BILL NO. 2374 ORDINANCE NO. 2194

**AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE 1921 TO PERMIT A FREESTANDING BUSINESS SIGN IN A 1.4-ACRE "PC" PLANNED COMMERCIAL DISTRICT LOCATED ON WILD HORSE CREEK ROAD, APPROXIMATELY 550 FEET SOUTHEAST OF LONG ROAD (P.Z. 17-2002).**

**WHEREAS,** the petitioner, Reliance Bank, has requested an ordinance amendment to permit one (1) freestanding business sign within a "PC" Planned Commercial District; and,

**WHEREAS,** the Planning Commission, having considered said request, recommends approval of the request for an ordinance amendment; and,

**WHEREAS,** after consideration of the amendment, the City Council approved the request.

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

**Section 1.** The City of Chesterfield Ordinance Number 1921 is hereby repealed and those conditions therein are incorporated into the revised Attachment A, which is attached hereto and made a part hereof for Lot A of Lot 2 of Dugsford Commons and described as follows:

A tract of land being part of Lot 2 of "Dugsford Commons", a subdivision according to the plat thereof recorded in Plat Book 343 page 43 of the St. Louis County Records, in U.S. Survey 126, Township 45 North-Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the North right-of-way line of Wildhorse Creek Road, varying width, with the West line of property described in deed to William H. and Montene F. Weishaar as recorded in Book 11055 page 634 of the St. Louis County Records said point being 50 feet perpendicular distance from the centerline of Wildhorse Creek Road; thence along said North right-of-way line of Wildhorse Creek Road, varying width, North 72 degrees 42 minutes 18 seconds West 186.36 feet to the East line of Lot 1 of "Dugsford Commons", a subdivision according to the plat thereof recorded in Plat Book 343 page 43 of the St. Louis County Records; thence along said East line North 17 degrees 25 minutes 46 seconds East 149.86 feet and North 01 degree 18 minutes 02 seconds East 65.78 feet to the North line of Proposed Lot A; thence along said North line North 90 degrees 00 minutes 00 seconds East 171.30 feet, North 00 degrees 00 minutes 00 seconds West 5.29 feet, North 90 degrees 00 minutes 00 seconds East 36.00 feet, South 00 degrees 00 minutes 00 seconds East 4.51 feet, North 90 degrees 00 minutes 00 seconds East 108.44 feet to the West line of "Spring Hill Bluffs", a subdivision according to the plat thereof recorded in Plat Book 346 page 290 of the St. Louis County Records; thence Southwardly along said West line South 01 degree 15 minutes 04 seconds West 146.69 feet to the centerline of vacated Old Wildhorse Creek Road; thence along said centerline North 72 degrees 09 minutes 26 seconds West 130.03 feet to the West line of said Weishaar property; thence along said West line South 19 degrees 53 minutes

28 seconds West 168.15 feet to the point of beginning and containing 1.436 acres according to a survey by Volz, Inc.

**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 of.

**Section 3.** The City Council, pursuant to the petition filed by Reliance Bank, 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 consideration by the Planning Commission on the 25th day of July, 2005 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 15th day of AUGUST, 2005.

MAYOR

ATTEST:

DEPUTY CITY CLERK

## ATTACHMENT A

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

- 1.1.1 Conservation of Existing Quality of Life – substantiated
- 1.1.2 Reinforce Existing Development Pattern – substantiated
- 1.2.1 Coordinated Growth - substantiated
- 1.2.2 Quality New Development – substantiated
- 1.2.3 Diversity of Development – substantiated
- 1.2.4 Control of "Strip Commercial" Development - substantiated
- 2.2.1 Hierarchy of Retail Centers - substantiated
- 2.23 Neighborhood/Service Oriented Retail Facilities - substantiated
- 2.2.4 Control Strip Development - substantiated
- 4.1.6 Limit Curb Cuts – substantiated
- 4.1.8 Develop Sidewalks - substantiated
- 4.1.12 Internal Commercial Circulation – substantiated

## I. PERMITTED USES

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

(s) Financial institutions.

(z) Offices or office buildings.

## II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

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

1. Floor Area

a. Total building floor area will not exceed 10,608 square feet.

