

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 1595 AND REPLACING IT WITH A NEW ORDINANCE WITH AMENDMENTS RELATIVE TO THE NUMBER OF BUILDINGS PERMITTED, THE NUMBER OF LOTS ON THE EAST RETAIL PORTION OF THE SITE; AND CREATION OF ACCESS TO THE SITE FROM LONG ROAD FOR A "PC" PLANNED COMMERCIAL DISTRICT LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF LONG ROAD AND CHESTERFIELD AIRPORT ROAD (P.Z. 01-2004 CHESTERFIELD AIRPORT ACQUISITIONS, LLC—WALGREENS)

WHEREAS, the petitioner, Chesterfield Airport Acquisitions, LLC requested amendments to City of Chesterfield Ordinance 1595 to increase the number of buildings permitted, the number of lots on the eastern retail portion of the site and to allow access to the subject site from Long Road, and;

WHEREAS, a public hearing before the City of Chesterfield Planning Commission regarding the above-referenced was held on February 9, 2004; and,

WHEREAS, said request was considered by the Planning Commission and upon review, the Commission recommended approval of the Attachment A by a vote of 6-2; and,

WHEREAS, after consideration of an amendment, the City Council approved the request with an amendment pertaining to the rights to access on the east side of Long Road, an amendment for the City Council to have automatic power of review of site plans, an amendment requiring that all utilities be installed underground, and an amendment addressing the location of sleeves for future telecommunication services.

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 City of Chesterfield Ordinance 1595 is hereby repealed and replaced with a new ordinance the conditions of which are established in the Attachment A.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 the Attachment "A", which is attached hereto and made a part hereof.

Section 3. The City Council, pursuant to the request filed by Chesterfield Airport Acquisitions, LLC requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 9th day of February, 2004, 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 June, 2004


MAYOR

ATTEST:


DEPUTY CITY CLERK

ATTACHMENT A

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

1.4 Quality New Development	7.2.3 Maintain Proper Traffic Flow
1.5 Diversity of Development	7.2.5 Right-of-Way Dedication
1.6 Lighting Plan and Program	7.2.6 Cross-Access Circulation
1.7 Chesterfield Valley	7.2.9 Access Management
3.1 Quality Commercial Development	8.1 Provision of Utilities - The City of Chesterfield should ensure the provision of utility service for the safety and quality of life of all City residents.
3.1.1 Quality of Design	8.2.1 Coordinated Growth
3.5 Chesterfield Valley	8.2.2 Underground Electric Service
3.5.1 Chesterfield Valley Regional Retail and Low Intensity Industry	8.3 Stormwater Management
3.5.2 Chesterfield Valley Airport Compatibility	8.3.1 New Development Review for Stormwater Control

I. PERMITTED USES

- A. The uses allowed in this "PC" Planned Commercial District shall be the following:
- Animal hospitals, veterinary clinics, and kennels;
 - Associated work and storage areas required by a business, firm, or service to carry on business operations;
 - Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly;
 - Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages;
 - (ii) Confections;
 - Barber shops and beauty parlors;
 - Bookstores;
 - Broadcasting studios for radio and television;
 - Cafeterias for employees and guests only;
 - Child care centers, nursery schools, and day nurseries;
 - Colleges and universities;
 - Dry cleaning drop-off and pick-up stations;

- Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
- Film drop-off and pick-up stations;
- Fishing tackle and bait shops. Open storage and display are prohibited;
- Financial institutions;
- Hotels and motels;
- Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - (i) Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - (ii) Placed underground; or
 - (iii) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning;

- Medical and dental offices;
- Offices or office buildings;
- Outpatient substance abuse treatment facilities;
- 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;
- Police, fire, and postal stations;
- Public utility facilities;
- Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters;
- Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
- Restaurants, fast food;
- Restaurants, sit down;
- Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training;
- Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises;

- Permitted signs (See Section 1003.168 'Sign Regulations');
- Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods;
- Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises;
- Vehicle repair facilities for automobiles;
- Vehicle service centers for automobiles;
- Vehicle washing facilities for automobiles;
- or other uses which may be sought under the Chesterfield zoning Ordinance after future public hearings.

