

BILL NO. 2175

ORDINANCE NO. 1954

AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NUMBER 1382 FOR A NEW AMENDED ORDINANCE RELATING TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 4.749 ACRE TRACT OF LAND LOCATED ON THE SOUTHWEST CORNER OF CHESTERFIELD AIRPORT ROAD AND CHESTERFIELD INDUSTRIAL BOULEVARD (P.Z. 07-2003 SPIRIT PLAZA, L.L.C.).

WHEREAS, in response to P.Z. 03-1998, the City Council of the City of Chesterfield, approved Ordinance Number 1382 on March 2, 1998 changing the zoning designation from an “M-3” Planned Industrial District to a “PI” Planned Industrial District; and,

WHEREAS, the petitioner, Ed Holthaus on behalf of Spirit Plaza, L.L.C., requested an amendment with regards to the permitted uses; and,

WHEREAS, it was determined by the Department of Planning that the amendment request was not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, therefore a new public hearing was necessary; and,

WHEREAS, after consideration of the amendments, the Planning Commission recommended approval of the request with amendments to greenspace requirements, access, and roadway improvements; and,

WHEREAS, after consideration of the amendments, the City Council approved the request with amendments to access and roadway improvements.

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

Section 1. City of Chesterfield Ordinance Number 1382, establishing a “PI” Planned Industrial District for a 4.749 acre tract of land located on the southwest corner of Chesterfield Airport Road and Chesterfield Industrial Boulevard, is hereby amended by the revised Attachment “A”, which is attached hereto and made a part hereof.

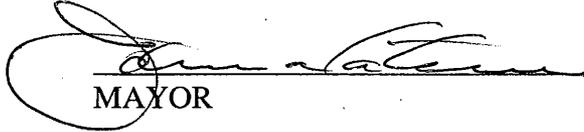
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment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

Section 3. The City Council, pursuant to the request filed by Ed Holthaus on behalf of Spirit Plaza, L.L.C., requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted, 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 3rd day of September, 2003.


MAYOR

approved
September 5, 2003

ATTEST:


CITY CLERK

ATTACHMENT A

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

- 1.4 Quality New Development
- 1.7 Chesterfield Valley
- 3.1 Quality Commercial Development
- 3.3 "Strip Commercial" Development
- 7.2.6 Cross-Access Circulation
- 7.2.9 Access Management
- 8.3 Stormwater Management

I. PERMITTED USES

- A. The uses allowed on the parcel known as Lot A for this "PI" Planned Industrial District shall be office and warehouse.
- B. The uses allowed on the parcel known as Lot B for this "PI" Planned Industrial District shall be:
- (b) Animal hospitals, veterinary clinics, and kennels,
 - (j) Business, professional, and technical training schools,
 - (k) Business service establishments,
 - (q) Financial institutions,
 - (gg) Medical and dental offices,
 - (ii) Offices or office buildings,
 - (mm) Plumbing, electrical, air-conditioning and heating equipment sales, warehouse and repair facilities,
 - (oo) Printing and duplicating services,
 - (uu) Research facilities, professional and scientific laboratories including photographic processing laboratories used in conjunction therewith,
 - (vv) Restaurants, fast food,
 - (ww) Restaurants, sit down,
 - (iii) Stores, shops, markets, service facilities and automatic vending machines in which goods or services of any kind, including indoor sale of motor vehicles, are offered for sale or hire to the general public on the premises.
- C. The following uses listed above are further restricted:
- (q) Financial institutions, not including drive-thru facilities,
 - (vv) Restaurants, fast food except those which provide drive-thru service,
 - (ww) Restaurants, sit-down except those which provide drive-thru service.
- D. The following uses listed above are excluded:
- (b) Animal hospitals and kennels,

- (ii) Office buildings,
- (mm) Warehouse facilities,
- (uu) Research facilities, professional and scientific laboratories,
- (iii) Indoor sale of motor vehicles.

II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

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

1. There shall be a maximum of two (2) buildings in this development.
2. The maximum building height for all buildings and structures (including towers and antennas) shall be sixty (60) feet.
3. Total square footage of buildings in this development shall not exceed 60,000 square feet. The square footage constructed shall be based on the development's ability to comply with the parking regulations of the City of Chesterfield Zoning Ordinance.

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 Concept Plan. Within twelve (12) months of the Site Development Concept Plan approval date, the developer shall submit the first Site Development Section Plan to the City of Chesterfield for review and approval. Where due cause is shown by the developer, this time interval may be extended by the City of Chesterfield.

