

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A PLANNED ENVIRONMENT UNIT WITHIN AN "R1A" RESIDENTIAL DISTRICT FOR A 63.8 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD, EAST OF CORDOVIAN COMMONS PARKWAY AND WEST OF OLD RIVERWOODS. (P.Z. 6-2003 VILLAGES OF KENDALL BLUFFS/THE JONES COMPANY)**

**WHEREAS**, the petitioner, the Jones Company, requested a Planned Environment Unit (PEU) for a 63.8 acre tract of land located on the north side of Olive Boulevard, and;

**WHEREAS**, the Planning Commission held a public hearing on May 12, 2003 to consider the matter, and;

**WHEREAS**, the Planning Commission recommended changes to the Attachment A relative to the setback from the eastern property boundary and preservations of two (2) trees identified on the Tree Stand Delineation/Preliminary Preservation Plan, and;

**WHEREAS**, a recommendation for approval was denied by the Planning Commission by a vote of 2-7 on October 13, 2003, and;

**WHEREAS**, a motion for reconsideration of the P.Z. 6-2003 Kendall Bluffs by the Planning Commission failed by a vote of 4-5 on October 27, 2003, and;

**WHEREAS**, the City Council, having reviewed said petition, made amendments relating to grading, access and setbacks and referred the petition to Planning and Zoning Committee for further review, and;

**WHEREAS**, the City Council having reviewed said petition, voted to approve.

**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 a part thereof, are hereby amended by establishing a Planned Environment Procedure (PEU) in an "R1-A" Residence District for a 63.8 acre tract of land located on the north side of Olive Boulevard as described "Exhibit A."

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the

City Council, which are set out in Attachment A, which is attached hereto and made a part hereof.

Section 3. The City Council, pursuant to the petition filed by The Jones Company in P.Z. 6-2003 requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 12<sup>th</sup> day of May 2003, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

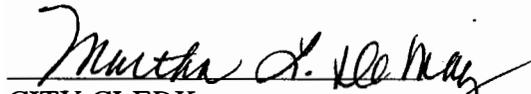
Section 4. This ordinance and the requirements thereof are exempt from the warnings and summons for violations as set out in Section 1003.410 of the zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 18<sup>th</sup> day of OCTOBER, 2004.

  
MAYOR

ATTEST:

  
CITY CLERK

## ATTACHMENT A

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

- 2.1 Quality Residential Development
- 2.1.5 Provide Buffer for Existing Residential Development
- 7.2.1 Maintain Proper Level of Service
- 7.2.2 Arterial Medians
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 7.2.9 Access Management
- 8.2 Public Utilities
- 8.2.2 Underground Electric Service

### I. PERMITTED USES

A. The uses allowed this "PEU" Planned Environment Unit shall be as follows:

1. Single family attached residential units

B. The above use in the "PEU" Planned Environment Unit shall be restricted as follows:

1. There shall be no more than 115 units.

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

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

#### 1. HEIGHT

- a. The maximum height a residential unit in this development shall not exceed two stories or thirty-five (35) feet, whichever is less.

## **2. BUILDING REQUIREMENTS**

- a. Greenspace: A minimum of seventy-six percent (76%) greenspace is required for this development. Greenspace is determined by a fraction: the numerator of which is all green area plus all non-paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.

## **III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building permit, the developer will submit to the City of Chesterfield for their review and approval a Site Concept Plan. Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning Commission in accord with the City of Chesterfield Zoning Ordinance.

Failure to comply with aforementioned time limits or receipt of an extension prior to the aforementioned time requirements will result in the expiration of the preliminary plan for any portion developed and will require a new public hearing. The Site Development Plan will 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, and size, including height, of all proposed buildings, parking and loading areas, and lots.
3. Design (with design statement) and materials of proposed structure.
4. Specific structure and parking setbacks along all roadways and property lines.
5. 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.

6. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
7. Preliminary stormwater and sanitary sewer facilities.
8. Show existing improvements, including roads and driveways on the opposite side of roadways adjacent to the site.
9. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
10. 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.
11. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or to be removed.
12. 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.
13. Provide the greenspace percentage for the entire development. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

## **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 two (2) feet, and extending 150 feet beyond the limits of the site.
3. Existing and proposed roadway, drives, and walkways on and adjacent to the property in question, including location of curb cuts, necessary right-of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of the development.
4. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for utilities, storm water drainage, grading or other improvements.

