

AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NUMBER 1272 AND REPEALING ST. LOUIS COUNTY ORDINANCE NUMBERS 7664, 9244, 9393, 11,228, AND 13,811 AND INCORPORATING THOSE CONDITIONS THEREIN INTO THE REVISED ATTACHMENT A AUTHORIZING THE USE OF A DRIVE-IN RESTAURANT IN HILLTOWN VILLAGE CENTER, A "C-8" PLANNED COMMERCIAL DISTRICT LOCATED AT THE INTERSECTION OF OLIVE BOULEVARD AND CHESTERFIELD PARKWAY WEST RELATING TO THE PARCEL IDENTIFIED IN ATTACHMENT "A" AS PARCEL B (P.Z. 12-2003 SHERIDAN'S ICE CREAM PARLOR/SACHS PROPERTIES INC.).

WHEREAS, the petitioner, Sachs Properties Inc., has requested an ordinance amendment to allow for the use of a drive-in restaurant in Hilltown Village Center, a "C-8" Planned Commercial District located at the intersection of Olive Boulevard and Chesterfield Parkway West identified as "Parcel B" as referenced in the Attachment "A"; and,

WHEREAS, the request was considered by the City of Chesterfield Planning Commission and upon review, the Commission recommended approval of said amendment by a vote of 9 to 0; and,

WHEREAS, after consideration of an amendment, the City Council approved the request with an amendment to the minimum number of parking spaces, the number of outside seating tables, the building elevations, and final approval of the site development plan.

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 Ordinance Number 1272 is hereby amended and St. Louis County Ordinance Numbers 7664, 9244, 9393, 11,228, 13,811 are hereby repealed and those conditions therein are incorporated into the revised Attachment A, which is attached hereto and made a part hereof for Hilltown Village Center.

A tract of land being part of Lot A of "Hilltown Village Center" and part of U.S. Survey 154, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the most Northern corner of property described in the deed to Union Electric Company, recorded in Book 6138 page 570 of the St. Louis County Records, said beginning point being also a point on the boundary line of Lot A of "Hilltown Village Center", a

subdivision according to the plat thereof recorded in Plat Book 189 page 44 of the St. Louis County Records; thence Southwestwardly along the Northwest line of said Union Electric Company property, South 56 degrees 19 minutes 39 seconds West 80.00 feet to a point on the Northeast line of property described in the deed to Chesterfield Hilltown, Inc. recorded in Book 10925 page 2312 of the St. Louis County Records; thence Northwestwardly along said Northeast line, North 36 degrees 14 minutes 58 seconds West 205.30 feet to a point; thence South 56 degrees 48 minutes 57 seconds West 91.13 feet to a point on the East line of Chesterfield Parkway North, 80 foot wide; thence Northwardly along said East line, along a curve to the right, whose radius point bears North 84 degrees 58 minutes 22 seconds East 825.89 feet from the last mentioned point, a distance of 92.22 feet to a point; thence along a curve to the left, whose radius point bears North 59 degrees 24 minutes 08 seconds East 20.00 feet from the last mentioned point, a distance of 19.15 feet to a point; thence along a curve to the left, whose radius point bears North 04 degrees 32 minutes 52 seconds East 226.71 feet from the last mentioned point, a distance of 44.54 feet to a point; thence along a curve to the right, whose radius point bears South 06 degrees 42 minutes 34 seconds East 309.08 feet from the last mentioned point, a distance of 42.43 feet to a point; thence South 88 degrees 50 minutes 37 seconds East 16.54 feet to a point; thence along a curve to the left, whose radius point bears North 01 degree 09 minutes 23 seconds East 60.66 feet from the last mentioned point, a distance of 24.89 feet to a point; thence along a curve to the left, whose radius point bears North 51 degrees 40 minutes 43 seconds West 20.00 feet from the last mentioned point, a distance of 21.20 feet to a point; thence North 22 degrees 25 minutes 35 seconds West 29.81 feet to a point; thence along a curve to the right, whose radius point bears North 67 degrees 34 minutes 25 seconds East 125.00 feet from the last mentioned point, a distance of 62.02 feet to a point; thence North 06 degrees 00 minutes 00 seconds East 255.17 feet to a point; thence along a curve to the left, whose radius point bears North 84 degrees 00 minutes 00 seconds West 20.00 feet from the last mentioned point, a distance of 17.34 feet to a point; thence along a curve to the left, whose radius point bears North 04 degrees 39 minutes 16 seconds West 421.50 feet from the last mentioned point, a distance of 104.57 feet to a point; thence North 71 degrees 07 minutes 54 seconds East 147.76 feet to a point; thence along a curve to the right, whose radius point bears South 18 degrees 52 minutes 06 seconds East 378.50 feet from the last mentioned point, a distance of 497.91 feet to a point; thence South 33 degrees 29 minutes 48 seconds East 214.80 feet to a point; thence South 12 degrees 30 minutes 15 seconds West 37.86 feet to a point on the Northwest line of Olive Boulevard (Missouri State Highway 340); thence Southwestwardly along said Northwest line, South 56 degrees 19 minutes 39 seconds West 684.65 feet to a point on the Northeast line of aforesaid Union Electric Company property; thence Northwestwardly along said Northeast line, North 36 degrees 14 minutes 59 seconds West 169.98 feet to the point of beginning and containing 9.870 acres according to calculations by Volz, Inc. during June 2002.

