

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "FPNU" FLOOD PLAIN NON-URBAN DISTRICT AND AN "NU" NON-URBAN DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 4.75 ACRE TRACT OF LAND LOCATED NORTH OF I-64/HIGHWAY 40-61, WEST OF BOONE'S CROSSING AND SOUTH OF NORTH OUTER FORTY ROAD (P.Z. 21-2002 THF CHESTERFIELD NORTH INTERCHANGE DEVELOPMENT L.L.C.).**

**WHEREAS**, the petitioner, THF Chesterfield North Interchange Development, L.L.C., has requested a change in zoning from an "FPNU" Flood Plain Non-Urban District and an "NU" Non-Urban District to a "PC" Planned Commercial District for a 4.725 acre tract of land located north of I-64/Highway 40-61, west of Boone's Crossing and south of North Outer Forty Road; and,

**WHEREAS**, the Planning Commission, having considered said request, recommends approval of the request for a change of zoning; and,

**WHEREAS**, the Planning and Zoning Committee, having considered said request, recommends approval of the request for a change of zoning with proposed amendments to the Attachment "A" concerning building height and site access; and,

**WHEREAS**, the City Council, having considered said request, amended the Attachment "A" with regard to building height and site access, and requirements for open space and landscaping maintenance as shown on Exhibit 1.

**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 4.75 acre tract of land located north of I-64/Highway 40-61, west of Boone's Crossing, and south of North Outer Forty Road, and described as followed:

A tract of land being part of Lots 1, 2, 3 and 4 of the Herman Ficke Estate Subdivision, in U.S. Surveys 125 and 2031, Township 45 North, Range 4 East, St. Louis County, Missouri and being more particularly described as follows: Beginning at the intersection of the North right-of-way line of Interstate Highway 64, varying width, as described in deed recorded in Book 6343 page 824 of the St. Louis County Records with the South line of the relocated North Outer Forty Roadway, varying width, as described in deed to the Missouri Highway and Transportation Commission, recorded in Book 12097 page 830 of the St. Louis County Records; thence along said South line of the relocated North Outer Forty Roadway, varying width, the following courses and distances: North 48 degrees 15 minutes 27 seconds East 332.43 feet, along a curve to the right, whose radius point bears South 41 degrees 44 minutes 32 seconds East 723.94 feet from the last mentioned point, a distance of 560.56 feet and South 39 degrees 51 minutes 48 seconds East 69.78 feet to the West line of Boone's Crossing, 150 feet wide; thence Southwardly along said West line of Boone's Crossing, 150 feet wide, South 05 degrees 53 minutes 06 seconds West 286.49 feet to a point; thence South 61 degrees 40 minutes 57 seconds West 42.96 feet to a point;

thence South 80 degrees 53 minutes 06 seconds West 157.98 feet to the North right-of-way line of Interstate Highway 64, varying width; thence Westwardly along said North right-of-way line of Missouri Interstate Highway 64, varying width, South 88 degrees 00 minutes 06 seconds West 585.06 feet to the point of beginning and containing 4.725 acres according to a survey by Volz, Inc. during November 2001.

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

**Section 3.** The City Council, pursuant to the petition filed by THF Chesterfield North Interchange Development, L.L.C., in P.Z. 21-2002, 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 14<sup>th</sup> day of October, 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 20<sup>th</sup> day of February, 2003.

  
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:

- (x) Medical and dental offices.
- (z) Offices or office buildings.

Ancillary Uses:

- (e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
- (g) Automatic vending facilities for:
  - (i) Ice and solid carbon dioxide (dry ice);
  - (ii) Beverages;
  - (iii) Confections.
- (h) Barber shops and beauty parlors.
  - (i) Bookstores.
  - (l) Cafeterias for employee and guests only.
  - (m) Child care centers, nursery schools, and day nurseries.
- (bb) Outpatient substance abuse treatment facilities.
- (cc) 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.
- (mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- (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.

With the exception of signage, 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 purpose of these uses is to serve the occupants and patrons of the principal permitted uses within the building.

## **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 63,600 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 three (3) stories or forty-three (43) feet, whichever is less, excluding mechanical equipment.

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

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 Plan. 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 limit will result in the expiration of the preliminary plan and will require a new public hearing. Said Site Development Plan shall include but not be limited to the following:

## **IV. GENERAL CRITERIA**

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

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1. Outboundary plat and legal description of the property.
2. Conceptual location, design (with design statement), materials, 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.
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 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 combining all green area and non-paved surfaces and dividing by the total area of the site, minus the area of pedestrian access ways.

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13. 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.
14. 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.
15. The location of the proposed storm sewers, detention basins, sanitary sewers, and connection(s) to existing systems.
16. Location and size of all parking areas.
17. A landscape plan, including, but not limited to, location, sizes, and types of all plant and other material to be used.
18. Area of each building phase.
19. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines.
20. 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.

## **V. SPECIFIC CRITERIA**

- A. The Site Development Plan shall illustrate adherence to the following specific design criteria.