B. The following restrictions shall apply to the above "PC" PLANNED COMMERCIAL uses:

- Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters shall be limited to swimming pools permitted in conjunction with one or both of the hotels.
- The development shall be allowed to have only one (1) fastfood restaurant with a drive-thru.

II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

A. The following restrictions shall apply to the above uses:

1. East Hotel shall not exceed three (3) stories and 75,000 square feet in gross floor area;
2. West Hotel shall not exceed five (5) stories and 89,600 square feet in gross floor area;
3. East Office Building shall not exceed two (2) stories and 57,000 square feet in gross floor area;
4. West Office Building shall not exceed two (2) stories and 45,000 square feet in gross floor area;
5. East Retail may be separated into two lots with one building on each lot. East retail buildings shall not exceed one (1) story and 17,929 square feet in gross floor area;
6. West Retail shall not exceed one (1) story and 21,000 square feet in gross floor area.

B. The development shall not exceed a maximum of seven (7) buildings.

C. All buildings shall be reviewed in accordance with Section 1003.140(7) of the City's

Zoning Ordinance relative to the Sky Exposure Plane.

- D. Architectural elevations, colored renderings, exterior building material samples and site development plans shall be reviewed by the City's Architectural Review Board and Planning Commission prior to Site Development Plan approval.

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 limit will result in the expiration of the preliminary plan and will require a new public hearing.

IV. GENERAL CRITERIA - CONCEPT PLAN

The Site Development Concept Plan shall include the following:

- a. Boundary plat and legal description of the property.
- b. Conceptual location, design (with design statement), materials, and size, including height, of all proposed buildings, parking and loading areas, and lots.
- c. Specific structure and parking setbacks along all roadways, property lines and between proposed buildings.
- d. 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.
- e. Existing and proposed contours at intervals of not more than one (1) foot extending 150 feet beyond the limits of the site.
- f. Preliminary stormwater and sanitary sewer facilities.
- g. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
- h. Design criteria addressing the architectural type and construction of all proposed structures.
- i. A sign package will be submitted to the Department of Planning in conjunction with the Site Development Concept Plan. Said package shall comply with Section 1003.168 of the City Zoning Ordinance relative to signage.

V. GENERAL CRITERIA - SECTION PLANS

Site Development Section Plans shall include the following:

- a. Location and size, including height, of all uses, buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and landscaping.
- b. Existing and proposed contour intervals of not more than one (1) foot extending 150 feet beyond the limits of the site.
- c. Existing and proposed roadway, drives, and walkways on and adjacent to the property in question, including location of curb cuts. Show the location of curb cuts on the opposite side of Chesterfield Airport Road.
- d. Location and size of all parking areas.
- e. A landscape plan, including, but not limited to, location, size and type of all plant and other material to be used.
- f. Area of each building phase.
- g. Preliminary plan for stormwater, sanitary sewer facilities and stormwater detention.
- h. Design criteria addressing the architectural type and construction of all proposed structures.
- i. A sign package will be submitted to the Department of Planning in conjunction with the Site Development Plan. Said package shall comply with Section 1003.168 of the City Zoning Ordinance relative to signage and the overall sign plan for the development.

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

The Site Development Concept and Section Plans shall illustrate adherence to the following. Information to be shown on the Site Development Concept Plan shall be limited to those items specified in Condition 3 "General Criteria- Concept Plan".

A. Building and Structure Setbacks

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

- (1) Ninety (90) feet from the new right-of-way of I-64/U.S. 40-61.
- (2) Thirty (30) feet from the new right-of-way of Chesterfield Airport Road.
- (3) Thirty (30) feet from the east and west property lines of this development.
- (4) Thirty (30) feet from the right-of-way of the principal internal street.
- (5) Fifteen (15) feet from internal lot lines in the development.