2. Height

a. The building shall not exceed two (2) stories in height, excluding rooftop mechanical equipment enclosures.

3. Building Requirements

a. A maximum of one building may be contained in this district.

b. Permitted building shall be of construction type and architectural style as approved by the Planning Commission on building elevations reviewed in conjunction with the Site Development Plan.

c. 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.

d. Floor Area Ratio: The development will have a maximum Floor Area Ratio (F.A.R.) of fifty-five (55%). The gross floor area of building 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

A. Within eighteen (18) months from the preliminary development plan approval date by the City of Chesterfield and prior to issuance of any building permit, the developer shall submit to the City of Chesterfield for their review and approval a Site Development Concept Plan. Within twelve (12) months of the Site Development Concept Plan approval date, the developer shall submit the first Site Development Section Plan to the City of Chesterfield for review and approval. Where due cause is shown by the developer, this time interval may be extended by the City of Chesterfield.

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 proposed building, 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 intervals of not more than one (1) foot, and extending one-hundred-fifty feet (150') 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.

## V. GENERAL CRITERIA - SECTION PLANS

A. Site Development Section Plans shall include the following:

1. Location and size, including height, of all uses, building, parking and loading areas, light standards, fencing, trash enclosures, other above ground structures and landscaping.

2. Existing and proposed contour intervals of not more than one (1) foot, and extending one-hundred-fifty (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. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines.

10. 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.

11. Provide comments/approvals from the Missouri Department of Transportation, The Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, and the appropriate Fire District.

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 each lot on the plan.

## 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, light standards, flagpoles or fences, shall be located within the following setbacks:

1. Ninety-five (95) feet from the existing right-of-way of Wild Horse Creek Road.

2. Forty-three (43) feet from the eastern boundary of the tract bearing S19° 53' 28" W.

3. Thirty-seven (37) feet from the western boundary of the tract.

4. Fifty-five (55) feet from the northern boundary of the tract.

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. Nineteen (19) feet from the proposed right-of-way of Wild Horse Creek Road.

2. Seventeen (17) feet from the eastern boundary of the tract bearing S19° 53' 28" W.

3. Fifty-five (55) feet from the eastern boundary of the tract bearing S01° 15' 04" W.

4. Forty (40) feet from the western boundary of this tract bearing N01° 18' 02" E.

5. Sixty-three (63) feet from the western boundary of this tract bearing N17° 25' 46" E.

6. No parking space adjacent to Wild Horse Creek Road shall be closer than seventy-two (72) feet from the western boundary of this tract bearing N17° 25' 46" E.

C. Parking and Loading Requirements

1. Parking and loading requirements shall be as required by City of Chesterfield Ordinance No. 1747 as approved on May 7, 2001; and

2. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.

D. Access

1. Access to Wild Horse Creek Road shall be as directed by the Missouri Highway and Transportation Department and the Department of Highways and Traffic and should be located at the existing location of the Dugsford Commons development as approved on the Site Development Plan approved on August 28, 2000. The driveway shall be thirty-nine (39) feet in width to provide one (1) inbound and two (2) outbound lanes for a distance of approximately fifty (50) feet north of Wild Horse Creek Road as directed by the Department of Highways and Traffic. Minor parking lot driveways shall not intersect the main driveway closer than fifty (50) feet north of Wild Horse Creek Road, as approved by the Missouri Highway and Transportation Department and the Department of Highways and Traffic and shall be limited to construction of a channelization island.

2. Conform to the requirements of the Missouri Highway and Transportation Department regarding Wild Horse Creek Road (Route CC) in this area. Road improvements to include left turn lane, to be built as directed by the City of Chesterfield Department of Public Works.

3. Dedicate the necessary additional right-of-way (50 feet from centerline of Highway CC) for future Highway CC improvement at the portion serving the subject property and dedicated the necessary right-of-way for relocation of Long Road and Highway CC intersection as directed by the Missouri Highway and Transportation Department.

4. The main driveway adjacent to the retail portion of this development shall be a minimum of thirty (30) feet in width to provide two (2) eleven (11) foot driving lanes and one (1) eight (8) foot drop-off/pick-up lane. Parking shall be prohibited along both sides of the thirty (30) foot wide driveway for a distance of one hundred fifty (150) feet from the existing right-of-way of Wild Horse Creek Road.

