of Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities. The SWPPP shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.

- b. 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.
- c. Prior to approval of any grading permit or improvement plans for this 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 Department of Public Works.
- d. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the City of Chesterfield Director of Public Works/City Engineer.
- e. 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.
- f. 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.

- g. Prior to issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the City of Chesterfield Department of Planning in cases of undue hardship because of unfavorable ground conditions.
- h. 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 Levee District and the appropriate Fire District.
- i. Be advised, this development will require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five(5) or more acres.
- j. Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.
- k. 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.

5. Floodplain

- a. 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**

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

**X. CHESTERFIELD 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. Road

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	\$1.65/sq. ft. of building space
Office	\$1.15/sq. ft. of building space
Industrial	\$3,976.01/acre of gross acreage

If the type of development proposed differs 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 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 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 \$509.05 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 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 St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed on the basis of \$1,656.18 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 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.

4. Sanitary Sewer

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

- B. 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 Department of Highways and Traffic.

**XI. MONARCH-CHESTERFIELD LEVEE DISTRICT**

- A. No structures, detention/drainage facilities, trees, plants, or vegetation with roots, or any other improvement that would penetrate the ground surface should be permitted within a 150 foot setback from the landside toe of the ultimate 5000-year levee.

**XII. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE**

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

**XIII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL**

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

**XIV. 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 the issuance of foundation or building permits, all 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, and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

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

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

3. 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.

**XV. OCCUPANCY PERMIT/FINAL OCCUPANCY**

- A. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. 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 Corner.

- D. Prior to final occupancy of any building the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

## **XVI. FINAL RELEASE OF ESCROW**

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

## **XVII. VERIFICATION PRIOR TO BUILDING PERMITS**

- A. Subsequent to approval of the appropriate development plan and prior to issuance of any building permit, the following requirements shall be met:
  - 1. Sanitary Sewers
    - a. Provide verification to the St. Louis County Department of Public Works and the City of Chesterfield of provision of adequate sanitary services.
  - 2. Notification of City of Chesterfield
    - a. Prior to issuance of zoning approvals for foundation or building permits, the City of Chesterfield must receive approvals from the St. Louis County Department of Highways and Traffic and the Metropolitan St. Louis Sewer District.

## **XVIII. SUPPLEMENTARY DEVELOPMENT CONDITIONS**

- A. Supplementary development conditions relating to the operation of this development are as follows:
  - 1. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corner.

2. 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.

## **XIX. GENERAL DEVELOPMENT CONDITIONS**

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
  1. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
  2. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments or Commissions.
  3. The City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accordance with Site Development Concept Plan approved by the City of Chesterfield and any Site Development Section Plans approved by the City of Chesterfield.
  4. Notice requirements set forth in Section 1003.410.2 of the Zoning Ordinance shall not apply to violations pursuant to this Attachment A.