B. Parking, Loading and Internal Drive Setbacks

No parking stall, loading space, or internal drive (except ingress and egress drives) shall be located within the following setbacks:

- (1) Thirty (30) feet from the new right-of-way of I-64/U.S. 40-61.
- (2) Thirty (30) feet from the new right-of-way of Chesterfield Airport Road.
- (3) Thirty (30) feet from the east and west property lines of this development.
- (4) Ten (10) feet from internal property lines.
- (5) Fifteen (15) feet from the principal internal street.
- (6) The minor parking lot driveways intersecting the entrance public roadway from Chesterfield Airport Road shall be a minimum of 150 feet from Chesterfield Airport Road.

C. Access

- (1) The centerline of Long Road Crossing Drive shall intersect with the west property line approximately 720 linear feet north of the Chesterfield Airport Road right of way line. The Development west of this site has designed the location of the east/west connector road. The connection at the common property line shall be coordinated with the adjacent development.
- (2) Access to Chesterfield Airport Road shall be limited to one street approach. The street approach intersection shall be aligned with the proposed street on the other side of Chesterfield Airport Road. Lot 4 as depicted on the preliminary

- plan may not have direct access to Chesterfield Airport Road.
- (3) No direct access will be granted to Route 40/64 or Long Road except for one right in/right out access point from Lot 4 to Long Road, such access to be located as far north of Chesterfield Airport Road as possible. However, if in the future the City of Chesterfield determines that it is in the best interest of public health, safety and welfare that the right-out portion of this access be removed, then the property owner shall remove said right-out within sixty (60) days of receiving written notification from the City of Chesterfield. The property owner shall be given the opportunity to be heard before the City makes a final determination. A final determination shall be made after a hearing held by the Planning and Zoning Committee of the City Council and its recommendation is then referred to the City Council.
 - (4) Prior to issuance of permits, the petitioner shall provide to the City of Chesterfield an instrument attesting that relinquishing all rights to access on the east side of Long Road and establishing access as referenced in item #3 above.
 - (5) 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.
 - (6) Access to accommodate emergency vehicles onto the site shall be reviewed by the Chesterfield Fire Protection District.
 - (7) Access off internal roadways shall be aligned with or a minimum of 100 feet from existing or proposed streets and entrances on the other side. Secondary access to the drive entrances shall be designed to support a Single Unit Truck turning radius of 42 feet at a minimum.
 - (8) Cross access shall be provided between the lots within the proposed Planned Commercial District.

D. Road Improvements, including Sidewalks

- (1) Improve Chesterfield Airport Road to one-half (1/2) of a five (5) lane cross section. The construction of an eight (8) foot stabilized shoulder is required to conform to the typical section for Chesterfield Airport Road. Additional pavement widening will be required to provide a right turn land between Long Road and the proposed access point as directed by the St. Louis County Department of Highways and Traffic.
Verify handling of surface runoff along Chesterfield Airport Road will not require additional easement dedication. Pavement improvements including all storm drainage facilities shall be as directed by the St. Louis County Department of Highways and Traffic.

