

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C-8" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 6.494 ACRE TRACT OF LAND LOCATED NORTH OF LEA OAKS DRIVE, EAST OF CLARKSON ROAD, WEST OF OLD BAXTER ROAD AND SOUTH OF CHESTERFIELD PARKWAY EAST (P.Z. 11-2003 CAPITOL LAND COMPANY).

WHEREAS, the petitioner, Capitol Land Company made a request for a change of zoning from a "C-8" Planned Commercial District to a "PC" Planned Commercial District for 6.494 acre tract of land located north of Lea Oaks Drive, east of Clarkson Road, west of Old Baxter Road, and south of Chesterfield Parkway East; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the request with amendments to public art, tree protection, cross-access, and parking and greenspace requirements; and,

WHEREAS, the City Council, having considered said request, approved amendments with regard to permitted uses, hours of operation, building height, building and parking setbacks, landscaping and lighting requirements, architectural elevations, stormwater and grading requirements, and underground utilities.

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

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District for a 6.494 acre tract of land located north of Lea Oaks Drive, east of Clarkson Road, west of Old Baxter Road, and south of Chesterfield Parkway East, as described in "Exhibit A."

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

Section 3. The City Council, pursuant to the petition filed by Capitol Land Company in P.Z. 11-2003 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.

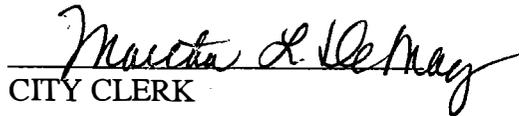
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 18th day of OCTOBER, 2004.


MAYOR

ATTEST:


CITY CLERK

Legal Description:

A tract of land being all of Lot "A" of Swantner Acres, a subdivision according to the plat thereof recorded in Plat Book 143, page 50 of the St. Louis County Records, part of Parcel 1 and all of Parcel 2 of "A Boundary Adjustment Plat of a Tract of Land in U.S. Survey 2002, Township 45 North, Range 4 East" according to the plat thereof recorded in Plat Book 255, page 52 of the St. Louis County Records, part of a tract of land conveyed to Francis Macalady by deed recorded in Book 8811, page 1587, all of a tract of land conveyed to Francis Macalady by deed recorded in Book 6713, page 2348 and part of a tract of land conveyed to Emil Rauscher by deed recorded in Book 2401, page 634 all of the St. Louis County Records, all being situated in U.S. Survey 2002, Township 45 North, Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at a point in the Western line of Baxter Road, 30 feet wide, being the Southeastern corner of a tract of land conveyed to Raymond Felling by deed recorded in Book 2285, page 468 of the St. Louis County Records; thence along the Southern line of Felling, South 76 degrees 38 minutes 20 seconds West, 10.54 feet to the Northeastern corner of aforesaid Lot "A" of "Swantner Acres"; thence along the Eastern line of said Lot "A", South 4 degrees 59 minutes 46 seconds West, 106.50 feet to an angle point therein; thence South 5 degrees 04 minutes 14 seconds East, 96.47 feet to the Southeastern corner of said Lot "A"; thence along the Southern line of said Lot "A" and the Southern line of a tract of land conveyed to Caparco Two, Inc. by deed recorded in Book 10020, page 1926 of the St. Louis County Records, South 72 degrees 57 minutes 29 seconds West, 755.18 feet to a point in the Eastern Right-of-Way of Relocated Route 340 (aka Clarkson Road) as established by deed recorded in Book 8383, page 2153 of the St. Louis County Records; thence along said Eastern Right-of-Way, North 30 degrees 58 minutes 26 seconds East, 45.26 feet to an angle point therein; thence North 24 degrees 07 minutes 52 seconds East, 125.90 feet to an angle point therein; thence continuing along said Right-of-Way and along the Eastern Right-of-Way as established by deeds recorded in Book 8538, page 2270 and Book 8442, page 2359 of the St. Louis County Records, North 30 degrees 58 minutes 26 seconds East, 620.62 feet to a point on the Southern line of property conveyed to Elmer A. Weinrich by deed recorded in Book 2260, page 446 of the St. Louis County Records; thence along said Southern line of Weinrich, South 84 degrees 12 minutes 17 seconds East, 360.24 feet to a point on the Western line of Baxter Road, as aforementioned; thence along said Western line, South 4 degrees 59 minutes 46 seconds West, 224.36 feet to the point of beginning and containing 6.494 Acres (282,860 Square Feet) more or less.