A 1.097 acre tract of land referred to as "Parcel B" located in Hilltown Village Center described as follows:

Beginning at the intersection of the East line of Chesterfield Parkway North, 80 foot wide, with the Southwest line of Lot A of said "Hilltown Village Center", a subdivision according to the plat thereof recorded in Plat Book 189 page 44 of the St. Louis County Records; thence Northwardly along said East line of Chesterfield Parkway North, along a curve to the left, whose radius point bears South 89 degrees 25 minutes 34 seconds West 948.49 feet from the last mentioned point, a distance of 50.17 feet to a point;

thence North 10 degrees 19 minutes 47 seconds East 12.46 feet to a point; thence along a curve to the right, whose radius point bears South 79 degrees 40 minutes 03 seconds East 69.06 feet from the last mentioned point, a distance of 86.00 feet to a point; thence along a curve to the right, whose radius point bears South 08 degrees 19 minutes 13 seconds East 286.46 feet from the last mentioned point, a distance of 29.31 feet to a point; thence North 87 degrees 32 minutes 31 seconds East 30.05 feet to a point; thence along a curve to the left, whose radius point bears North 02 degrees 27 minutes 29 seconds West 406.25 feet from the last mentioned point, a distance of 9.76 feet to a point; thence along a curve to the right, whose radius point bears South 33 degrees 30 minutes 23 seconds West 20.00 feet from the last mentioned point, a distance of 21.81 feet to a point; thence South 06 degrees 00 minutes 00 seconds West 255.17 feet to a point; thence along a curve to the left, whose radius point bears South 84 degrees 00 minutes 00 seconds East 125.00 feet from the last mentioned point, a distance of 62.02 feet to a point; thence South 22 degrees 25 minutes 35 seconds East 29.81 feet to a point; thence along a curve to the right, whose radius point bears South 67 degrees 34 minutes 25 seconds West 20.00 feet from the last mentioned point, a distance of 21.20 feet to a point; thence along a curve to the right, whose radius point bears North 22 degrees 21 minutes 13 seconds West 60.66 feet from the last mentioned point, a distance of 24.89 feet to a point; thence North 88 degrees 50 minutes 37 seconds West 16.54 feet to a point; thence along a curve to the left, whose radius point bears South 01 degree 09 minutes 23 seconds West 309.08 feet from the last mentioned point, a distance of 42.43 feet to a point; thence along a curve to the right, whose radius point bears North 06 degrees 42 minutes 34 seconds West 226.71 feet from the last mentioned point, a distance of 44.54 feet to a point; thence along a curve to the right, whose radius point bears North 04 degrees 32 minutes 52 seconds East 20.00 feet from the last mentioned point, a distance of 19.15 feet to a point on the aforesaid East line of Chesterfield Parkway North, 80 foot wide; thence Northwardly along said East line, along a curve to the right, whose radius point bears South 88 degrees 37 minutes 47 seconds East 825.89 feet from the last mentioned point, a distance of 54.53 feet, North 05 degrees 09 minutes 12 seconds East 106.63 feet and along a curve to the left, whose radius point bears North 84 degrees 50 minutes 48 seconds West 948.49 feet from the last mentioned point, a distance of 94.81 feet to the point of beginning and containing 1.097 acres according to calculations by Volz, Inc. during June 2002.