5. Widen the existing pavement to a thirty (30) foot width from the centerline of Highway CC as directed by the Missouri Highway and Transportation Department.

6. Provide a preliminary study for the realignment of Long Road north of Wild Horse Creek Road and Kehrs Mills Road south of Wild Horse Creek Road to form a continuous alignment and common intersection with Wild Horse Creek Road. The study should evaluate the feasibility of alternate locations with a recommendation based on factors including, but not limited to, flood plain, existing/relocated creek, new bridges, existing cemetery, temporary or future traffic signal facilities, and intersection geometrics. Based upon this study, the petitioner would be responsible for dedication of right-of-way, easement and licenses, road improvements, and storm drainage facilities which could be incorporated as part of the subject development as directed by the Missouri Highway and Transportation Department and Department of Highways and Traffic. The petitioner shall also be required to grade and construct the onsite improvements to be compatible with the ultimate roadway improvements.

7. The southernmost drive, providing access to the drive-thru lanes, shall be a minimum of thirty (30) feet wide as shown on the preliminary plan.

8. Queuing for drive-thru lanes shall accommodate five (5) cars per lane for a total of fifteen (15) cars without interfering with parking or the by-pass lane, as shown on the preliminary plan.

9. The drive-thru by-pass lane, as shown on the preliminary plan, shall be one-way only (north-bound). Lane markers and signage indicating one-way drive shall be installed in accord with the Manual on Uniform Traffic Control Devices 2000 Millennium Edition and shown on the Site Development Plan.

E. Public/Private Road Improvements, Including Sidewalks

1. Provide a 5' wide sidewalk, conforming to St. Louis County ADA standards, adjacent to Wild Horse Creek Road. The sidewalk may be located within State ROW or within a 6' sidewalk, maintenance and utility easement on the subject property.

F. 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:

1. Building and parking setbacks and curb islands at the ends of parking rows shall be landscaped as approved by the Planning Commission on the Site Development Plan (Site Development Concept and/or Section Plan). Planter islands should be sufficient in area to support mature shade trees.

2. Heavy landscaping shall be installed along the east, and south property limits of this development as approved by the Planning Commission on the Site Development Concept approved June 12, 1995.

3. All new landscaping materials shall meet the following criteria:

a. Deciduous Trees – one and one-half (1-1/2) inch minimum caliper.

b. Evergreen Trees – four (4) feet minimum height.

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

4. 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.

5. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

G. Sign Requirements

1. One (1) free standing business sign shall be permitted on this site, as approved by the Planning Commission in conjunction with the Site Development Plan.

2. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.

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

H. Lighting Requirements

1. 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.

2. 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.

3. All light standards within this development will not exceed a total vertical height of sixteen (16) feet.

I. 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.

J. Power of Review

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.

K. Miscellaneous

1. 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.

2. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

3. 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.

4. 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.

5. 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.

## VIII. TRUST FUND CONTRIBUTION

The developer shall contribute to the Eatherton-Kehrs Mill Road Traffic Generation Assessment Trust Fund based upon the following rate schedule:

| Type of Development | Required Contribution |
|---|---|
| General Office | $ 366.62/Parking Space |
| General Retail | $ 1,099.91/Parking Space |
| Loading Space | $ 1,799.86/Loading Space |

(Parking space as required by the City of Chesterfield Zoning Ordinance)

Right-of-way dedication requirements along State and County roads will not be credited towards the petitioner's trust fund contribution. The cost of allowable portions of the improvements required in Items 4 (d) and 4 (f), and any off-site road improvements which may be required in Item 4 (h) shall be credited towards the petitioner's trust fund contribution. The petitioner's total obligation for road improvements shall not exceed the trust fund contribution.

The amount of this required contribution, if not submitted by January 1, 1995, shall be increased on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

## IX. 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.

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 upon demand.

5. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/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 along Wild Horse Creek Road.

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 improvement plan approval; provide comments/approvals from the Metropolitan St. Louis Sewer District and the appropriate Fire District.

8. 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.