ATTACHMENT A

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

- 1.4 Quality New Development
- 1.8 Urban Core
- 3.1 Quality Commercial Development
 - 3.1.1 Quality of Design
 - 3.1.2 Buffering of Neighborhoods
- 3.2.2 Community Retail Facilities
- 3.7.6 Multimodal Transportation Choices
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.6 Cross-Access Circulation
- 7.2.9 Access Management

I. PERMITTED USES

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

- (e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
- (h) Barber shops and beauty parlors.
- (i) Bookstores.
- (s) Financial institutions.
- (y) Offices or office buildings.
- (ii) Restaurants, sit down,
- (pp) Permitted signs (see Section 1003.168 'Sign Regulations').
- (tt) Stores, shops, markets, service facilities and automatic vending machines in which goods or services of any kind, including indoor sale of motor vehicles, are offered for sale or hire to the general public on the premises.

B. The above uses in the "PC" Planned Commercial District shall be restricted as follows:

1. Restaurants, sit down shall be limited to Buildings A and C and shall be limited in size not to exceed a total of 7,000 square feet.
2. Indoor sale of motor vehicles shall be prohibited.

3. Hours of operation for all uses shall be between 7:00 a.m. and 9:30 p.m. except that hours would be extended to 10:00 p.m. when operating as a bookstore.
4. Stores, shops, markets, service facilities, in which goods or services of any kind are being offered for sale or hire to the general public on the premises shall be limited to "low intensity specialty retail establishments" where uses that are compatible with, and targeted to local residential consumers, and that reduce the hazards of local traffic by limiting the size of the building and restricting uses that need significantly fewer parking spaces than is required by the established retail performance standard. Such stores or services may include clothiers, pharmacies, bakeries, coffee shops, furniture and home décor stores, camera shops, beauty parlors, beauty treatment centers, flower shops, book stores and similar or comparable uses. Drive-in establishments, such as gas stations, fast-food or drive through restaurants, and high traffic generators such as "outlet retailers," do not meet this definition.
5. A coffee shop shall be allowed as an ancillary use in Building B.

II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

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

1. The uses permitted within this "PC" Planned Commercial District shall be contained in a maximum of three (3) buildings.
2. The height of all buildings shall be as follows:
 - a. B Book store building height, including the architectural feature, shall not exceed two (2) stories or forty (40) feet, whichever is less, on the front of the building and twenty-four (24) feet in the rear of the building as measured from the average finished floor elevation of the building. The architectural feature on the front of the building shall not extend greater than 38 feet from the front of the building towards Old Baxter Road.
 - b. Building height of A Retail Shops shall not exceed twenty-four (24) feet with the exception that the architectural element elevations shall not exceed thirty-two (32) feet.
 - c. Building height of C Retail Shops shall not exceed twenty-four (24) feet with the exception that the architectural element elevations shall not exceed twenty-eight (28) feet.

3. Gross floor area constructed for the three (3) buildings shall not exceed 58,749 square feet. The square footage constructed shall be based on the development's ability to comply with the parking and stormwater regulations of the City of Chesterfield.

III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

- A. Within eighteen (18) months from the preliminary development plan approval exclusively to storage 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.
- B. Failure to comply with aforementioned time limits will result in the expiration of the preliminary plan/site development concept plan for that portion not developed and will require a new public hearing. Said Site Development Plans shall include but not be limited to the following:

IV. GENERAL CRITERIA - CONCEPT PLAN

- A. The Site Development Concept Plan shall include the following:
 1. Outboundary plat and legal description of the property.
 2. Conceptual location, design (with design statement), materials, and size, including height, of all proposed buildings, parking and loading areas, and lots.
 3. Specific structure and parking setbacks along all roadways and property lines.
 4. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
 5. Existing and proposed contours at 2-foot intervals extending 150 feet beyond the limits of the site.
 6. Preliminary stormwater and sanitary sewer facilities.