5. Specific structure and parking setbacks along all roadways and property lines.
6. The location of the proposed storm sewers, detention basins, sanitary sewers, and connection(s) to existing systems.
7. Location and size of all parking areas.
8. A landscape plan, including, but not limited to, location, size, and type of all plant and other material to be used.
9. Area of each building phase.
10. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines.
11. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
12. Provide comments/approvals from the appropriate Fire District, the City of Maryland Heights, the Metropolitan St. Louis Sewer District and Missouri Department of Transportation.
13. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
14. Provide the greenspace percentage for the entire development. 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

- A. The Site Development Concept and Section Plans shall illustrate adherence to the following specific design criteria. Information to be shown on the Site Development Concept Plan shall be limited to those items specified in Section A, General Criteria-Concept Plan.
- B. 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. 100 feet from the new right of way Olive Boulevard where adjacent to it and 40 feet from the northern boundary of the 11.5 acre +/- parcel known as Surrey Place where adjacent to it. The proposed gatehouse for the development shall not be permitted to encroach upon the setback.
- b. 50 feet from the western boundary of the Planned Environment Unit.
- i. The area within this setback shall be an area of non-disturbance and shall not be disrupted, except for placement of utilities and the detention pond.
- ii. Areas disturbed for sewer lines and detention pond within this fifty (50) feet of the property line shall require a buffer with landscaping in accordance with a landscape plan approved by the City of Chesterfield.
- iii. This area of non-disturbance on the western property line shall be a minimum of 930 feet in length from the right-of-way of Olive Boulevard.
- c. 140 feet from the northern boundary of the Planned Environment Unit.
- d. 80 feet from the eastern boundary of the Planned Environment Unit. For clarification, this distance is measured from the boundary line adjacent to Old Riverwoods Subdivision.
- i. 50 feet from the eastern boundary shall be designated as an area on non-disturbance.

ii. The setback for units 12b & 13b as shown on the preliminary plan shall be sixty-five feet(65').

4. Access

Access to the 76.5± acre parcel (the proposed PEU and the existing CUP, see also P. C. 12, 13 & 14 - 87) shall be limited to a single curb cut on Olive Boulevard (State Route 340). The location of the access point shall be as approved by the City of Chesterfield and the Missouri Department of Transportation.

An access easement shall be provided within the 140-foot northern setback of the property to serve as a possible link of a future trail connecting the Beckemeier Conservation Area to the east of Old Riverwoods and Faust Park to the west.

5. Public/Private Road Improvements, Including Pedestrian Circulation

a. No driveway shall be allowed within 50 feet of the intersection of the entrance street and the first cross street or access drive (11.5± acre parcel, aka Surrey Place). The distance will be measured from the nearest edge of pavement to the edge of the driveway at the property line.

b. The street off Olive Boulevard (State Route 340) shall be designed to City Standards and aligned such that vehicles entering off Olive have the right of way over vehicles exiting the site (65± acre parcel) or the site to the north and east (11.5± acre parcel, aka Surrey Place). Any access off the entrance street shall be a minimum of 100 feet from the existing edge of pavement for Olive Boulevard (State Route 340) or a minimum of 50 feet from right-of-way line as directed by the City of Chesterfield.

c. Provide cross access easements as needed to provide the adjacent parcel to the north and east(11.5± acre parcel, aka Surrey Place) full access to the street off of Olive Boulevard (State Route 340).

d. Provide a 5' wide sidewalk, conforming to St. Louis County ADA standards, adjacent to Olive Boulevard (State Route 340) along the frontage of the subject tract and connecting to the sidewalk to be constructed with the adjacent development to the southwest (Villas at Ladue Bluffs). The sidewalk may be located within State right-of-way or within a 6' wide sidewalk, maintenance and utility easement on the subject property.

6. Traffic Study

Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation including internal and external circulation, for review and approval. The scope of the study may be limited to site specific impacts such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required as long as the density of the proposed development falls within the parameters of the regional traffic study. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

7. Landscape Plan

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, to comply with the following:

- a. 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.
- b. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.
- c. Trees #44 and #45, as identified on the Tree Stand Delineation/Preliminary Preservation Plan, shall not be removed or destroyed. The City Tree Specialist shall review the condition of said trees prior to any grading or activity that could produce harm and direct measures for their preservation.

8. Sign Requirements

- a. 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.
- b. All permanent freestanding 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 Section Plan.

