

BILL NO. 2373

ORDINANCE NO. 2195

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C-2" SHOPPING DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A .849-ACRE TRACT OF LAND LOCATED ON CLAYTON ROAD, WEST OF WILDWOOD PARKWAY. (P.Z. 04-2005 Spirit Energy L.L.C.)**

**WHEREAS**, the petitioner, Spirit Energy, L.L.C., has requested a change in zoning from a "C-2" Shopping District to a "PC" Planned Commercial District for a .849-acre tract of land located on Clayton Road, west of Wildwood Parkway; and,

**WHEREAS**, the Planning Commission, having considered said request, amended the proposed uses and recommended approval of the request for a change of zoning from a "C-2" Shopping District to a "PC" Planned Commercial District with conditions as written in the Attachment A; and,

**WHEREAS**, the City Council, having considered said request, voted to approve the change of zoning.

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

**Section 1.** The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District for a .849-acre tract of land located on Clayton Road, west of Wildwood Parkway and described as follows:

A tract of land in Section 26, Township 45 North, Range 4 East, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the easterly most corner of a parcel described in deed to Spirit Energy LLC recorded in Book 14390 Page 1476 in the Office of the Recorder of Deeds for St. Louis County, on the southwesterly line of Wildwood Parkway, 60 feet wide; thence along the southeasterly line of said Spirit Energy LLC parcel, South 36 degrees 27 minutes 39 seconds West 200.00 feet to the southerly most corner of said Spirit Energy LLC parcel; thence along the southwesterly line of said Spirit Energy LLC parcel, North 53 degrees 32 minutes 21 seconds West 185.00 feet to the southeasterly line of Clayton Road, as widened per deed recorded in Book 9934 Page 1512 in the Office of the Recorder of Deeds for St. Louis County; thence along said southwesterly line, North 36 degrees 27 minutes 39 seconds East 199.36 feet to a point on the curved southwesterly line of said Wildwood Parkway, and the center of said curve bears from said point South 21 degrees 59 minutes 00 seconds West 20.00 feet; thence along said curved southwesterly line of Wildwood Parkway, southeasterly 5.05 feet to a point of tangency; thence continuing along the southwesterly line of Wildwood Parkway, 60 feet wide, South 53 degrees 32 minutes 21 seconds East 180.00 feet to the point of beginning, and containing 36,999 square

feet, more or less, or 0.849 acre, more or less, according to Survey No. 182423 executed by James Engineering & Surveying Co., Inc., in May, 2005

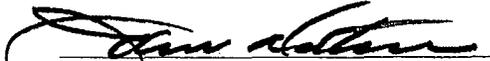
**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the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

**Section 3.** The City Council, pursuant to the petition filed Spirit Energy, L.L.C., in P.Z. 04-2005, 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 13th day of June, 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.

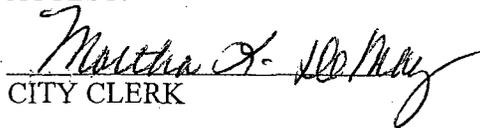
**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 7<sup>th</sup> day of September, 2005.

  
MAYOR

ATTEST:

  
CITY CLERK

## ATTACHMENT A

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

- 3.1 Quality Commercial Development
- 3.2.1 Neighborhood Retail Facilities
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 7.2.9 Access Management
- 8.3 Stormwater Management

### I. PERMITTED USES

- A. The uses allowed in this "PC" Planned Commercial District shall be:
1. Filling station; excluding emergency towing and repair services
  2. Store, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises.
  3. Vehicle washing facilities for automobiles.
  4. Cell tower.
- B. The above uses in this "PC" Planned Commercial District shall be restricted as follows:
2. The sale of motor vehicles shall not be permitted

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

- A. The following requirements shall apply to the permitted uses:
1. FLOOR AREA
    - a. The total building floor area, for both the convenience store and the car wash shall not exceed 4,652 square feet.
  2. HEIGHT
    - a. The maximum height of the convenience store and the car wash shall not exceed sixteen (16) feet.

