

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE "NU" NON-URBAN DISTRICT TO "PC" PLANNED COMMERCIAL DISTRICT AND APPROVING A LANDMARK AND PRESERVATION AREA PROCEDURE FOR A .21 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD, EAST OF BAXTER ROAD (P.Z. 23 & 24-2004 BUSCH-STRUTMAN, L.L.C.)

WHEREAS, the petitioner, Busch-Strutman L.L.C., has requested a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District and approval of a Landmark and Preservation Area (LPA) Procedure for a .21 acre tract of land located on the south side of Chesterfield Airport Road, east of Baxter Road; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the rezoning from an "NU" Non-Urban District to a "PC" Planned Commercial District and Landmark and Preservation Area (LPA) Procedure; and,

WHEREAS, the City Council, having considered said request, recommended approval of the rezoning from an "NU" Non-Urban District to a "PC" Planned Commercial District and Landmark and Preservation Area (LPA) Procedure.

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 transferring from the "NU" Non-Urban District to the "PC" Planned Commercial district and Landmark and Preservation Area (LPA) Procedure for a .21 acre tract of land located south of Chesterfield Airport Road and east of Baxter Road, as described below:

Legal Description

All of Lot 3 and part of Lot 12 of BURKHARDT PLACE, a subdivision in U.S. Survey 2031, Township 45 North, Range 4 East, according to the plat thereof recorded in Plat Book 12 Page 94 of the St. Louis County Records and being more particularly described as follows: Beginning at a point in the South line of Chesterfield Airport Road, 60 feet wide, (formerly Olive Street Road), distant North 70 degrees 47 minutes 00 seconds West 101.00 feet from the Northeast corner of Lot 1 of said BURKHARDT PLACE, said beginning point being also the Northeast corner of Lot 3: thence along the line dividing Lots 2 and 3 and along the continuation of said dividing line South 19 degrees 13 minutes 00 seconds West a distance of 182.58 feet to the North line of Santa Maria Road, 40 feet wide, (formerly Wild Horse Road); thence along the North line

of the Santa Maria Road, South 87 degrees 44 minutes 00 seconds West a distance of 3.75 feet to its intersection with the North line of property conveyed to Albert A Wilmas by deed recorded in Book 490 Page 91 of the St. Louis County Records; thence along the North line of the said property so conveyed North 82 degrees 28 minutes 51 seconds West a distance of 47.49 feet to its intersection with the Southern prolongation of the line dividing Lots 3 and 4; thence along the Southern prolongation of the line dividing Lots 3 and 4 and along the line dividing Lots 3 and 4 North 19 degrees 13 minutes 00 seconds East a distance of 193.54 feet to the South line of Chesterfield Airport Road: thence along the South line of the Chesterfield Airport Road South 70 degrees 47 minutes 00 seconds East a distance of 50.00 feet to the of beginning. 0.22 acres

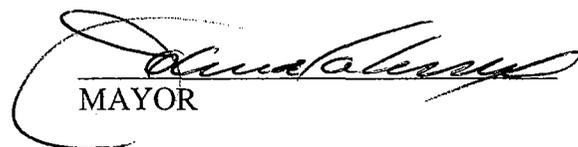
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment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

Section 3. The City Council, pursuant to the request filed by Busch-Strutman L.L.C., requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

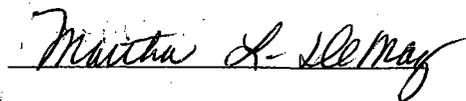
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 16th day of May, 2005


MAYOR

ATTEST:



ATTACHMENT A

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

- 3.1 Quality Commercial Development
- 4.1 Buffering of Neighborhoods
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 8.3 Stormwater Management

I. PERMITTED USES

A. The uses allowed this "PC" Planned Commercial District , with a Landmark and Preservation Area (LPA) procedure shall be:

1. Offices or office buildings;
2. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.

B. The above uses in the "PC" Planned Commercial District, with a Landmark and Preservation Area (LPA) procedure shall be restricted as follows:

1. The uses permitted shall be contained within the existing house and one (1) outbuilding.

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

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

1. FLOOR AREA

- a. The maximum footprint of the structures shall not exceed that of the existing structures. The square footage allocated for each use shall be based on the development's ability to comply with the parking regulations of the City of Chesterfield Zoning Ordinance.

2. HEIGHT

- a. The maximum height of the structures shall not exceed that of the existing structures.

3. BUILDING REQUIREMENTS

- a. Greenspace: A minimum of forty-five percent (45%) 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.
- b. Floor Area Ratio: The development will have a maximum Floor Area Ratio (F.A.R.) of twenty-four percent (24%). The floor area ratio is the gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking. Planning Commission may request two calculations: one calculation for those areas above grade and another that includes building area below grade.