Failure to comply with aforementioned time limits will result in the expiration of the preliminary plan/site development concept plan for that portion not developed and will require a new public hearing. Said Site Development Plans shall include but not be limited to the following:

IV. GENERAL CRITERIA - CONCEPT PLAN

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

1. Outboundary plat and legal description of the property.
2. Conceptual location, design (with design statement), materials, and size, including height, of all proposed buildings, parking and loading areas, and lots.

3. Specific structure and parking setbacks along all roadways and property lines.
4. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
5. Existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site.
6. Preliminary stormwater and sanitary sewer facilities.
7. Show existing improvements, including roads and driveways on the opposite side of roadways adjacent to the site.
8. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
9. The scale to which the Site Development Concept Plan will be drawn shall be no greater than one (1) inch equals one hundred (100) feet.
10. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
11. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
12. Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways), ***with not less than 28% greenspace on Lot B.***

V. GENERAL CRITERIA - SECTION PLANS

- A. Site Development Section Plans shall include the following:
 1. Location and size, including height, of all uses, buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, other above ground structures and landscaping.
 2. Existing and proposed contour intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site.

3. Existing and proposed roadway, drives, and walkways on and adjacent to the property in question, including location of curb cuts, necessary right-of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of the development.
4. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for utilities, storm water drainage, grading or other improvements.
5. Specific structure and parking setbacks along all roadways and property lines.
6. The location of the proposed storm sewers, detention basins, sanitary sewers, and connection(s) to existing systems.
7. Location and size of all parking areas.
8. A landscape plan, including, but not limited to, location, size, and type of all plant and other material to be used.
9. Area of each building phase.
10. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines.
11. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
12. Provide comments/approvals from the St. Louis County Department of Highways and Traffic, The Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Monarch Chesterfield Levee District and the Chesterfield Fire District.
13. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.

14. 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), **with not less than 28% greenspace on Lot B.**

VI. SITE DEVELOPMENT PLAN SUBMITTAL OPTION

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

VII. SPECIFIC CRITERIA

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

1. Structure Setbacks

No building or structure, other than boundary walls, retaining walls, screen walls, truck dock walls, signs, light standards, flagpoles or fences, shall be located within the following setbacks:

- a. Thirty (30) feet from the new right-of-way of any road right-of-way.
- b. Ten (10) feet from all other property lines.
- c. Ten (10) feet from internal lot lines.

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. Fifteen (15) feet from the new right-of-way of all roadway right-of-way.

- b. Five (5) feet from all other property lines.
- c. Said setbacks shall be landscaped as deemed appropriate by the Planning Commission.

3. Parking and Loading Requirements

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

4. Access

- a. Access to the site shall be provided at no more than two (2) locations on Chesterfield Industrial Boulevard. The centerlines of the entrances for the site along Chesterfield Industrial Boulevard shall be a minimum of 150 feet from the Chesterfield Airport Road right-of-way, as required by the St. Louis County Department of Highways and Traffic, and the City of Chesterfield Department of Public Works.
- b. The proposed entrances to this site shall be generally aligned with the roads and driveways on the opposite side of Chesterfield Industrial Boulevard as required by the City of Chesterfield Department of Public Works.
- c. 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.
- d. *Access to Chesterfield Airport Road shall be restricted to one (1) commercial entrance located as approved on the Site Development Plan and constructed as directed by the St. Louis County Department of Highways and Traffic.*

5. Public/Private Road Improvements, Including Sidewalks

- a. Provide an eastbound right turn lane 200 feet in length on Chesterfield Airport Road at Chesterfield Industrial Boulevard along with 10:1 inbound taper as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

- b. Provide the necessary right-of-way, *and construct an additional lane*, 12 feet wide and (minimum) 150 feet long on Chesterfield Industrial Boulevard, along with 30:1 through taper to existing pavement as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield's Department of Public Works.
- c. Provide the necessary additional right-of-way and construct channelization in the southwest quadrant of Chesterfield Airport Road and Chesterfield Industrial Boulevard including necessary underground signal facilities as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. Dedicate the necessary Permanent Traffic Signal Easement (P.T.S.E.) for future signal installation.
- d. Construct full-depth 10 foot wide shoulder adjacent to Chesterfield Airport Road except as it is located adjacent to the auxiliary lane where its width shall be 6 feet.
- e. No construction parking will be permitted on the Chesterfield Airport Road, Edison Avenue, or Public Works rights of way.
- f. Provide separate easements and construct concrete sidewalk along the south side of Chesterfield Airport Road, All sidewalks shall be five (5) foot wide and constructed to St. Louis County ADA standards.

