

BILL NO. 2159

ORDINANCE NO. 1943

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "R-5" RESIDENCE DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR 9.3 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH OUTER FORTY ROAD, NORTHEAST OF YARMOUTH POINT DRIVE AND CANDISH LANE. (P.Z. 31-2002 STONERIDGE DEVELOPMENT)

WHEREAS, the owners and the original Petitioner filed a request to rezone from an "NU" District to a "R6" Residential District a parcel of property located on the south side of South Outer Forty Road, northeast of Yarmouth Point Drive and Candish Lane, and;

WHEREAS, the City after due consideration denied the request and rezoned said parcel to an "R-5" Residential District, and;

WHEREAS, the owners of said property and the original Petitioner subsequently filed suit against the City in St. Louis County Circuit Court and in the United States District Court seeking a Declaratory Judgment, Injunction and Damages under the State and Federal Constitutions asking that the "R-5" zoning be declared unreasonable, arbitrary and capricious, prohibiting the City from applying or enforcing the "R-5" classification to said property and from damages based upon an assertion that the City's denial of their request amounted to a "taking" that entitled them to monetary damages and the ability to build multifamily housing on said site, and;

WHEREAS, the City Council has agreed to a resolution of said litigation by the approval of a "PC" Planned Commercial District, and;

WHEREAS, the petitioner, Stoneridge Development has submitted a request to rezone from the "R-5" Residence District to a "PC" Commercial District which has been presented for Public Hearing before the Planning Commission, and;

WHEREAS, the Planning Commission, having considered said request, recommended approval of said change of zoning with the amendment that the parking structure be no closer than one hundred (100) feet from the northeast corner of Lot 161 of Chesterfield Hill Subdivision by a vote of 8-0, and;

WHEREAS, the Planning and Zoning Committee, having considered said request, recommended approval of the rezoning from an "R-5" Residence District to a "PC" with several additional amendments relating to use, number of levels on the parking structure, floor area, height, building requirements, office building setbacks, garage setbacks, parking and loading requirements, access, landscaping, signage by a vote of 4-0, and;

WHEREAS, the City Council, having considered said request and the recommendations of Planning Commission and the Planning and Zoning Committee, voted to approve the rezoning from "R-5" Residence District to a "PC" Planned Commercial District.

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

Section 1. Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are a part thereof, are hereby amended by transferring from the "R-5" Residence District to a "PC" Planned Commercial district for a 9.3 acre tract of land located on the south side of South Outer Forty Road, northeast of Yarmouth Point Drive and Candish Lane, as described in "Exhibit A."

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 Stoneridge Development in P.Z. 31-2002 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 24th day of February, 2003, 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. The notice requirements as set out in Section 1003.410 of the City of Chesterfield Zoning Ordinance shall not apply to this ordinance and the requirements thereof.

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

~~Passed and approved this _____ day of _____ 2003.~~

PASSED ON July 21, 2003, AND APPROVED
THIS 31st DAY OF July 31, 2003

MAYOR 

ATTEST:


CITY CLERK

**STOCK & ASSOCIATES
CONSULTING ENGINEERS, INC.**



PRINCIPALS

GEORGE C. STOCK, P.E.
GEORGE M. STOCK, P.E.

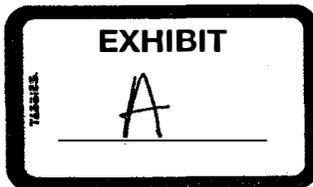
PROPERTY DESCRIPTION

Total Tract

A tract of land being part of U.S. Survey 369, Township 45 North, Range 4 East of the 5th Principal Meridian, St. Louis County, Missouri, and also being part of the property as acquired by the Missouri Department of Transportation by instrument recorded in Book 5054 Page 349 of the Recorder of Deeds Office in St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the intersection of the Southwesterly line of U.S. Survey 369 and the Southerly right-of-way of U.S. Highway 40 (Missouri Interstate Highway 64); thence along last said Southerly line South 75 degrees 51 minutes 00 seconds East 37.95 feet; thence departing last said Southerly line South 70 degrees 29 minutes 25 seconds East 598.77 feet to a point on the Southwesterly line of a tract of land as conveyed to Corporate Plaza Associates, L.P., by instrument recorded in Book 8254 Page 960 of the above said Recorders Office; thence along said Southwesterly line the following courses and distances; thence South 16 degrees 04 minutes 00 seconds East 515.40 feet; thence South 46 degrees 16 minutes 00 seconds East 326.71 feet to a point on the Westerly line of a tract of land as conveyed to Union Electric Company (AmerenUE) according to instrument recorded in Book 4726 Page 597 of the above said Recorders Office; thence along said Westerly line South 03 degrees 40 minutes 25 seconds East 218.51 feet to a point on the Northwesterly line of a tract of land as conveyed to Shell Oil Company by instrument recorded in Book 6569 Page 414 of the above said Recorders Office; thence along said Northwesterly line South 57 degrees 06 minutes 00 seconds West 222.96 feet to a point on the Northeasterly line of Chesterfield Hill Plat One, a subdivision according to the plat thereof recorded in Plat Book 149 Pages 54 and 55 of the above said Recorders Office; thence along said Northeasterly line North 32 degrees 26 minutes 00 seconds West 1504.17 feet to the **POINT OF BEGINNING** and containing 403,859 square feet or 9.271 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc. during November 25, 2002.