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 Development 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 accordance 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 preliminary plan and will require a new public hearing. The Site Development Plan will include but not be limited to the following:

IV. GENERAL CRITERIA

- A. The Site Development Plan will include the following:
 1. Outboundary plat and legal description of the property.
 2. Location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.

3. Location map, north arrow, and plan scale.
4. Parking calculations.
5. Architectural elevations (with design statement) and materials of the proposed building and parking structure.
6. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
7. Specific structure and parking setbacks along all roadways and property lines.
8. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
9. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site as directed by the City of Chesterfield.
10. Prior to Site Development Plan approval, depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways and driveways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
11. Prior to Site Development Plan approval, depict existing and proposed easements and right-of-ways within 150 feet of the site and all existing or proposed off-site easements and right-of-ways required for proposed improvements as directed by the City of Chesterfield.
12. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
13. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
14. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
15. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.
16. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation.

17. 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.
18. Provide the greenspace percentage and Floor Area Ratio (F.A.R).
19. Provide tree stand delineation and landscape plan.
20. The Site Development Plan and a Tree Preservation Plan must be approved prior to clearing or grading.

V. SPECIFIC CRITERIA

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

1. Structure Setbacks

No building or structure, other than a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. Thirty-eight (38) feet from the right-of-way of Chesterfield Airport Road.
- b. Twenty-two (22) feet from the southern property line with bearing N82°28'51"W.
- c. One (1) foot from the western boundary line with bearing N19°13'00"E.
- d. Four (4) feet from the eastern property line with bearing N19°13'00"E.

2. Parking and Loading Space Setbacks

No parking stall or loading space will be located within the following setbacks:

- a. Two (2) parking spaces located north of the main building, fourteen (14) feet from the right of way of Chesterfield Airport Road and twenty-three (20) feet from the western property line with bearing N19°13'00"E.

- b. Five (5) parking spaces located south of the structure, twenty-three (23) feet from the southern property line with bearing N82°28'51"W.

3. Parking and Loading Requirements

- a. Parking and loading spaces for this development will be as required in the City of Chesterfield Zoning Ordinance, with the exception that the total number of parking spaces required shall be seven (7) spaces.
- b. All parking, loading, and internal drive areas shall be of a surface as approved by the Planning Commission on the Site Development Plan. Consideration should be given to utilizing a paver block system, or other alternative, that is conducive to a more pleasing visual appearance from Chesterfield Airport Road. These areas will not be permitted to be gravel.

4. Construction Parking

- a. Adequate on-site parking for construction related vehicles and equipment shall be provided. No parking shall be permitted on the Chesterfield Airport Road right-of-way.
- b. If existing City maintained streets are to be used as construction access to this site, prior to approval of a grading permit or improvement plans, or any construction related traffic or delivery of any construction equipment to the site, the following items must be addressed:
 - i. The travel route must be approved by the Department of Public Works. No deviation from the approved route will be permitted.
 - ii. An evaluation, including film record, of the current condition of the pavement on the approved travel route must be submitted.
 - iii. An appropriate bond must be submitted, as approved by the City of Chesterfield, to ensure that any damage to existing pavement is repaired. Repair of damage to existing streets will not be included in the subdivision escrow; a separate bond must be established.
 - iv. All plan sheets shall indicate that vehicle loads of construction traffic using this route are not to exceed 22,400 pounds axle load per 60,000 gross vehicle weight and that no tri-axle trucks are to be used. Weight tickets may be used to determine conformance with this requirement.

- v. Additional protective measures as deemed necessary by the Department of Public Works may also be required.
 - c. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown stations for construction vehicles entering and leaving the site 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 streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
5. Access
- a. Access to Chesterfield Airport Road shall be restricted to the existing entrance as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
 - b. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and the adjacent parcel to the east as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
 - c. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be the required sight distance as directed by the Saint Louis County Department of Highways and Traffic.
6. Pedestrian Access
- a. Provide a sidewalk conforming to St. Louis County ADA standards adjacent to Chesterfield Airport Road as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
7. Road Improvements
- a. Provide any additional right-of-way and construct any improvements to Chesterfield Airport Road, as required by the St. Louis County Department of Highways and Traffic.