6. 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 Concept 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 Section Plans as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.
- c. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

7. Sign Requirements

- a. 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.
- b. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
- 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. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

8. Lighting Requirements

No on-site light standard shall exceed twenty-four (24) feet in height. 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.

9. Architectural elevations

- a. The developer shall submit architectural elevations and building materials. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission.
- b. Buildings shall be constructed of compatible material and design as adjacent commercial developments or as approved by Planning Commission.

10. 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.

11. Miscellaneous

- a. All trash enclosures shall be enclosed by a six (6) foot high sight proof fence and constructed of a similar material as the main buildings.
- b. All utilities shall be installed underground. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site. Utilities Easements that cross over Chesterfield Valley Master Stormwater Easement shall be subordinate to the Chesterfield Valley Stormwater Easements.

Sleeves for future telecommunication services shall be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

- c. Roofing or other screening as approved by the Planning Commission shall adequately screen all mechanical equipment.
- d. 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

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. A preliminary engineering plan approved by the City of Chesterfield, showing that adequate handling of the stormwater drainage of the site is provided.
- b. Development will be required to comply with the Chesterfield Valley Stormwater Master Plan, as directed by the City of Chesterfield.
- c. The site shall provide for the positive drainage of stormwater and it shall be discharged at either an adequate natural discharge point or into an adequate storm sewer system. Any off-site drainage easements/agreements necessary to access an adequate discharge point shall be required prior to improvement plan approval.
- d. Indicate the location where the proposed sanitary sewer will connect to the existing system.

3. Geotechnical Report

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

4. Miscellaneous

All off-site easements needed for utility main extensions shall be shown. Copies of the recorded easements for utility main extensions, including book and page, shall be required prior to approval of the Improvement Plans as directed by the City of Chesterfield Department of Public Works.

IX. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan shall be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval by the Planning Commission.

X. CHESTERFIELD VALLEY TRUST FUND

1. Roads

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed on the basis of the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$1.66/sq. ft. of building space
Office	\$1.66/sq. ft. of building space
Industrial	\$4,003.84/acre of gross acreage

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

Credits for roadway improvements required in condition will be awarded as directed by the St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution which remains, following completion of road improvements required by the development shall be retained in the trust fund.

The roadway improvement contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

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 \$528.50 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.

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 \$1,667.77 per acre for the total area as approved on the Site Development Plan.

The stormwater contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

4. Sanitary Sewer

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

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

The amount of this required contribution for the roadway, stormwater and primary waterline improvements, if not submitted by January 1, 2001 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Departments of Highway and Traffic.

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

XII. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

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

XIII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

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

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. Sanitary Sewers

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

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.

3. 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.

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

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the Department of Highways and Traffic and the

Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

5. 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. 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.

XVI. 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.

XVII. SUPPLEMENTARY DEVELOPMENT CONDITIONS

- A. Supplementary development conditions relating to the operation of this development are as follows:
 - 1. 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. 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 (FEMA). 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.

2. 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. A copy of the permit application must be submitted to the City of Chesterfield Department of Public Works prior to the issuance of a grading permit or approval of the improvement plans.
3. A Stormwater Pollution Prevention Plan (SWPP) must be submitted and approved by the Department of Public Works prior to any clearing or grading permit approval. The SWPP covers required erosion control practices specific to site conditions and maintenance and adherence to the SWPP plan. Its purpose is to ensure the design, implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in storm water 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. 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.

XVIII. GENERAL DEVELOPMENT CONDITIONS

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
 1. Stormwater drainage improvements shall be operational prior to the paving of any driveways or parking lots. Roadway and related improvements shall be constructed prior to 60% occupancy of the retail portion of the site.

2. The developer shall be required to provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
3. The streets surrounding this development and any street used for construction access thereto shall be cleaned prior to the end of each workday.
4. A condition survey of the streets shall be provided before any grading activities can commence on the site. The survey shall include photographs, videotapes, or drawings of the conditions of all streets, which will be used during construction.
5. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
6. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit.
7. A grading permit or improvement plan approval is required prior to any grading on the site. No change in watershed shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.
8. 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.
9. If roadways in this development are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) forever.
10. 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.

11. 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. The developer should also 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.
 12. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments and Commissions.
 13. The City of Chesterfield, Missouri shall enforce the conditions of this ordinance in accord with the Site Development Concept Plan approved by the City of Chesterfield and any Site Development Section Plans approved by the City of Chesterfield.
 14. 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.