- (2) Conform to the requirements of the Missouri Highway and Transportation Department regarding I-64 in this area.
- (3) The Developer shall provide any additional right of way and construct any improvements to Chesterfield Airport Road and Long Road as required by the St. Louis County Department of Highways and the Missouri Highway and Transportation Department.
- (4) The developer shall dedicate to public use the required right-of-way widening along State Route 40/61 for the future ramp access to Long Road. The right of way area shall be maintained by the property owners as part of the adjacent landscape buffer until such time as the ramp construction commences.
- (5) Construct a 5' wide sidewalk along Chesterfield Airport Road in accordance with the St. Louis County Department of Highways and Traffic ADA standards. Any necessary easements for construction of the sidewalks shall be provided as directed by the Department of Public Works. The petitioner shall be required to relocate any improvements within County right-of-way as necessary for the installation of the sidewalks.
- (6) Construct a 10' wide median through the left turn lane of Chesterfield Airport Road in accordance with St. Louis County Department of Highways and Traffic standards. The median shall extend from the east property line of lot 4 to the west property line of lot 1. There shall be a gap in the median across from the entrance curb cut, as described above. St. Louis County Department of Highways and Traffic will specify the length of the median gap. The Developer will be responsible for the installation of landscaping and an irrigation system in the median, as directed by the Department of Public Works. After a one-year warranty period of the landscaping and irrigation, the City will be responsible for all future maintenance.
- (7) Provide a 40-foot right-of-way, with 10-foot minimum roadway improvement, maintenance, utility and drainage easements on both sides, from Chesterfield Airport Road to the western property line. The intersection of the right of way at the western property line shall be a minimum of 700 feet north of the Chesterfield Airport Road right-of-way and/or shall align with the proposed public street located west of this parcel. The centerline radius shall be a minimum of 275 feet. Construct a minimum twenty-six foot pavement with seven-foot shoulders on both sides, and appurtenant storm drainage facilities as required by the City of Chesterfield Department of Public Works. Additional widening shall be provided to accommodate separate right and left turn approach lanes at the intersection with Chesterfield Airport Road. Parking shall be prohibited along both sides of this roadway. Access to the site from said road and other interior roadways shall be at least 150 feet from roadway intersections.
- (8) Construct a 10' wide median along the entrance of the proposed public

roadway, from Chesterfield Airport Road to a point 100' north of Chesterfield Airport Road, in accordance with the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic. The developer will be responsible for the landscaping and maintenance of the median.

- (9) Install 5' wide sidewalks and street trees along both sides of the proposed public street, in accordance with City standards.
- (10) The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation standards and shall be reviewed and approved by MoDOT.

E. Parking and Loading Requirements

- (1) Parking and loading requirements shall be as specified in Section 1003.165 Off-Street Parking and Loading Regulations of the City of Chesterfield Zoning Ordinance.

F. Power of Review

- (1) City Council shall have automatic power of review of site plans for the subject development. The City Council will then take appropriate action relative to the proposal.

G. Lighting Requirements

- (1) No on-site light standard shall exceed twenty-four (24) feet in height. The location of all light standards shall be as approved on the appropriate Site Development Section Plan.
- (2) Provide for the installation, maintenance, operation and all expenses related thereto for the street lighting along all public streets associated with this development, including Chesterfield Airport Road in perpetuity. The street lighting plan shall comply with the Chesterfield Valley Master Street Lighting Plan.

H. Sign Requirements

- (1) Sign regulations for this development shall be the same as those specified in Section 10003.168 Sign Regulations of the City of Chesterfield Zoning Ordinance.
- (2) No new advertising signs, temporary signs, portable signs or attention getting devices shall be permitted in this development.

- (3) Installation of Identification Signage if proposed, shall be reviewed by the City of Chesterfield Department of Public Works and/or St. Louis County Department of Highways and Traffic for sight distance considerations and approval prior to installation of construction.
- (4) Freestanding project identification signs shall have landscaping which may include, but not limited to shrubs, annuals, and other materials, located adjacent to the sign base or structural supports.

I. Landscape Plan

The developer shall submit a landscape plan in compliance with the City's Commercial Landscape Guidelines and the Valley Tree List as part of the Site Development Plan submittal requirement. Said plan shall demonstrate compliance with the following:

- (1) Paved area setbacks, including setbacks required between paved areas on lots in the development shall be adequately landscaped as determined by the City's Planning Commission.
- (2) All new required landscaping material shall meet the following criteria:
 - (a) Deciduous trees - two (2) inch minimum caliper.
 - (b) Evergreen trees - four (4) feet minimum height.
 - (c) Shrubs - eighteen (18) inch minimum diameter.
- (3) 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.
- (4) Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.
- (5) The development shall contain a minimum of thirty percent (30%) green space, excluding the stormwater structure whether placed on or off-site.

J. Traffic Study

- (1) A traffic impact study shall be provided for review and approval by the City of Chesterfield Department and Missouri Department of Transportation.