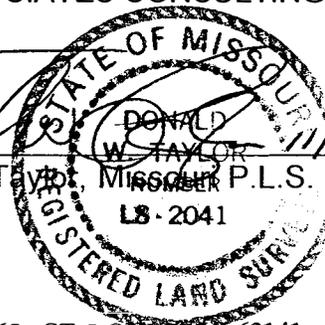
STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
LC NO. 222-D



By:

Donald W. Taylor
DONALD W. TAYLOR 11/25/02

Donald W. Taylor, Missouri P.L.S. No. 2041



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ATTACHMENT A

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

- 1.4 **Quality New Development**
- 1.6 **Lighting Plan and Program**
- 3.1.1 **Quality of Design**
- 3.1.2 **Buffering of Neighborhoods**
- 3.4 **Signage Considerations**
- 3.4.1 **Preserve Aesthetics and Public Safety**
- 4.1 **Buffering of Neighborhoods**
- 4.2 **High-Density Office Development**
- 7.2.1 **Maintain Proper Level of Service**
- 7.2.3 **Maintain Proper Traffic Flow**
- 7.2.9 **Access Management**
- 8.2 **Public Utilities**
- 8.2.2 **Underground Electric Service**
- 8.3 **Stormwater Management**
- 8.3.1 **New Development Review for Stormwater Control**
- 10.1 **Open Space Preservation and Creation**
- 10.1.3 **Landscape Buffers**
- 10.2 **Preservation of Natural Features and Open Space**

I. PERMITTED USES

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

1. Offices or office buildings, medical office and ancillary uses provided to the major office and medical uses. .
2. 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.

B. Said uses will not exceed the following:

1. One (1) three (3)-story office building, not including basement area.
2. One (1) four (4)-level parking structure.

II. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

A. The following requirements will apply to the permitted uses:

1. FLOOR AREA

- a. Total office building floor area will not exceed one hundred thirty thousand (130,000) square feet excluding basement storage, mechanical receiving and circulation. The square footage constructed will be based on the development's ability to comply with the requirement to provide a minimum of four (4.0) parking spaces per one thousand (1000) square feet of gross floor area for general office use, excluding basement storage, mechanical, receiving, circulation.

2. HEIGHT

- a. The maximum height of the office building will not exceed six hundred four (604) feet, inclusive of mechanical screening, but exclusive of elevator penthouse. The elevator penthouse, if any, shall not exceed an elevation of six hundred eight (608) feet.
- b. The maximum height for the parking structure will not exceed five hundred sixty-five (565) feet, to the top of the uppermost deck, however excluding top rail or circulation enclosure. Said circulation enclosure shall not exceed five hundred seventy-seven (577) feet in height.

3. BUILDING REQUIREMENTS

- a. Greenspace: A minimum of sixty-four percent (64%) greenspace is required for this development. Greenspace is determined by a fraction: the numerator of which is all green area plus all non-paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.
- b. Floor Area Ratio: The development will have a maximum Floor Area Ratio (F.A.R.) 130,000 square feet on 9.27 acres or thirty-three percent (33%). The gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking or basement storage, receiving,

mechanical or internal circulation. Planning Commission may request two calculations: one calculation for those areas above grade and another that includes building area below grade.

III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within thirty (30) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building permit, the developer will 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 through appeal to and approval by the Planning Commission in accord with the City of Chesterfield Zoning Ordinance.

Failure to comply with aforementioned time limits will result in the expiration of the preliminary plan and will require a new public hearing. The Site Development Plan will include but not be limited to the following:

IV. GENERAL CRITERIA

A. The Site Development Plan will include the following:

1. Outboundary plat and legal description of the property.
2. Location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.
3. Location map, north arrow, and plan scale.
4. Parking calculations.
5. Architectural elevations (with design statement) and materials of the proposed office building and parking structure.
6. Specific structure and parking setbacks along all roadways and property lines.
7. 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.

8. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
9. Existing improvements within 150 feet of the site as directed. Road and driveways on the opposite side of roadways 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 will be included.
10. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements and rights-of-way required for utilities, storm water drainage, grading, or other improvements.
11. Prior to Site Development Plan approval, show all existing or proposed easements and right-of-way on site
12. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
13. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
14. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
15. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.
16. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.
17. 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.
18. Provide the greenspace percentage and Floor Area Ratio (F.A.R).
19. Provide tree stand delineation.

V. SITE SPECIFIC CRITERIA

A. The Site Development Plan will illustrate adherence to the following site specific design criteria:

1. Office Structure Setbacks

No building or structure, other than a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. Eight (8) feet from the new right of way of South Outer Forty Road on the northern boundary of the Planned Commercial (PC) District.
- b. Nine hundred fifty-five (955) feet from the southern boundary of the PC District.
- c. One hundred (100) feet from the eastern boundary of the PC District.
- d. Twenty (20) feet from the western boundary of the PC District.

2. Parking and Loading Space Setbacks

No parking stall, or roadway, except points of ingress and egress, will be located within the following setbacks:

- a. Limited surface parking will be permitted. Said parking shall not exceed 20 spaces.
- b. Eighty (80) feet for loading from the right of way of South Outer Forty Road.
- c. The garage shall be one hundred eighty (180) feet from the right-of-way of South Outer Forty Road.
- d. Seven hundred (700) feet from the southern boundary of the PC District.
- e. Twenty (20) feet from the eastern boundary of the PC district, exclusive of emergency vehicle drives.

- f. Surface parking shall be no closer than fifteen (15) feet from the western boundary of the PC district, inclusive of emergency vehicle drives.
- g. Garage: One hundred ten (110) feet from the northeast property corner of Chesterfield Hill Subdivision Lot 161 (exclusive of the Fire lane, which can be 100 feet from the corner of Lot 161).
- h. Garage: The corner of the garage shall be no closer than fifteen (15) feet from the western boundary of the PC District.

3. Parking and Loading Requirements

Parking and loading spaces for this development will be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance, with the exception that parking calculations utilized for general office development will be a minimum of four (4.0) cars per one thousand (1,000) square feet, exclusive of basement storage, mechanical, receiving or internal circulation.

Adequate on-site parking for construction related vehicles and equipment shall be provided. No parking shall be permitted on the South Outer Forty Road right of way without permission of the City of Chesterfield and the Missouri Department of Transportation.

4. Access

One general access and one emergency access only to South Outer Forty Road will be permitted for this site. The general access will be located near the east property line of the site in a manner to prevent exiting vehicles from accessing the US Highway 40 entrance ramp near the site. The emergency access will be in the general location of the existing western access to the site. Acceleration lanes, with minimum lengths of 150 feet from the edge of the drive, will also be provided for the general access. All access will meet requirements of the Missouri Department of Transportation and the City of Chesterfield Department of Public Works. Access to fire lanes shall be gated to prohibit general access and non-emergency traffic.

A minimum distance of 125 feet shall be maintained between the south edge of pavement of South Outer Forty Road and any secondary access off the entrance drive. No parking space will have direct access to the entrance drive.

5. Public/Private Road Improvements, Including Pedestrian Circulation

The Developer will provide engineering and construction services for any required improvements relative to the Highway 40 Road Trust Fund (Ordinance No. 1652) as directed by the City of Chesterfield.

6. Provide required right of way, roadway, landscaping and/or signalization improvements, at the South Outer Forty Road/Woods Mill Road intersection as directed by the Missouri Department of Transportation with review and comment by the City of Chesterfield. Said requirement may not occur at the same time as the development but shall remain an obligation of any future landowners.

7. Landscape Plan

The developer will 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, to comply with the following:

- a. Said landscape plan will provide a buffer to serve as a barrier against sound and light from the office building and parking structure in a location approved by the City of Chesterfield, which will include buffer areas within the Chesterfield Hill Subdivision adjacent to the subject property. The buffer shall contain an equal ratio of evergreen and deciduous trees and will be perpetually maintained by the owners of the development.
- b. Prior to installation of the landscaping, the developer shall consult with the citizens of the adjacent subdivision of Chesterfield Hill regarding the type and size to be utilized.
- c. If the estimated cost provided by the owner of new landscaping indicated on the Site Development Plans as confirmed by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner will furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.
- d. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

- e. If within the period of two (2) years any trees within fifteen (15) feet on the Chesterfield Hill Subdivision's side of the property line between the site and Chesterfield Hill die, said trees will be replaced by the developer.
- f. The limits of disturbance for the natural buffer shall be a minimum of one hundred (100) feet from all property lines in Chesterfield Hill Subdivision except that with respect to the northeast corner of Lot 161 such disturbance shall be no closer than seventy (70) feet to the northeast corner of Lot 161.