7. Show existing improvements, including roads and driveways on the opposite side of roadways adjacent to the site.
8. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
9. The scale to which the Site Development Concept Plan will be drawn shall be no greater than one (1) inch equals one hundred (100) feet.
10. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
11. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
12. Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).
13. A Sign Package will be submitted to the Department of Planning in conjunction with the Site Development (Concept) Plan. Approval of sign package by the Planning Commission does not constitute issuance of a permit for signage. Signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

V. GENERAL CRITERIA - SECTION PLANS

A. Site Development Section Plans shall include the following:

1. Location and size, including height, of all uses, buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, other above ground structures and landscaping.
2. Existing and proposed contour intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site.
3. Existing and proposed roadway, drives, and walkways on and adjacent to the property in question, including location of curb cuts, necessary right-of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of the development.

4. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for streets, utilities, storm water drainage, grading or other improvements.
5. Specific structure and parking setbacks along all roadways and property lines.
6. The location of the proposed storm sewers, detention basins, sanitary sewers, and connection(s) to existing systems.
7. Location and size of all parking areas.
8. A landscape plan, including, but not limited to, location, size, and type of all plant and other material to be used.
9. Area of each building phase.
10. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines.
11. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site.
12. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
13. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.
14. 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.
15. Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

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

A. 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. Fifty (50) feet from the current right-of-way of Old Baxter Road.
2. Thirty (30) feet from the southern boundary of the total tract bearing S 72° 57' 29" W 755.18'.
3. One hundred and thirty-five (135) feet from the proposed right-of-way of Clarkson Road (Missouri State Highway 340).
4. Sixty (60) feet from the northern boundary of the total tract bearing S 84° 12' 17" E 360.24'.
5. C Retail Shops building will be one hundred and fourteen (114) feet from the current right-of-way of Old Baxter Road.

B. Parking and Loading Space Setbacks

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

1. Fifty (50) feet from the current right-of-way of Old Baxter Road.
2. Twenty-five (25) feet from the southern boundary of the total tract bearing S 72° 57' 29" W 755.18'.

3. Forty (40) feet from the proposed right-of-way of Clarkson Road (Missouri State Highway 340).
4. Twenty (20) feet from the northern boundary of the total tract bearing S 84° 12' 17" E 360.24'.

C. Parking and Loading Requirements

1. Parking requirements shall be a minimum of 4.5 spaces per 1,000 square feet of gross floor area, as directed by the City of Chesterfield.
2. Loading spaces for this development shall be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.
3. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.

D. Access

1. Access to this site is currently provided by a drive owned by the State of Missouri. Said drive connects to the access drive for the Drew Station Shopping Center at the Clarkson Road/Lea Oaks Drive intersection. Cross access easements must be obtained so that the turning movement to the subject tract is located a minimum of 200' east of the Clarkson Road/Lea Oak intersection, at the current terminus of the three lane entrance road to Drew Station. The access drive serving the subject property and the property to the north shall be constructed to City standards for streets and in an alignment as approved by the City of Chesterfield Department of Public Works.
2. Provide additional right-of-way as needed to provide a minimum of 25' of right-of-way from the center line of Old Baxter Road.
3. No direct access will be allowed to Old Baxter Road except as required for emergency vehicles.
4. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreements guaranteeing permanent access between this site and adjacent properties, including the Voelpel Tract, as directed by the City of Chesterfield.

E. Public/Private Road Improvements, Including Sidewalks

1. Provide a 5' wide sidewalk along Old Baxter Road. Said sidewalk shall begin at the southern property line and connect to the existing sidewalk at the northern property line.
2. Provide a direct sidewalk access to the parcel to the south from the public sidewalk along the Clarkson Road frontage. A handicap ramp will be required in the northwest quadrant of the intersection of the "Common Access Drive" and the extension of Lea Oak Drive.
3. Provide a sidewalk that allows pedestrian circulation between the bookstore (Building B) and the development to the north.
4. Provide a sidewalk that allows pedestrian access with development to the south.
5. Provide bicycle/pedestrian accommodations as directed by the City of Chesterfield.