9. If any public roads are proposed within this development, they must be built above the 100-year flood elevation with proper freeboard, or protected from flood damage by an approved levee. Any roads and/or drives proposed below this elevation, not protected by an approved levee, are to be private and remain private forever.

## X. 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.

## XI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

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

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

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

## XII. 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.

## XIII. 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 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.

C. 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.

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

## XIV. 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.

## XV. 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. 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.

2. 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.

3. Detention/retention will be provided for this site. A fence complimentary to the office building and parking structure is required around the detention basin.

4. 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.

5. Waiver of Notice of Violation per Section 1003.410(2) of the City of Chesterfield Zoning Ordinance.

6. 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).

7. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach MoDOT right-of-way.

8. 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.

9. 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.

10. All drainage detention storage facilities will be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.

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.

C. 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 Chesterfield Zoning Ordinance §1003.410. Notice requirements set forth in 1003.410.2 of the zoning ordinance shall not apply to violations pursuant to this Ordinance or Attachment A.

**BILL NO. _____** **ORDINANCE NO._____**

**AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE 1921 TO PERMIT A FREESTANDING BUSINESS SIGN IN A 1.4-ACRE "PC" PLANNED COMMERCIAL DISTRICT LOCATED ON WILD HORSE CREEK ROAD, APPROXIMATELY 550 FEET SOUTHEAST OF LONG ROAD (P.Z. 17-2002).**

**WHEREAS,** the petitioner, Reliance Bank, has requested an ordinance amendment to permit one (1) freestanding business sign within a "PC" Planned Commercial District; and,

**WHEREAS,** the Planning Commission, having considered said request, recommends approval of the request for an ordinance amendment; and,

**WHEREAS,** after consideration of the amendment, the City Council approved the request.

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

**Section 1.** The City of Chesterfield Ordinance Number 1921 is hereby repealed and those conditions therein are incorporated into the revised Attachment A, which is attached hereto and made a part hereof for Lot A of Lot 2 of Dugsford Commons and described as follows:

A tract of land being part of Lot 2 of "Dugsford Commons", a subdivision according to the plat thereof recorded in Plat Book 343 page 43 of the St. Louis County Records, in U.S. Survey 126, Township 45 North-Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the North right-of-way line of Wildhorse Creek Road, varying width, with the West line of property described in deed to William H. and Montene F. Weishaar as recorded in Book 11055 page 634 of the St. Louis County Records said point being 50 feet perpendicular distance from the centerline of Wildhorse Creek Road; thence along said North right-of-way line of Wildhorse Creek Road, varying width, North 72 degrees 42 minutes 18 seconds West 186.36 feet to the East line of Lot 1 of "Dugsford Commons", a subdivision according to the plat thereof recorded in Plat Book 343 page 43 of the St. Louis County Records; thence along said East line North 17 degrees 25 minutes 46 seconds East 149.86 feet and North 01 degree 18 minutes 02 seconds East 65.78 feet to the North line of Proposed Lot A; thence along said North line North 90 degrees 00 minutes 00 seconds East 171.30 feet, North 00 degrees 00 minutes 00 seconds West 5.29 feet, North 90 degrees 00 minutes 00 seconds East 36.00 feet, South 00 degrees 00 minutes 00 seconds East 4.51 feet, North 90 degrees 00 minutes 00 seconds East 108.44 feet to the West line of "Spring Hill Bluffs", a subdivision according to the plat thereof recorded in Plat Book 346 page 290 of the St. Louis County Records; thence Southwardly along said West line South 01 degree 15 minutes 04 seconds West 146.69 feet to the centerline of vacated Old Wildhorse Creek Road; thence along said centerline North 72 degrees 09 minutes 26 seconds West 130.03 feet to the West line of said Weishaar property; thence along said West line South 19 degrees 53 minutes

28 seconds West 168.15 feet to the point of beginning and containing 1.436 acres according to a survey by Volz, Inc.

**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, and made a part of.

**Section 3.** The City Council, pursuant to the petition filed by Reliance Bank, 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 consideration by the Planning Commission on the 25th day of July, 2005 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 _____day of _____, 2005.

_____
MAYOR

ATTEST:

_____
CITY CLERK