Upon completion of construction on the subject site, the elevation of the ground within the disturbed area shall be reconstructed to a distance of at least ninety (90) feet, and wherever possible to one hundred (100) feet from the northeast corner of Lot 161 to the now existing ground elevations or higher.

The developer shall plant the disturbed area, consisting of three (3) rows of evergreens staggered in spacing, to improve the visual screening. The developer agrees, at the request of the owner of Lot 161, to plan additional evergreens on Lot 161.

8. Sign Requirements

- a. Ornamental Entrance Monument construction, if proposed, will 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 advertising signs, temporary signs, portable signs, off site signs, or attention getting devices will be permitted in this development other than allowed within the sign ordinance of the City of Chesterfield.
- c. All permanent freestanding business and identification signs will 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 will be as approved by the Planning Commission on the Site Development Plan.
- d. All other signs will be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

- e. The location and elevations of all signage will be as approved in a signage plan submitted and approved by the Planning Commission with the Site Development Plan.
- f. An overall Sign Plan for all signs, including directional and information signs, is required in conjunction with Site Development Plan.
- g. This development will be limited to one (1) monument sign setback five (5) feet from the new South Outer Forty Road right-of-way and will not exceed ten (10) feet in height. The sign will be a maximum of fifty (50) square feet in outline area. Said sign will be constructed with materials similar to the office building and heavily landscaped around its base.

9. Lighting Requirements

- a. The location of the light standards will be as approved by the Planning Commission on the Site Development Plan and will be in conformance with City of Chesterfield regulations, including the Subdivision Ordinance. A Lighting Plan, with specific product information, is required in conjunction with the Site Development Plan.
- b. Except for required street lighting, no source of illumination will be so situated that light is cast on any public right-of-way or adjoining property. Light standards shall utilize flat lens and a maximum eight foot candle.
- c. Any building-mounted lighting, including both utilitarian and decorative applications, shall be limited to fully shielded, cut-off optics, flat lens luminaries.
- d. All light standards within this development will not exceed a total vertical height of twenty-four (24) feet, except light standards on the top level of the parking structure shall be down directed box type fixtures limited to a maximum of twenty (20) feet in height. Alternative light fixture options for the top level will be presented to assure the lowest possible height, while providing for safety, prior to approval of the light fixtures for the parking garage.

- e. All light standards located on the parking structure, other than those for security purposes, will be turned off by 9:00 p.m., seven (7) days a week.

10. Architectural Elevations

- a. The permitted structures, retaining walls and any fencing will 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 and will be in conformance with the City of Chesterfield Design Guidelines. Review by Architectural Review Board is required prior to submission to Planning Commission.
- b. Trash enclosures: The location and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan. The material will be as approved by the Planning Commission in conjunction with the Site Development Plan.
- c. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.
- d. Those portions of the parking structures which face south or that would allow residential homes in Chesterfield Hill Subdivision to see into or between floors of the parking structure will be louvered between parking levels to block vision from the outside.

11. Power of Review

The Site Development Plan for the development shall be reviewed and approved by the entire City Council.

12. Miscellaneous

- a. The cul-de-sac or turn around in the rear of the development required by the Fire Protection District shall be limited to emergency and construction vehicles only.
- b. If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluating the impacts of the proposed work shall be provided as directed by the City of Chesterfield Department of Public Works. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.
- c. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site. Sleeves for future telecommunication services will be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

VI. TRUST FUND CONTRIBUTION

- A. The developer will contribute to the Route 40 (I-64) Corridor Trust Fund as directed by the Department of Public Works. This contribution will not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$457.68/Parking Space
Loading Space	\$2,246.95/Loading Space

(Parking space as required by Section 1003.165 of the St. Louis County Zoning Ordinance.)

If types of development differ from those listed, the Department of Highways and Traffic will provide rates.

Credits for roadway improvements will be as approved by the City of Chesterfield and St. Louis County Department of Highways and Traffic.

As this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road

improvements required by or as a result of the development, will be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2004, will 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.