- b. Improve Chesterfield Airport Road to one half of a seventy (70) foot right-of-way as directed by the Saint Louis County Department of Highways and Traffic.
- c. As portions of these roadway improvements may require the acquisition of additional right-of-way and easements from private property, the normal sequence of design, right-of-way acquisition and construction shall commence immediately upon approval of the requested rezoning. If the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owners involved, Saint Louis County will acquire it through eminent domain proceedings. The cost of appraisals, negotiations, administrations, court proceedings and all associated costs incurred by County proceedings shall be paid by the developer.
- d. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

8. Traffic Study

- a. A traffic study, as directed by the City of Chesterfield, including internal and external circulation, may be required for review, and approval, by the City of Chesterfield Department of Public Works, and the St. Louis County Department of Highways and Traffic prior to Site Development Plan approval.

9. Landscape Plan

- a. The developer shall submit a landscape plan in accordance with the City of Chesterfield Zoning Ordinance.
- b. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.
- c. Prior to release of the Landscape Installation Bond/Escrow, a two (2)-year Landscape Maintenance Bond/Escrow will be required.

10. Sign Requirements

- a. All signage is subject to review by the Planning Commission for compatibility with the existing historic area.
- b. All lighting for said signage shall be situated to avoid casting light directly on any public right of way or adjoining property and shall adhere to the requirements set forth in the City of Chesterfield Lighting Ordinance.
- c. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
- d. The location of all signs shall be as approved by the Planning Commission on the site development plan.
- e. This development shall be permitted one (1) freestanding business or project identification sign. All permanent freestanding and identification signs shall have landscaping. Landscaping shall be as approved by the Planning Commission on the site development plan.
- f. All signage shall be in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

11. Light Requirements

- a. Lighting for the development shall adhere to the light standards and requirements set forth in the City of Chesterfield Lighting Ordinance.
- b. The location of the light standards will be as approved by the Planning Commission on the Site Development Plan and will be in conformance with City of Chesterfield regulations. A Lighting Plan, with specific product information, is required in conjunction with the Site Development Plan.
- c. 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.

12. Architectural elevations

The developer shall submit architectural elevations and building materials. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission as directed by the City of Chesterfield.

13. Power of Review

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

14. Miscellaneous

- a. Trash enclosures: The location and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan. The material will be as approved by the Planning Commission in conjunction with the Site Development Plan.
- b. Screening for mechanical equipment shall be reviewed by the Planning Commission.
- c. If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluating the impacts of the proposed work shall be provided as directed by the City of Chesterfield Department of Public Works. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.
- d. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.

Sleeves for future telecommunication services 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.

- e. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards, as originally adopted by Ordinance No. 2103 and as may be amended from time to time or as directed by the City of Chesterfield Department of Public Works.

- f. Should the design of the subdivision include retaining walls that serve multiple properties, those walls shall be located within common ground or special easements, including easements needed for access to the walls.
- g. Ornamental Entrance Monument construction, if proposed, shall be reviewed by St. Louis County Department of Highways and Traffic, the Missouri Department of Transportation, and the City of Chesterfield for sight distance considerations prior to installation or construction.
- h. This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) or more acres.
- i. The developer is advised that utility companies will require compensation for relocation of their facilities with 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.

VI. TRUST FUND CONTRIBUTION

- A. The developer will contribute to the Traffic Generation Assessment (TGA) to the Eatherton-Kehrs Mill Road Trust Fund established by Ordinance Number 13, 173. This contribution will not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$501.11/Parking Space
Loading Space	\$2,460.16/Loading Space

(Parking space as required by Section 1003.165 of the St. Louis County Zoning Ordinance.)

If types of development differ from those listed, the Department of Highways and Traffic will provide rates.

As this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development, will be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2006, will be adjusted on that date and on the first day of January in each succeeding

year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

Traffic generation assessment contributions will be deposited with the City of Chesterfield or St. Louis County in the form of a check made payable to the City of Chesterfield prior to the issuance of building permits. If development phasing is anticipated, the developer will provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

VII. VERIFICATION PRIOR TO APPROVAL

- A. Prior to approval of the Site Development Plan, the developer will provide the following:
1. Roadway Improvements and Curb Cuts.
 - a. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Highways and Traffic for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
 2. Stormwater and Sanitary Sewer.
 - a. The developer is required to provide adequate storm water systems in accordance with City of Chesterfield, Saint Louis County, and MSD standards.
 - b. All storm water shall be discharged at an adequate natural discharge point. Sinkholes are not adequate natural discharge points.
 - c. Detention/retention will be provided in each watershed as required by the City of Chesterfield. Detention of stormwater 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 maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet, as directed. Wetland mitigation shall not be permitted within a detention/retention basin. The detention/retention facilities shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty (60%) of the approved dwelling units in each plat, watershed or phase of residential developments. The location and types of detention/retention facilities shall be identified on the Site Development Plan. The lowest opening of all structures shall be set at least two (2) feet higher than the 100-year high water elevation in detention/retention facilities. All structures shall be set at least 30 feet horizontally from the limits of the 100-year high water.
 - d. The site will provide for the positive drainage of storm water and it will be discharged at an adequate natural discharge point or an adequate piped

system. The adequacy of any existing downstream storm water facilities will be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works.