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. Eighty-five (85) feet from the right-of-way of North Outer Forty Road.
- b. One hundred and sixty (160) feet from the right-of-way of Boone's Crossing/eastern district boundary.
- c. Forty-five (45) feet from the southern district boundary.

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. Twenty (20) feet from the right-of-way of North Outer Forty Road.
- b. Twenty (20) feet from the eastern district boundary.
- c. Twenty (20) feet from the southern district boundary.

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, with the exception that the minimum ratio of parking will be 4.0 spaces per 1000 square feet of development as per the Development Guidelines.

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. One entrance will be permitted for this development as far to the west as practical, but no closer than 150 feet to the western property line, nor closer than 500 feet from the eastern property line, as approved by the City of Chesterfield Department of Public Works.
- c. The entrance geometrics and drainage design shall be in accordance with the Missouri Department of Transportation (MoDOT) standards and shall be reviewed and approved by MoDOT.
- d. The petitioner shall have access by deed only.

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

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.

8. Sign Requirements

a. 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.

b. No permanent freestanding business and identification sign shall be permitted along the frontage of Boone's Crossing. The location of any proposed monument sign shall be approved by the Planning Commission on the Site Development Plan.

c. 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.

- d. 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.

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 shall be provided by the developer in perpetuity as directed by the City of Chesterfield Department of Public Works.
- c. A lighting plan is required to be submitted in conjunction with the Site Development Concept Plan. The lighting plan shall include a layout of proposed luminaries locations, including aiming angles, minimum and average luminance for each task, uniformity ratios, a description of the equipment (catalog cuts), glare control devices, lamps, mounting heights and means, hours of operation, maintenance methods proposed, and an illumination (foot-candle) grid demonstrating intensities and uniformity. The illumination grid scales shall be maximized to the extent of a thirty (30) inch by forty-two (42) inch drawing. Additional submissions may be required showing greater detail of areas needing further clarification. Said plans shall satisfy the following standards.
  - 1. Parking lot lighting:
    - i. Fully shielded flat-lens enclosed luminaries must be used.
    - ii. Pole heights cannot exceed a maximum of thirty-nine (39) feet (this is in addition to the base of the pole which is typically 3 feet).

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- iii. The source type shall be metal halide. Horizontal illuminance (measured at 5'-0" above the ground) must conform, within +/- 10%, to the following maintained illuminance values established by the Illuminating Engineering Society of North America (IESNA):
  - Minimum 0.5 footcandles
  - Average 2.5 footcandles
  - Maximum 7.5 footcandlesIESNA recognized maintenance factors (lamp lumen depreciation-LLD, luminaire dirt depreciation-LLD and equipment operating factor-EOF) shall be used for computing illuminance levels. A metal halide parking lot lighting system normally requires a 0.65-combined factor.
- iv. Light trespassing onto neighboring properties shall be mitigated such that maximum vertical illuminance measured at the adjacent property line shall be not more than 0.50 footcandles at 5'-0" above grade.
- v. All lighting fixtures shall be controlled through an automated system with time clock capabilities.
- vi. Within one (1) hour after close of business, illumination shall be reduced to security lighting levels of 25% of normal maintained levels.
- vii. Searchlights are prohibited.

**2. Building lighting:**

- i. Building mounted lighting, including both utilitarian and decorative applications, shall be limited to fully shielded, cut-off optics, flat lens luminaires.
- ii. Decorative wall sconces are prohibited on the sides of the building.

**3. Maintenance**

All lighting installations shall be re-lamped or repaired as necessary to maintain prescribed illumination levels and glare control.

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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. Open Space

There shall be retention of open space (defined as areas consisting of non-impervious surfaces that can absorb water) for 40% of the developed site in addition to landscaped right-of-way.

13. 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. 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.
- e. *Developer will integrate landscape and maintain the area surrounding the development as outlined by the dark dotted line on Exhibit 1 attached hereto.*

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## VI. 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.

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- 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 sinkholes, ponds, dams, septic fields, etc., and recommendation for treatment.

**VII. 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.

**VIII. 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:

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<u>Type of Development</u>	<u>Required Contribution</u>
Industrial	\$4,206.47/acre of gross acreage
General Office	\$1.21/square foot
Commercial	\$1.75/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 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 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 \$552.25 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 \$1,752.18 per acre for the total area as approved on the Site Development Plan.

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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, 2004 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.

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

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

**X. 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

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

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.

**XI. 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.

**XII. 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.

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### **XIII. 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 building.
  2. The site shall provide for the positive drainage of stormwater 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

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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. Be advised this development will require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five (5) or more acres.
10. Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.
11. 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