- c. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

#### 9. Light Requirements

- a. The location of the light standards will be as approved by the Planning Commission on the Site Development Section Plan and will be in conformance with City of Chesterfield regulations.
- 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 Planning Commission during Site Development Section Plan stage.

#### 11. Power of Review

( 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.

#### 12. Miscellaneous

- a. The developer shall provide any additional right-of-way for State Route 340, and construct any improvements, as directed by the Missouri Department of Transportation and the City of Chesterfield.
- b. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield. If the streets are to be

October 13, 2003

July 19, 2004

October 18, 2004

public, the turn arounds may be required to accommodate school buses, as directed by the City of Chesterfield Department of Public Works.

- c. If street grades in excess of six percent (6%) are desired, grade approval must be obtained from the Department of Public Works prior to Site Development Plan approval. In no case shall slopes in excess of twelve percent (12%) be permitted. Any request for steep street grades must include justification prepared, signed and sealed by a professional engineer and include plans, profiles, boring logs, cross-sections, etc in accordance with the City's Street Grade Design Policy. The justification should clearly indicate site conditions and alternatives considered. If steep grades are approved for this site, a note indicating that priority snow removal will not be given to this site shall be included on the Site Development Plan and Record Plat and provided to all prospective buyers.
- d. Any request to install a gate on the entrance street for this development must be approved by the City of Chesterfield Department of Public Works and the Missouri Department of Transportation. Any request to install a gate on an internal street must be approved by the City of Chesterfield. No gate installation will be permitted on public right-of-way or within 60 feet of a cross access easement. In addition, a minimum stacking distance of 60 feet, and a turnaround for rejected vehicles, designed to accommodate a single unit truck, must be provided in advance of the gate as directed by the Missouri Department of Transportation and the City of Chesterfield.
- e. If a gate is installed on the entrance street for this development or on an internal street the following additional requirements shall apply:
  - i. The streets within this development or that portion of the development that is gated shall be private and remain private forever.
  - ii. No driveway shall be located within 40 feet of the gate as directed by the City of Chesterfield.
  - iii. The first cross street to intersect the entrance street must be located a minimum of 40 feet from the gate as directed by the City of Chesterfield. The distance to be measured from the line of the gate to the edge of pavement of the proposed cross street.
- f. Maintenance of private subdivision streets, including, but not limited to, snow removal, shall be the responsibility of the developer/subdivision. A disclosure statement shall be provided to all potential buyers in conformance with Section 1005.180 of the Chesterfield Subdivision Ordinance. Signage indicating the private street also be posted as require by the referenced section.

- g. No driveway shall be allowed within 50 feet of the intersection of the entrance street and the first cross street or access drive (11.5± acre parcel, aka Surrey Place). The distance will be measured from the nearest edge of pavement to the edge of the driveway at the property line.
- h. No lot shall be allowed direct access to Olive Boulevard (State Route 340).
- i. Provide a landscaped median on the street entering the site. The median shall be a minimum of 100 feet long and 10 feet wide.

13. Landscape Median

The existing ten (10) foot wide landscaped medians on State Route 340 shall be extended across the entire frontage of the subject tract except as necessary to accommodate turning movements for the proposed entrance street and existing entrances on the southerly side of State Route 340. If the existing entrance to Surrey Place is relocated or removed in conjunction with the improvements for this development, the Developer shall modify or extend the limits of the existing medians appropriately. Final extents of the medians shall be as directed by the City of Chesterfield and the Missouri Department of Transportation.

The median(s) shall be constructed, backfilled, irrigated and landscaped in accordance with City standards, specifications and guidelines. The developer will be responsible for the installation of any necessary water taps for the irrigation system. The City of Chesterfield will be responsible for future maintenance once construction has been completed and approved.

- 14. No construction related parking shall be permitted within the Olive Boulevard (State Route 340) right-of-way.
- 15. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system.

Storm sewers discharging along the steep slope toward the northwest portion of the site shall be extended to the base of the slope unless extraordinary measures are taken to protect the slope from erosion in the long term, as approved by the City of Chesterfield, Department of Public Works. The following note shall be included on the Site Development Plan, "Final location of the storm sewer outlets shall be as approved by the City Engineer. Review and approval of said outlets shall be concurrent with the review of the Improvement Plans for the project."

Stormwater runoff is to be intercepted at the west property line adjacent to the existing residential lots at the eastern extent of the Villas of Ladue Bluffs

subdivision and conveyed via underground sewers to the existing sewer discharge in order to prevent, to the greatest extent practicable, overland stormwater flow from the proposed development into the rear yards of said existing residences.