F. Traffic Study

Prior to Site Development Plan approval, a traffic study will be required as directed by the City of Chesterfield and the Missouri Department of Transportation.

G. Tree Protection Plan

Prior to grading, Tree Protection Plan shall be submitted to City of Chesterfield to determine measures necessary to preserve and protect sugar maple trees located to the rear of construction area as per 4-S Tree Consulting letter dated November 6, 2003, attached as Exhibit 1.

H. Landscape Plan

1. 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.
2. Building and paved area setbacks and landscaped areas shall contain adequate landscaping as required and approved by the Planning Commission on the Site Development Plan

3. There shall be a densely screened landscape buffer along the eastern edge of the site that shields the proposed building from the existing neighborhoods adjacent to Old Baxter Road. The landscape buffer should include a 3' high berm and preservation of the existing trees with 85% of any additional trees in the landscape buffer area consisting of evergreen species, specifically to include Norway Spruce and White Pine varieties, and shrubbery.
4. Other landscape buffer areas should consist of multi-stem canopy trees and flowering shrubs.
5. 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.
6. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.
7. Open Space in this development shall be 35.4%, unless Missouri Department of Transportation right-of-way is acquired, in which case it shall be 37.5% as directed by the City of Chesterfield.

I. Sign Requirements

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield department of Public Works, and/or the Missouri Department of Transportation, for sight distance considerations prior to installation or construction.
2. No advertising signs, temporary signs, portable signs, off-site signs, or attention getting devices shall be permitted in this development.
3. 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.
4. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

J. Lighting Requirements

1. The location of the light standards shall be as approved by the Planning Commission on the Site Development Plan and shall be in conformance with City of Chesterfield regulations. A Lighting Plan, with specific product information, is required in conjunction with the Site Development Plan.
2. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. Lighting shall be required in compliance with City of Chesterfield regulations, including the Subdivision Ordinance.
3. In order to be compatible with the adjacent property to the north, all light standards within this development shall not exceed a total vertical height of fourteen (14) feet, exclusive of the base.
4. All light standards located on the parking structure, other than those for security purposes, shall be turned off no later than thirty (30) minutes after the latest hour of operation per day within the development.

K. Architectural elevations

1. The architectural style of the permitted buildings and any fencing shall address the adjacent residential neighborhood and commercial development. The style should be comparable in quality, material, construction and scale to the character of adjacent properties.
2. The developer shall submit architectural elevations, building materials, and other items in accordance with the City of Chesterfield Design Guidelines. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission for Site Development Plan approval.
3. The exterior building materials shall be brick, consistent with the adjacent property to the north. The exterior materials on each side may include EFIS materials as may be architecturally appropriate as reviewed by the Architectural Review Board and approved by the Planning Commission.
4. The architectural feature on the front of the B Book Store building shall not extend greater than 38-feet from the front of the building towards Old Baxter Road.

5. The rear of the B Book Store building will have a minimum of seven (7) faux windows.
6. Faux windows may be added to the rear of the C Retail Shops building if determined to be architecturally appropriate as reviewed by the Architectural Review Board and approved by the Planning Commission. The window locations are contingent upon the final placement of required exit doors and utilities.
7. Faux windows will be added to the south side elevation of Building B as reviewed by the Architecture Review Board and approved by the Planning Commission.

L. Public Art

Reserve an area for the display of work of art so long as the art to be displayed is mutually agreed upon by the City of Chesterfield and the petitioner.

M. Power of Review

Either Council member of the Ward where a development is proposed, or the Mayor, may request that the site plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval. The City Council will then take appropriate action relative to the proposal.

N. Miscellaneous

1. Trash enclosures: The location and elevation of any trash enclosures shall be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas shall be enclosed with a six (6) foot high sight-proof enclosure of similar materials to the buildings and complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
2. Mechanical equipment shall be adequately screened by roofing or other material as approved by the Planning Commission.
3. All newly installed utilities shall be installed underground. The existing feeder lines along Clarkson Road and Old Baxter Road will not be buried. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site.