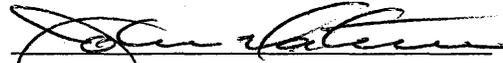
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment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

Section 3. The City Council, pursuant to the request filed by Sachs Properties Inc. 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.

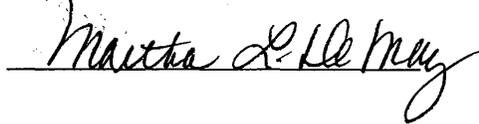
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 17th day of NOVEMBER 2003.


MAYOR

ATTEST:



ATTACHMENT A

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

- 1.4 Quality New Development
- 1.5 Diversity of Development
- 1.6 Lighting Plan and Program
- 1.8 Urban Core
- 3.1 Quality Commercial Development
- 7.2.1 Maintain Proper Level of Service
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.9 Access Management
- 8.3 Stormwater Management

For purposes of review, be advised that Parcel A and Parcel B of Hilltown Village have separate review criteria set forth.

THE FOLLOWING SECTIONS PERTAIN ONLY TO "PARCEL A" OF HILLTOWN VILLAGE.

I. PERMITTED USES

The uses allowed on the parcel known as Lot A for this "C-8" Planned Commercial District shall be the same as those permitted without a Conditional Use Permit in the "C-3" Shopping District, and including a gasoline service station but excluding a drive-in restaurant.

II. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months from the preliminary development plan approval date by the City Council and prior to issuance of any building permit, the developer shall submit to the Planning Commission 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 Planning Commission. Said Site Development Plan shall adhere to, but not be limited to, the following:

1. Location and size of all existing and new uses, building, parking areas, light standards, fencing, free standing business signs, trash enclosures, and landscaping.
2. Existing and proposed contours at two (2) foot intervals.

3. Existing and proposed roadways, drives, and walkways and adjacent to the property in question.

III. SITE DEVELOPMENT PLAN SPECIFIC CRITERIA

Building Requirements

- a. New buildings shall contain no more than 26,050 sq. ft. of retail commercial space in no more than two (2) new buildings, and a self-service or attendant-service gasoline filling station.
- b. Building heights shall be as approved by the Planning Commission on the Site Development Plan.

Structure Setbacks

- c. No building or structure, other than boundary walls, retaining walls, light standards, trash areas, or fences, shall be located within the following setbacks:
 - 1) Seventy-five (75) feet from the existing right-of way of Olive Boulevard, as it existed on October 20, 1983 and thirty (30) feet from the proposed right-of-way of Chesterfield Parkway.
 - 2) Thirty (30) feet from west property line except abutting the Union Electric substation, where a five (5) foot setback is required.
 - 3) Five (5) feet from the eastern-most property line.

Parking Setbacks

- d. No parking stall, internal drive or roadway, excluding points of ingress and egress or trash areas, shall be located with the following setbacks:
 - 1) Thirty-five (35) feet from the existing right-of-way of Olive Boulevard.
 - 2) Twenty (20) feet from the proposed right-of-way of Chesterfield Village Parkway.
 - 3) Ten (10) feet of any residentially zoned property.

Parking setbacks shall be screened from view of residential zoning per the requirements of Section 100.3.165 of the City of Chesterfield Zoning Ordinance.

Road Improvements

- e. The developer shall conform to the requirements of the Missouri Highway and Transportation Department as stated in letters dated July 29, 1983 and August 3, 1983, regarding Olive Boulevard.

- f. The developer shall provide a temporary traffic signal at the internal access road at the intersection with Olive Boulevard as authorized and directed by the Missouri Highway and Transportation Department.