Traffic generation assessment contributions will be deposited with the City of Chesterfield or St. Louis County, as directed by the City, in the form of a check made payable to the City of Chesterfield prior to the issuance of building permits. If development phasing is anticipated, the developer will provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

VII. VERIFICATION PRIOR TO APPROVAL

- A.** Prior to approval of the Site Development Plan, the developer will provide the following:
1. Roadway Improvements and Curb Cuts.
 - a. Obtain approval from the City of Chesterfield Department of Public Works and the Missouri Department of Transportation for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
 2. Stormwater and Sanitary Sewer.
 - a. Detention/retention will be provided for this site. Detention of differential runoff of storm water is required by providing permanent detention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention basin(s) will be operational prior to construction of any driveways or parking areas. The location and types of detention facilities will be identified on the Site Development Plan.
 - b. The site will provide for the positive drainage of storm water and it will be discharged at an adequate natural discharge point. No change in watersheds will be permitted. The adequacy of any existing downstream storm water facilities will be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Emergency overflow drainage ways to accommodate the 100-year storm will be provided. Off-site easements for areas inundated by headwater from on

site improvements will be provided as required by the Department of Public Works.

3. Geotechnical Report.

- a. Provide a geotechnical report prepared by a Professional Engineer licensed to practice in the State of Missouri. Said Report will 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, will be included on all Site Development Plans and Improvement Plans. This report will address the existence of any potential sinkholes, ponds, dams, septic fields, etc., and recommendation for treatment.

4. Grading and Improvement Plans

- a. A clearing/grading permit or improvement plan approval is required prior to any grading on the site. The Site Development Plan and Tree Preservation Plan must be approved prior to issuance of clearing and grading. A floodplain development permit must be obtained prior to any work in the regulated floodplain.
- b. Interim storm water drainage control in the form of siltation control and/or siltation basins is required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to approval of any clearing or grading. The SWPPP will address required erosion control practices specific to site conditions. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP's) to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. The SWPPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.
- c. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will 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.
- d. No blasting or significant tree removal shall occur prior to issuance of the Municipal Approval for Building Permit Application by the City of

Chesterfield. Both are anticipated for this project and will be presented and made part of the City of Chesterfield review process.

- e. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions will 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.
- f. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized erosion, if adequate storm water detention and erosion control devices have not been established.
- g. Provide adequate temporary off-street parking for construction employees and a vehicle wash down/cleaning area. Parking on non-surface areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked on the pavement causing hazardous roadway and driving conditions. The contractor will 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 will be cleaned at the end of each day.
- h. If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluating the impacts of the proposed work shall be provided as directed by the City of Chesterfield Department of Public Works. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.
- i. This development may require an NPDES Permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five or more acres. A copy of the NPDES permit must be submitted to the City of Chesterfield Department of Public Works prior to issuance of a grading permit or approval of improvement plans.

VIII. RECORDING

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

X. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to improvement plan approval, the developer will provide the following:

1. Comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District and the appropriate Fire District.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

XI. 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 will be met:

1. Notification of Department of Planning

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

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 Missouri Department of Transportation, 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 will 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.

XII. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. Prior to final occupancy of any building the developer will 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.
- B. Prior to issuance of an occupancy permit, all disturbed areas will 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.

XIII. FINAL RELEASE OF ESCROW

Prior to the release of final escrow, the developer will 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. Detention/retention will be provided for this site. A fence complimentary to the office building and parking structure may be required around the detention basin as determined by the Department of Public Works.
 - 2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
 - 3. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accord with the Site Development Plan approved by the City of Chesterfield and terms of this Attachment A.
 - 4. Waiver of Notice of Violation per Section 1003.410(2) of the City of Chesterfield Zoning Ordinance.
 - 5. The entrance geometrics and drainage design will be in accordance with Missouri Department of Transportation (MoDot) standards and will be

reviewed and approved by the City of Chesterfield and the Missouri Department of Transportation (MoDot).

6. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach MoDot right of way.
 7. Detention may be required for the entire project site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24 hour storm event. Stormwater must be discharged at an adequate discharge point. Wetland mitigation will not be allowed in the detention basin area.
 8. The developer will 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.
 9. All drainage detention storage facilities will be placed outside of the standard governmental agency planning and zoning setbacks, or five (5) feet from the new or existing right of way line, whichever is greater.
 10. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in Section 1003.410(2) of the Zoning Ordinance.
- B. This document shall read as a whole and any inconsistency shall be integrated to carry out the overall intent of this Attachment A.