- e. Emergency overflow drainage ways to accommodate runoff from the 100-year storm will be provided for all storm sewers, as directed by the City of Chesterfield Department of Public Works.
- f. Detention may be required, as directed by the City of Chesterfield, 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.
- g. 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.

3. Geotechnical Report.

- a. Provide a geotechnical report prepared by a Professional Engineer licensed to practice in the State of Missouri, as directed by the Department of Public Works. Said Report will verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkholes, ponds, dams, septic fields, etc., and recommendation for treatment. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, will be included on all Site Development Plans and Improvement Plans.
- b. If cut or fill slopes in excess of the standard maximum of 3:1 horizontal run to vertical rise are desired, approval for the steeper slopes must be obtained from the Director of Public Works. Approval of steeper slopes is limited to individual and isolated slopes, rock dikes, undisturbed and stable natural slopes, and slopes blending with the natural terrain. Design of the steep slopes must be performed by a registered professional engineer and include recommendations regarding construction methods and long-term maintenance of the slope. Any steep slope proposed on a Site Development Plan shall be labeled and referenced with the following note: *Approval of this plan does not constitute approval of slopes in excess of 3:1. Steep slopes are subject to the review and approval of the Director of Public Works. Review of the proposed steep slope will be concurrent with the review of the grading permit or improvement plans for the project.*

4. Grading and Improvement Plan Requirements.

- a. Grading or improvement plan approval is required prior to issuance of a building permit, as directed by the City of Chesterfield.
- b. A grading permit or improvement plan approval is required prior to any clearing or grading.
- c. Prior to approval of a grading permit or improvement plans, a Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved. The SWPPP shall address installation and maintenance of required erosion control practices specific to site conditions. The purpose of the SWPPP is to ensure the design, implementation, management and maintenance of Best Management Practices (BMPs) to control erosion and reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities, and ensure compliance with the terms and conditions stated in the Sediment and Erosion Control Manual.
- d. Prior to approval of a grading permit or improvement plans, copies of recorded easements, including book and page of record, for all off-site work and off-site areas inundated by headwater from on-site improvements must be submitted.
- e. All required subdivision improvements in each plat of a subdivision shall be completed prior to issuance of more than 85% of the building permits for all lots in the plat.
- f. Erosion and siltation control devices shall be installed prior to any clearing or grading and be maintained throughout the project until adequate vegetative growth insures no future erosion of the soil and work is accepted by the owner and controlling regulatory agency.
- g. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
- h. When clearing and/or grading operations are completed or will be suspended for more than 14 days, all necessary precautions shall be taken to retain soil materials on site. Protective measure may include a combination of seeking, periodic wetting, mulching, or other suitable means.
- i. 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 in cases of undue hardship because of unfavorable ground conditions. Seed and mulch shall be applied at rates that meet or exceed the minimum requirements stated in the Sediment and Erosion Control Manual.

- j. Soft soils in the bottom and banks of any existing or former pond sties or tributaries or any sediment basins or traps should be removed, spread out and permitted to dry sufficiently to be used as fill. This material shall not be placed in proposed public right-of-way locations or in any storm sewer location.
- k. 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 concurrent with grading and backfilling operations under the direction of a geotechnical engineer who shall verify the test results.

VIII. 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.

IX. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

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

X. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

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

1. Prior to grading permit or improvement plan approval, provide comments/approvals from the appropriate Fire District, St. Louis County Department of Highways and Traffic, and the Metropolitan St. Louis Sewer 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

- a. 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
 - a. 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.
 - b. Based on the preliminary plan, improvements to Chesterfield Airport Road must be completed prior to issuance of the building permits in excess of sixty percent (60%) of the total. 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.

3. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report as directed by the City of Chesterfield. 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. Road improvements and right-of-way dedication shall be completed prior to the issuance of any occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the Saint Louis County Department of Highways and Traffic. 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.

- D. Prior to issuance of an occupancy permit, all disturbed areas will 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.
- E. 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 as directed by the City of Chesterfield.
 - 2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
 - 3. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
 - 4. Waiver of Notice of Violation as set forth in the City of Chesterfield Zoning Ordinance.
 - 5. The entrance geometrics and drainage design will be in accordance with St. Louis County Department of Highways and Traffic standards and will be reviewed and approved by the City of Chesterfield and St. Louis County Department of Highways and Traffic.

6. Detention may be required, as directed by the City of Chesterfield, 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.
 7. 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.
 8. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Zoning Ordinance.
- B. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.