- g. Regarding the internal access roadway for this development, the developer shall:
 - 1) Provide alignment and geometric on the access roadway as directed by the St. Louis County Department of Highways and Traffic.
 - 2) Provide a stub connection, if possible, from the access roadway to the north property line for abutting development, as determined by the St. Louis County Department of Highways and Traffic. A sidewalk along this connection may be required for pedestrian traffic from the abutting development.
 - 3) Upon completion and signalization of the access roadway intersection with Olive Boulevard, eliminate the existing main entrance connection to Olive Boulevard.

- h. Upon commencement of construction on Chesterfield Parkway the developer shall:
 - 1) Provide and install a permanent traffic signal facility at the Access roadway intersection with Chesterfield Parkway.
 - 2) Extend and connect the Access Roadway to Chesterfield Parkway.
 - 3) Provide a minor drive-way connection to Chesterfield Parkway located between the Access Roadway and Olive Boulevard intersections. This driveway would be limited to right-in/right-out movements due to median construction proposed on Chesterfield Parkway.
 - 4) All construction and installation affecting Chesterfield Parkway shall be coordinated with the roadway improvements as directed by the St. Louis County Department of Highways and Traffic and the Missouri Highway and Transportation Department.

Parking and Loading Requirements and Pedestrian Crosswalk

- i Parking and loading requirements shall be as specified in Section 1003.165 Off-Street Parking and Loading Requirements of the City of Chesterfield Zoning Ordinance.
- j The total parking requirement, as depicted on the Site Development Plan, may be reduced by twenty percent (20%), as allowed under the provisions of Section 1003.145 "C-8" Planned Commercial District Regulations.
- k. No fewer than sixty-four (64) parking spaces shall be located on the east side of the internal access roadway.
- l. A pedestrian crosswalk shall be provided at a location on the internal access roadways as approved by the City of Chesterfield.

Lighting Requirements

- m. The heights of all light standards shall be as approved by the Planning Commission on the Site Development Plan.

Sign Requirements

- n. All signs shall be erected in accord with the regulations governing the "C-3" Shopping District; however, no advertising signs shall be as permitted. The location of freestanding business signs shall be as approved by the Planning Commission on the Site Development Plan.

Landscape Plan

- o. The developer shall submit a landscape plan, either as part of the Site Development Plan or on a separate drawing to be reviewed as part of the Site Development Plan, to comply with the following:
 - 1) Adequate landscaping shall be provided on the site as approved by the Planning Commission on the Site Development Plan.
 - 2) All required landscaping material shall meet the following criteria:
 - a.) Deciduous trees-two(2) inch minimum caliper.
 - b.) Evergreen trees-two (2) feet minimum height.

c.) Shrubs-eighteen (18) inch minimum diameter.

Miscellaneous

- p. Upon approval of the Final Development Plan for the Hilltown Shopping Center, the developer shall contribute to the Chesterfield Village Trust Fund in a manner similar to the contribution required by other developers in the Chesterfield Village Area.
- q. Parking, circulation, and other applicable site design features shall comply with Chapter 1101, Section 316.0 "Physically Handicapped and Aged" of S.L.C.R.O as amended.
- r. Architectural elevations for all building facades shall be reviewed by the Planning Commission in conjunction with the Site Development Plan. All mechanical equipment, rooftop or ground mounted, shall be adequately screened by roofing or other screening, as approved by the Planning Commission.

IV. VERIFICATIONS PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PLAN

Prior to the approval of the Site Development Plan, the developer shall provide verification of the following to the Planning Commission:

Stormwater

- a. Submit to the Planning Commission a preliminary engineering plan approved by the Chesterfield Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.
 - 1) The developer is required to provide adequate stormwater systems in accordance with St. Louis County, City of Chesterfield, Missouri Highways and Transportation Department and Metropolitan St. Louis Sewer District standards.
 - 2) All stormwater shall be discharged at an adequate natural discharge point. Detention of differential runoff of stormwater is required by providing permanent detention facilities, such as dry reservoirs, ponds or other acceptable alternative.

3) Interim stormwater drainage control in the form of siltation control measures are required. The above requirements shall be as determined by the Director of Chesterfield Department of Public Works.