J. Miscellaneous

- (1) All trash areas shall be enclosed by a six (6) foot high sight-proof fence.

- (2) Parking, circulation, and other applicable site design features shall comply with Chapter 1001, Section 316.0 "Physically Handicapped and Aged" of SLCRO 1974, as amended.
- (3) All mechanical equipment shall be adequately screened by roofing or other screening as approved by the Planning Commission.
- (4) The Conceptual Valley Master Plan depicts stormwater improvements, a public sanitary pump station, sanitary force mains, streetlights and roadway interchange improvements within the subject tract. Consideration shall be given to building the Master Improvements.
- (5) There are jurisdictional wetlands identified on this site. This site shall be required to participate in the City of Chesterfield's Valley Wide Mitigation Bank. The wetland mitigation shall be collected at the time of development at \$25,000 per acre.
- (6) Overall building heights and external lighting shall be reviewed by Spirit of St. Louis Airport.
- (7) 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.
- (8) 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.

VIII. VERIFICATION PRIOR TO APPROVAL

Prior to approval of the Site Development Concept and Section Plans, the developer shall provide the following:

A. Stormwater

- a. A preliminary engineering plan approved by the City of Chesterfield, showing that adequate handling of the stormwater drainage of the site is provided.
 - (1) If the required stormwater storage is provided offsite then the offsite area shall allow for the onsite storage as well as the required storage for the site under consideration.
 - (2) If the proposed reservoir is designed as a lake, approval must be sought from the Spirit of St. Louis Airport. In addition to receiving Airport approval, the

lake shall provide the necessary storage as required by the Valley Master Plan.

- (3) Due to the inherent nature of development, the specific size, location, and configuration of the stormwater infrastructure are conceptual in nature. The exact location, size, and type of each segment of stormwater infrastructure are to be reviewed and approved in conjunction with the development of specific sites. It is expected, that developers will submit alternate plans, proposed alternative geometry, size, and type for these infrastructure improvements, along with supporting hydraulic computations. The Public Works Department will review said proposals for functional equivalence. Functional equivalence is said to be achieved when, as determined by the Director of Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system wide benefits without adversely affecting water surface profiles at other locations or adjacent properties.
- (4) The maintenance of the required stormwater/ditch system shall be the responsibility of the property owner(s).
- (5) 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.
- (6) The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided.
- (7) Stormwater should be controlled as required by the Chesterfield Valley Master Facility Plan.
- (8) Interim stormwater drainage control in the form of siltation control measures are required.
- (9) Submit to the City of Chesterfield an engineering plan approved by the St. Louis County Department of Highways and Traffic and Metropolitan Sewer District showing that adequate handling of the stormwater drainage of the site is provided.
 - a. The developer is required to provide adequate stormwater systems in accordance with St. Louis County and Metropolitan St. Louis Sewer District standards and in accordance with the Master Plan for Management of Stormwater within Chesterfield Valley.
 - b. All stormwater shall be discharged at an adequate natural discharge point by means of bleeder ditches and/or construction of portions of the main channel as outlined in the Chesterfield Valley Master Drainage Plan or by other means that may be approved. This may require extensive off-site storm sewer ditch work and appropriate easements.

B. Roadway Improvements and Curb Cuts

- (1) Approval by the St. Louis County Department of Highways and Traffic and the City of Chesterfield of required right-of-way dedication, roadway improvements, and location of permitted curb cuts.
- (2) 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 the St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.

C. Geotechnical Report

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

D. Sanitary Sewer

- (1) The regional sanitary station shall be designed to provide gravity flow from the parcel to the west of this site as well as to the east of Long Road.

E. Miscellaneous

- (1) Prior to Site Development Plan approval, indicate the location of the proposed sanitary sewers and connection(s) to the existing system.
- (2) Prior to Site Development Plan approval, show all off-site easements required for utility, grading and/or stormwater drainage improvements.
- (3) Prior to Site Development Plan approval, provide comments/approvals from the Missouri Department of Transportation, the St. Louis County Department of Highways and Traffic, the Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, and the appropriate Fire District.
- (4) Prior to Site Development Plan approval, provide existing and proposed contours at one (1) foot intervals extending 150 feet beyond the limits of the site.
- (5) Prior to Site Development Plan approval, show existing improvements, including roads 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.