4. 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. Roadway Improvements and Curb Cuts

Obtain approval from the City of Chesterfield Department of Public Works and the Missouri Department of Transportation of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

B. Stormwater and Sanitary Sewer

1. Detention/retention is to be provided for this site as directed by the City of Chesterfield Department of Public Works. Detention of storm water runoff is required by providing permanent detention/retention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention/retention basin shall be operational prior to paving of any driveways or parking areas. The location and types of detention facilities shall be identified on the Site Development Plan.
2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. No change in watersheds shall be permitted. The adequacy of any existing downstream storm water facilities shall 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 shall be provided. Off-site easements for areas inundated by headwater from on site improvements shall be provided as required by the Department of Public Works.
3. Detention area(s), lakes(s), pond(s), etc., are located downstream from the proposed development which may, in the opinion of the Department of Public Works, be impacted by development of subject site. The Detention area(s), lakes(s), pond(s), etc., shall be in the same condition at the completion of development of subject site as pre-development. This condition is dependent on

the ability of the developer to acquire necessary easements/agreements for pre and post condition surveys and restorative activities. Condition of the(se) downstream area(s) shall be determined by a pre-construction survey conducted prior to any clearing, grading or construction on the subject site. A copy of the pre-construction survey of downstream detention areas shall be submitted to the City of Chesterfield, Department of Public Works prior to any clearing or grading on the site. Within twelve (12) months of the completion of the proposed development or two (2) years from the start of the development, whichever is greater, a post-construction survey shall be made of the same downstream detention area(s), lake(s), pond(s), etc., to determine condition of same. The developer shall be required to return surrounding downstream basins to pre-construction condition. A bond as approved by the Department of Public Works of the City of Chesterfield shall be posted to assure compliance with this condition.

4. If significant siltation during the course of the project has a severe negative impact on Century Lake, as determined by the City of Chesterfield Public Works Department, the developer will be required to take immediate corrective actions to restore the lake to pre-construction conditions.

C. Geotechnical Report

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

D. Grading and Improvement Plans

1. 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.
2. 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.

3. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, shall be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. 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.
4. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the Director of Public Works/City Engineer.
5. Provide adequate temporary off-street parking for construction employees and a vehicle wash down/cleaning area shall be provided during construction. 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. The contractor shall keep the road clear of mud and debris at all times. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. No construction parking shall be allowed within/along Old Baxter Road, Baxter Lane, Century Lake Drive, or Highway 340 ROW.
6. 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.
7. Prior to issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions

P.Z. 11-2003 Capitol Land Company
January 30, 2004
February 9, 2004 (Planning Commission)
August 16, 2004 (City Council)
October 18, 2004 (City Council)

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8. Prior to improvement plan approval; provide comments/approvals from the Metropolitan St. Louis Sewer District and the appropriate Fire District.
9. Prior to improvement plan approval, copies of recorded easements/right-of-way dedications for off-site work, including book and page information, shall be provided.

IX. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan shall be recorded with the St. Louis County Recorder of Deeds. Failure to record the plan within sixty (60) days of approval shall deem the plan void.

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

XI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to Improvement Plan approval, provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.

XII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

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:

A. Notification of Department of Planning

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

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

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

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

C. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

XIII. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. Prior to the issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates as defined in the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions.
- B. Prior to final occupancy of any building the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

XIV. 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.

XV. 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

P.Z. 11-2003 Capitol Land Company
January 30, 2004
February 9, 2004 (Planning Commission)
August 16, 2004 (City Council)
October 18, 2004 (City Council)

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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

Prior to issuance of zoning approvals for foundation or building permits, the City of Chesterfield must receive approvals from the Missouri Department of Transportation and the Metropolitan St. Louis Sewer District.

XVI. SUPPLEMENTARY DEVELOPMENT CONDITIONS

Supplementary development conditions relating to the operation of this development are as follows:

- A. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
- B. Prior to final occupancy of any building, the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XVII. GENERAL DEVELOPMENT CONDITIONS

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

- A. 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 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.
- B. 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.

- C. 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.
- D. This document shall read as a whole and any inconsistency shall be integrated to carry out the overall intent of this Attachment A.