Roadway Improvements and Curb Cuts

b. Approval by the St. Louis County Department of Highways and Traffic and the Missouri Highway and Transportation Department of required roadway improvements and the location of permitted curb cuts.

V. 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 record the plan within sixty (60) days of approval shall deem the plan void.

VI. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of any Site Development Plan and prior to the issuance of any building permit, the developer shall provide the following:

1. Sanitary Sewers

Verification to the St. Louis County Department of Public Works, Metropolitan St. Louis Sewer District and the City of Chesterfield that adequate sanitary services are provided.

2. Stormwater

Submit to the Department of Planning a preliminary engineering plan approved by the Chesterfield Department of Public Works and Metropolitan St. Louis Sewer District showing that adequate handling of stormwater drainage of the site is provided.

3. Improvement Guarantees

The petitioner shall furnish a bond or phase into a City provided escrow, the monies necessary to insure the construction of improvements and landscaping as necessary. If the estimated cost of improvements and landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds an estimated cost of one thousand (\$1,000)

dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond escrow sufficient in amount to guarantee the installation of said landscaping. Prior to release of the landscape escrow or bond, a two (2) year Landscape Maintenance Bond or Escrow, sufficient in amount to guarantee the replacement of landscaping shall be furnished. Said bond shall be based on costs determined by a plant nursery and approved by the Department of Planning.

4. Notification of Public Works

Prior to the issuance of foundation or building permits, the City of Chesterfield must receive all approvals from the St. Louis County Departments of Highways and Traffic, and Planning, the Missouri Highway and Transportation Department, and the Metropolitan St. Louis Sewer District.

VII. GENERAL DEVELOPMENT CONDITIONS

General development conditions relating to the operation, construction, improvements and regulatory requirements to be adhered to by the developer are as follows:

1. Construction of the uses allowed by this ordinance shall commence within one (1) year of approval of the Site Development Plan. Where due cause is shown by the developer, this time interval may be extended by the Planning Commission.
2. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit.
3. 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.
4. A grading permit is required prior to any grading on the site. No change in watershed shall be permitted.
5. 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.

6. The developer shall provide adequate temporary off-street parking for construction employees. Parking on non-paved surfaces should be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked into the pavement causing hazardous roadway and driving conditions.
7. The Zoning Enforcement Officer of the City of Chesterfield shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the Planning Commission.

THE FOLLOWING SECTIONS PERTAIN ONLY TO "PARCEL B" OF HILLTOWN VILLAGE.

I. PERMITTED USES

The uses allowed by this "C-8" Planned Commercial District shall be a drive-in restaurant.

II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

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

1. FLOOR AREA

- 1) The Total square footage of any building in this development shall not exceed 2,000 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.

2. HEIGHT

- 1) The maximum building height for all buildings and structures (including towers and antennas) shall be as approved by the Planning Commission on the Site Development Plan.

3. BUILDING REQUIREMENTS

- 1) Greenspace and Floor Area Ratio:

- a) The Greenspace for this development shall meet the Greenspace requirement for Planned Commercial Districts per Ordinance 1747.
- b) Provide the Floor Area Ratio (F.A.R.)
- c) The above standards may be amended if it may be demonstrated said amendment will encourage, promote, reward good architecture and urban planning. Said amendment shall require two-thirds vote (6) of the Planning Commission.

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 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

- A. Site Development Plan shall include the following:
 - 1. Outboundary plat and legal description of the property.
 - 2. 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.
 - 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. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
7. Specific structure and parking setbacks along all roadways and property lines.
8. 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.
9. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
10. Show existing improvements including road and driveways on the opposite side of the 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.
11. 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.
12. Prior to Site Development Plan approval, show all existing or proposed easements and right-of-way on site. The Site development Plan and Tree Preservation Plan must be approved prior to clearing or grading.
13. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
14. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
15. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
16. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.

17. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation.
18. 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.
19. Provide the greenspace percentage and Floor Area Ratio (F.A.R.)
20. Provide a tree stand delineation.