- (6) Prior to Site Development Plan approval, provide a traffic study, including internal and external circulations, for review and approval, by the City of Chesterfield Department of Public Works, and the St. Louis County Department of Highways and Traffic.

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.

X. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the appropriate development plan and prior to issuance of any building permit, the following requirements shall be met:

A. Sanitary Sewers

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

B. Notification of City of Chesterfield

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

XI. SITE DEVELOPMENT IMPACT FEES

The developer shall contribute to the Chesterfield Valley Trust Fund (Number 556). This fund was created for roadway improvements, stormwater improvements, sanitary sewer facilities and water main improvements in the Chesterfield Valley Area.

The trust contribution consists of four components representing the improvement categories.

- A. The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield

Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. Any cost associated with the required improvements, above the original estimate, shall be borne by the developer. The amount of the developer's contribution to this fund shall be computed on the basis of the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$1.60/sq. ft. of building space
Office	\$1.12/sq. ft. of building space
Industrial	\$3,856.46/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 Highways and Traffic. Where more than one land use type is proposed and each land use type constitutes thirty-five (35) percent or more of the gross building area, the applicable road improvement contribution shall be determined considering each land use exceeding thirty (35) percent as approved on the Site Development Plan/Site Development Section Plan.

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

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

- B. The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$509.05 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contributions shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

- C. 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 \$1,606.38 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 approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

- D. The sanitary sewer contribution is collected as the Caulks Creek impact fee. The sanitary sewer contributions within the Chesterfield Valley area shall be deposited with the St. Louis 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, 2000, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

XII. 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. Be advised that in conjunction with any site alteration the developer will be required to demonstrate that there will be no adverse effect on other properties located within the Chesterfield Valley. The Floodplain Development Permit/Application must be approved by the City of Chesterfield Department of Public Works prior to the approval of the Improvement Plans or Grading Plans. If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development.
 - (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 clearing/grading permit or improvement plan approval is required prior to any clearing or grading on the site. Be advised, the Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and grading permit. No change in watersheds will be permitted. Interim storm water drainage control in the form of siltation control and/or siltation basins is required. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to any clearing, grading, and/or improvement plan approval. The SWPPP covers required erosion control practices

specific to site conditions and maintenance and implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.

XIII. GENERAL DEVELOPMENT CONDITIONS

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
- (1) Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil. Construct temporary settlement basins during construction to allow for settling of sediment, prior to the discharge of stormwater from this site.
 - (2) 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) 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.
 - (4) Prior to improvement plan approval, provide comments/approvals from the St. Louis County Department of Highways and Traffic, the Missouri Department of Transportation, the Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Missouri Department of Natural Resources and the appropriate Fire District.
 - (5) Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.
 - (6) If any building is proposed to be located in an existing, or proposed, Special Flood Hazard Area the building shall be clearly labeled as being located in the Floodplain on the Approved Site Development Plan and Improvement Plan. The lowest Reference Level (floor), as defined by FEMA, shall be constructed a minimum of one (1) foot above the base flood elevation unless a LOMR has been issued by FEMA prior to construction. The minimum elevation for the Reference Level for each building shall also be noted on the approved Site Development Plan and Improvement Plan.
 - (7) Prior to the issuance of an occupancy permit for any building within the development the Developer shall be required to submit an "Elevation Certificate" (FEMA form 81-31) for that building to the City of Chesterfield Department of Public Works.
 - (8) 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.

- (9) 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.
- (10) 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.
- (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 contributions. 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) A grading permit from the City of Chesterfield is required prior to any grading on the site. No change in watersheds shall be permitted.
- (13) Road improvements and right-or-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.
- (14) 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.
- (15) 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.
- (16) MoDOT shall not be responsible for funding noise abatement for the benefit of this development along route 40/61.