**January 3, 2003**

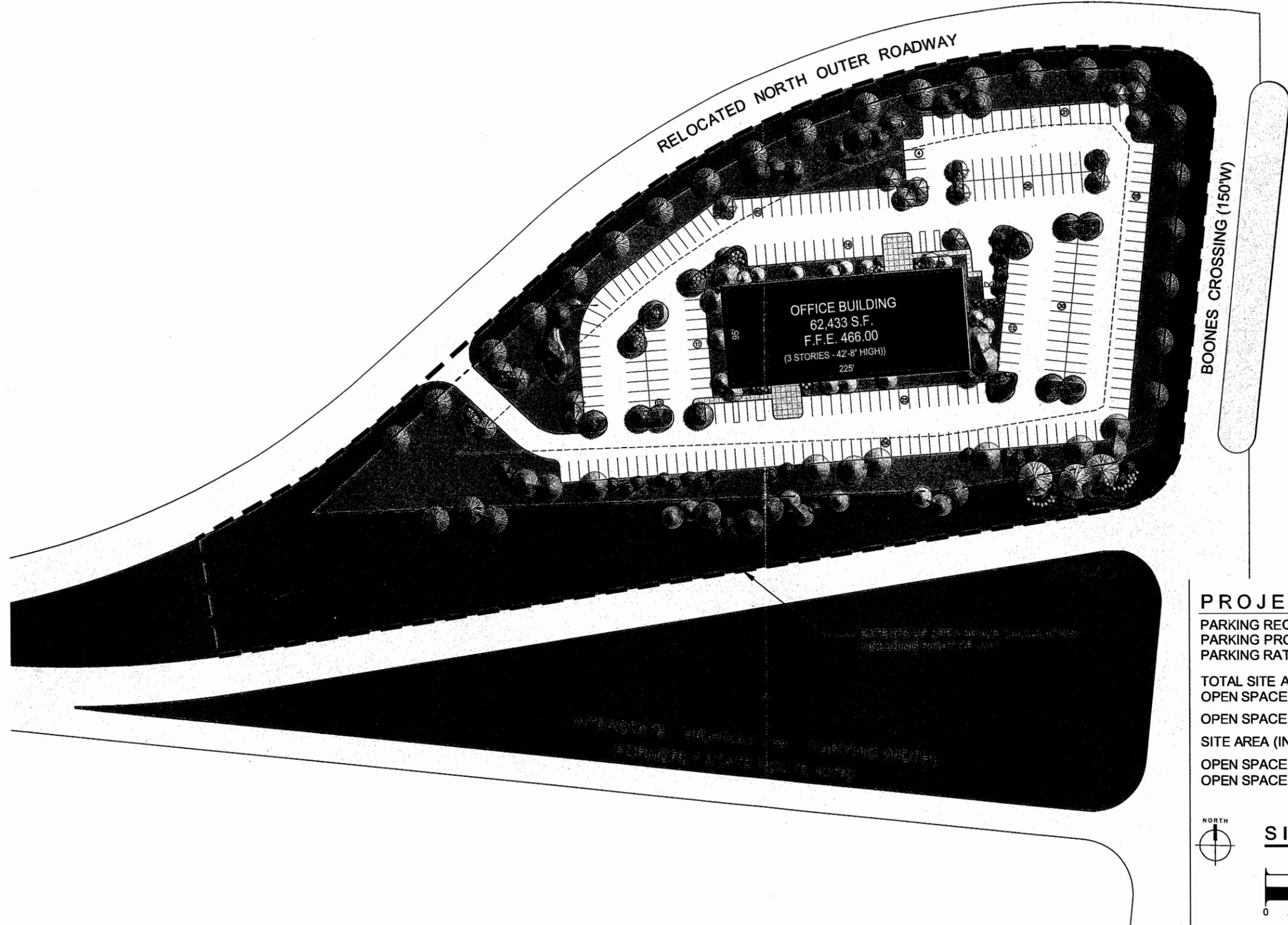
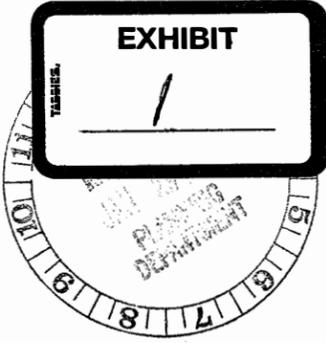
**January 23, 2003 (Planning & Zoning Committee)**

**February 3, 2003 (City Council)**

**February 19, 2003 (City Council)**

final release of any escrow held by the City of Chesterfield for improvements in the development.

12. 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.
  13. 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.
  14. Notice requirements set forth in Section 1003.410.2 of the Zoning Ordinance shall not apply to violations pursuant to this Attachment A.
- B. This document shall read as a whole and any inconsistency shall be integrated to carry out the overall intent of this Attachment A.



**PROJECT DATA**

PARKING REQ'D = 281 P.S.  
 PARKING PROVIDED = 281 P.S.  
 PARKING RATIO = 4.5 P.S. / 1,000 S.F.

TOTAL SITE AREA = 205,840 S.F. / 4.73 ACRES  
 OPEN SPACE AREA = 83,914 S.F. / 1.93 ACRES  
 OPEN SPACE % = 40.8%

SITE AREA (INCLUDING ROW) = 301,826 S.F.  
 OPEN SPACE AREA (INCLUDING ROW) = 179,900 S.F.  
 OPEN SPACE (INCLUDING ROW) % = 60%



**CHESTERFIELD COMMONS - N.W. INTERCHANGE  
 THE CHESTERFIELD NORTH INTERCHANGE DEV., L.L.C.**