### 3. BUILDING REQUIREMENTS

- a. GREENSPACE: A minimum of twenty-one (21%) 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 Floor Area Ratio (F.A.R.) of 12.5%. F.A.R. is calculated by 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

- 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.

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

- A. The Site Development Plan shall include the following:
  1. Outboundary plat and legal description of the property.
  2. 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.
  3. Location map, north arrow, and plan scale.

4. Parking calculations.
5. Location and size of all parking areas.
6. Existing and proposed contours at intervals of not more than two (2) feet, and extending one hundred and fifty (150) feet beyond the limits of the site.
7. Architectural elevations (with design statement addressing the City of Chesterfield Design Guidelines) and building materials of the proposed convenience store, car wash and gas station pump islands.
8. Specific structure and parking setbacks along all roadways and property lines.
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. 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.
11. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
12. Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).
13. Prior to Site Development Plan approval, depict existing and proposed improvements within one hundred and fifty (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.
14. Prior to Site Development Plan approval, depict all existing and proposed easements and right-of-ways within one hundred and fifty (150) feet of the site and all existing or proposed off-site easements and right-of-ways required for proposed improvements.

15. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
16. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
18. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.
19. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.
20. 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.
21. Provide greenspace percentage and Floor Area Ratio (F.A.R.).
22. Provide a tree stand delineation and landscape plan in accordance with the City of Chesterfield Zoning Ordinance.
23. Provide a light plan in accordance with the City of Chesterfield Zoning Ordinance.

## VII. SPECIFIC CRITERIA

- A. The Site Development Plan shall illustrate adherence to the following specific design criteria.
  1. Structure Setbacks  
No building or structure, other than boundary walls, retaining walls, signs, light standards, flagpoles or fences, shall be located within the following setbacks:
    - a. Twenty-five (25) feet from the western property line with bearing N36°27'39"E.

- b. Thirteen (13) feet from the northern property line with bearing S53°32'21"E.
    - c. Eleven (11) feet from the eastern boundary line with bearing S36°27'39"W.
    - d. Ten (10) feet from the southern property line with bearing N53°32'21"W.
2. 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:
  - a. Seventy Seven (77) feet from the western property line with bearing N36°27'39"E.
  - b. Sixty-two (62) feet from the northern property line with bearing S53°32'21"E.
  - c. Five (5) feet from the eastern boundary line with bearing S36°27'39"W.
  - d. Fourteen (14) feet from the southern property line with bearing N53°32'21"W.
3. Parking and Loading Requirements
  - a. Parking and loading spaces for this development will be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.
  - b. Adequate on-site parking for construction related vehicles and equipments shall be provided. No parking shall be permitted on the Clayton Road right-of-way.
4. Access Management
  - a. Access to State Route HH (Clayton Road) shall be limited to one entrance. The location and geometry of the access shall be as directed by the Department of Public Works and the Missouri Department of Transportation.

- b. Access to Wildwood Parkway shall be limited to one entrance. The location and geometry of the access shall be as directed by the Department of Public Works.
  - c. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent properties to the west as directed.
  - d. Driveway access 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.
  - e. Ingress and Egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any changes to the entrance geometrics and drainage design shall be in accordance with the Missouri Department of Transportation (MoDOT) standards and shall be reviewed and approved by MoDOT.
7. Public/Private Road Improvements, Including Sidewalks
- a. Provide any additional right-of-way and construct any improvements to State Route HH (Clayton Road), as required by the Missouri Department of Transportation.
  - b. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the State route HH (Clayton Road) frontage of the site. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a six (6) foot wide sidewalk, maintenance and utility easement.
8. Traffic Study
- a. Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal medications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

9. Landscape Plan

- a. The developer shall submit a landscape plan in accord with the Tree Manual of the City of Chesterfield Zoning Ordinance either as part of the Site Development Plan or on a separate drawing to be reviewed as part of said plan.
- 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. 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. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
- c. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This landscaping shall be as approved by the Planning Commission on the Site Development Plan.
- d. All other signs shall be permitted in accord with the regulations of the City of Chesterfield Zoning Ordinance.

11. Lighting Requirements

- a. Lighting for the development, including lighting of the gas island canopy, shall adhere to the light standards and requirements as set forth in the Lighting Ordinance of the City of Chesterfield Zoning Ordinance.