At the easternmost extent of the proposed development, in the area of the terminus of proposed street A, proposed lots 11B, 12B & 13B, micro-detention techniques should be employed, as approved by the Department of Public Works, to collect stormwater from impervious surfaces which would flow in and eastward direction, in an effort to mitigate the effects of stormwater runoff.

16. 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.
17. Sleeves for future telecommunication services are required to 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.
18. If cut or fill slopes in excess of 3:1 are desired an exception to this requirement must be obtained from the City Engineer. Any request for steep slopes must include justification as required by the Grading Ordinance. The labeling of any steep slope proposed on the Site Development Plan shall include the following note, "This steep slope is subject to the review and approval of the City Engineer. Review of the proposed steep slope will be concurrent with the review of the Grading Permit or Improvement Plans for the project."
19. No exception shall be granted by the Department of Public Works for new cut or fill slopes in excess of 3:1 along the western boundary of the development adjacent to homes on Cordovan Commons Parkway.
20. No grading shall be permitted within the 50' building setback on the western boundary unless required for installation of utilities.

## **VIII. VERIFICATION PRIOR TO APPROVAL**

- A. Prior to approval of the Site Development Plan, the developer will provide the following:

1. Roadway Improvements and Curb Cuts.
  - a. Obtain approval from the City of Chesterfield Department of Public Works and the Missouri Department of Transportation for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
2. Stormwater and Sanitary Sewer.

Detention/retention is to be provided in each watershed as required by the City of Chesterfield Department of Public Works. Detention of stormwater runoff is required by providing permanent detention/retention facilities, such as dry reservoirs, ponds or another acceptable alternative. The maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet. The detention/retention facilities shall be operational prior to issuance of building permits exceeding sixty (60%) of the approved dwelling units. Detention/retention facilities shall be operational in each plat, watershed, or phase prior to issuance of 60% of the building permits in each plat, phase, or watershed. The location and types of detention/retention facilities shall be identified on the Site Development Plan.

The adequacy of the existing downstream conditions 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 for all storm sewers as directed by the City of Chesterfield, Department of Public Works

#### **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 recommendations for treatment.

#### **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. No change in watersheds will be permitted.

A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the City of Chesterfield Department of Public Works prior to any clearing or grading permit approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and adherence to the SWPPP plan. Its purpose is to ensure the design, implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.

- b. Interim storm water drainage control in the form of siltation control and/or siltation basins is required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to approval of any clearing or grading. The SWPPP will address required erosion control practices specific to site conditions. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP's) to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. The SWPPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.
- c. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
- d. 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. Adequate temporary off-street parking for construction employees 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.

- f. 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.
- g. This development will require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) or more acres.
- h. Soft soils in the bottom and banks of any existing or former pond sites or tributaries or any sediment basins or traps should be removed, spread out and permitted to dry sufficiently to be used as fill. None of this material should be placed in proposed public right-of-way locations or in any storm sewer location.
- i. All fills placed under proposed storm and sanitary sewer lines and/or paved areas, including trench backfill within and off the road right-of-way, shall be compacted to 90% of maximum density as determined by the "Modified AASHTO T-180 Compaction Test" (ASTM D-1557) for the entire depth of the fill. Compacted granular backfill is required in all trench excavation within the street right-of-way and under all paved areas. All tests shall be performed under the direction of and verified by a soils engineer concurrent with grading and backfilling operations.

## **IX. RECORDING**

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

## **X. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL**

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

1. Comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District and the appropriate Fire District.

2. Copies of recorded easements for off-site work, including book and page information, will be provided.

## **XI. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS**

- A. Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements will be met:

1. Notification of Department of Planning

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

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

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

3. Certification of Plans

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

## **XII. OCCUPANCY PERMIT/FINAL OCCUPANCY**

- A. 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 will provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate

documents filed with the Missouri Department of Natural Resources Land Survey Program.

- C. All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued except that a temporary occupancy permit may be issued by the City of Chesterfield Planning Department in cases of undue hardship because of unfavorable ground conditions. If the lot is to be seeded and mulched it shall be done so in a manner that it meets or exceeds the requirements of the City of Chesterfield's Sediment and Erosion Control Guidelines.
- D. 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 will provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

### **XVI. GENERAL DEVELOPMENT CONDITIONS**

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
  - 1. Detention/retention will be provided for this site. A fence complimentary to the office building and parking structure is required around the detention basin.
  - 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
- 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.