V. SPECIFIC CRITERIA

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

1. 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. Sixty-eight (68) feet from the right of way Chesterfield Parkway West on the western boundary of Parcel B.
- b. One hundred and eighty-five (185) feet from the southern boundary of Parcel B.
- c. Eighty-two (82) feet from the northern boundary of Parcel B.
- d. Sixteen (16) feet from the eastern boundary of Parcel B.

2. Parking and Loading Space Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress and trash enclosure, shall be located within the following setbacks:

- a. Fifteen (15) feet from the right of way of Chesterfield Parkway West.

- b. Twenty-five (25) feet from the southern boundary of Parcel B.
- c. Ten (10) feet from the eastern boundary of Parcel B.
- d. Two hundred and ten (210) feet from the northern boundary of Parcel B.
- e. Said setbacks shall be landscaped as deemed appropriate by the Planning Commission.

3. Parking and Loading Requirements

There shall be a minimum of 5 spaces for every 1,000 square feet of gross floor area.

4. Access

- a. Access to the site shall be provided at no more than two (2) locations in Hilltown Village Center. Entrances shall be constructed to the City of Chesterfield and St. Louis County Highway and Traffic standards.
- b. 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 directly by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
- c. No entrance or exit located at the southern boundary of the site shall be permitted.
- d. Adequate drive widths and turning radii for vehicular circulation shall be provided and depicted on the Site Development Plan.

5. Public/Private Road Improvements, Including Sidewalks

- a. No construction parking will be permitted on Chesterfield Parkway West or Hilltown Village Center Drive.

- b. The Developer shall provide any additional right-of-way and construct any improvements to Chesterfield Parkway West, as well as to the entrance to the proposed development from Chesterfield Parkway West or Hilltown Village Center Drive as required by the St. Louis County Department of Highways and Traffic and the City of Chesterfield's Department of Public Works.
- c. Provide improvements along the frontage of Chesterfield Parkway West in accordance with the "Pathway on the Parkway" project. A minimum 12' wide area is required for the improvements. The improvements may be located in the St. Louis County ROW or within an easement on the subject property. The improvements include, but are not limited to, construction of a 6' wide sidewalk, installation of concrete pavers, and installation of street trees and streetlights. Once the street lights have been installed, the Developer/Property Owner shall be responsible for maintenance and operational costs associated with street lights, including all electric charges.
- d. Provide the necessary improvements to the road parallel to the drive-thru location.

6. Traffic Study

Prior to Site Development Plan approval, provide a traffic study as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic, including internal and external circulation, for review, and approval.

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 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 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. A Sign package shall be required.
- b. 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.
- c. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
- d. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This landscaping shall be as approved by the Planning Commission on the Site Development Plan.

9. Light 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. 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. Lighting will be required in compliance with City of Chesterfield regulations, including the Subdivision Ordinance.
- c. All light standards within this development will not exceed a total vertical height of twenty-four (24) feet.

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

The City Council shall review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.

12. Miscellaneous

- a. 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.
- b. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission
- c. 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.
- d. 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 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.

- e. Building elevations proposed in conjunction with the Site Development Plan shall be compatible with the existing Hilltown Village structures and color palette as determined by the Planning Commission.
- f. At the time of the Site Plan approval, the site shall contain a minimum of 4 outside seating tables.
- g. There shall be a minimum of 26 parking spaces located on "Parcel B".

VI. 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 St. Louis County Highways and Traffic 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 as directed by the City of Chesterfield. 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.

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 SWPP 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. 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 upon demand.

- e. 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.
- f. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/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.
- g. 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 will be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
- h. 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.

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. Failure to record the plan within sixty (60) days of approval shall deem the plan void.

VIII. 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 supported by an Irrevocable Letter of

credit must be established with this Department to guarantee completion of the required roadway improvements.

IX. 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, Laclede Gas Company, Chesterfield Fire Protection District.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

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:

Notification of Department of Planning

1. 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.

Notification of St. Louis County Department of Public Works

2. 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.

Certification of Plans

3. 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.

XII. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. The obligations and conditions set forth in this attachment are specific to the developer. These obligations and conditions survive the issuance building permits until they are fulfilled and an occupancy permit shall not be released to the developer until they are met.

XIII. 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.

XIV. 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 as directed by the City of Chesterfield.
 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 the 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 15 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 be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.