- b. The location and height of the light standards will be as approved by the Planning Commission on the Site Development Plan and will be in conformance with the Lighting Ordinance of the City of Chesterfield Zoning Ordinance.
- c. Except as required for 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

- a. 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.

13. Power of Review

- a. The City Council shall review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.

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. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.
- c. All utilities shall be installed underground. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site. Utilities Easements that cross over Chesterfield Valley Master Stormwater Easement shall be subordinate to the Chesterfield Valley Stormwater Easements.

Sleeves for future telecommunication services shall be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the

installation of utilities and telecommunication infrastructure for current and future users.

- d. Should the design of the development 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.

### VIII. VERIFICATION PRIOR TO APPROVAL

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

1. Roadway Improvements and Curb Cuts

- a. Obtain approval from the City of Chesterfield Department of Public Works, Metropolitan St. Louis Sewer District and the Missouri Department of Transportation of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

2. Stormwater and Sanitary Sewer

- a. 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. The adequacy and condition of the existing downstream systems shall be verified and upgraded if necessary.
  - b. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works.
  - c. Detention/retention is to be provided in each watershed as required by the City of Chesterfield. Detention of storm water runoff is required by providing permanent detention/retention facilities, such as dry reservoirs, ponds, underground vaults or other alternatives 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 developments or issuance of building permits exceeding sixty (60%) of the approved dwelling units in each plat, watershed or phase of residential developments.
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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 thirty (30) feet horizontally from the limits of the 100-year high water.

- d. Detention or some other form of stormwater management will be required as directed by the Department of Public Works such that the existing conditions downstream are not adversely affected by the proposed development.
- e. All drainage storage facilities 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.
- f. Provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right-of-way.

3. Geotechnical Report

- a. Provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on the Site Development Plan.
- 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 Plans

- a. A grading permit or improvement plan approval is required prior to issuance of a building permit, as directed.
- b. A grading permit or improvement plan approval is required prior to any clearing or grading. The Site Development Plan and Tree Preservation Plan/Tree Removal Permit must be approved prior to issuance of a grading permit or approval of improvement plans. No grading that results in a change in watersheds will be permitted.
- 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. 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.
- g. Prior to grading permit or improvement plan approval, provide comments/approvals from the appropriate Fire District, Missouri Department of Transportation, and the Metropolitan St. Louis Sewer District.
- h. 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.

5. Completion of Improvements

- a. 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.
- b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station 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.
- c. 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.
- d. When clearing and/or grading operations are completed or will be suspended for more than fourteen (14) days, all necessary precautions shall be taken to retain soil materials on site. Protective measures may include a combination of seeding, periodic wetting, mulching, or other suitable means.
- e. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, unless alternate storm water detention and erosion control devices have been designed

and established, a fast germinating annual, such as rye or sudan grasses, shall be utilized to retard erosion.

- f. 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.
- i. 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. This material shall not be placed in proposed public right-of-way locations or in any storm sewer location.
- j. 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 ninety-percent (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.

6. Land Survey Monumentation

- 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 United States Public Land Survey Corners.
- b. Prior to final occupancy of any building and/or release of subdivision escrows, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

## **IX. RECORDING**

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

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

Prior to improvement plan approval, provide comments/approvals from the Missouri Department of Transportation, the Spirit of St. Louis Airport, MSD, the Missouri Department of Natural Resources, and the Chesterfield Fire Protection District.

## **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 shall be met:

### Notification of Department of Planning

1. 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.

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

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

### Certification of Plans

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

## **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 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.

### **XIII. FINAL RELEASE OF ESCROW**

Prior to the release of final escrow, the developer shall provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

### **XIV. VERIFICATION PRIOR TO BUILDING PERMITS**

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

#### Sanitary Sewers

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

#### Notification of City of Chesterfield

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

### **XV. SUPPLEMENTARY DEVELOPMENT CONDITIONS**

- 1. Supplementary development conditions relating to the operation of this development are as follows:
  - a. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all

Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.

- b. Prior to final occupancy of any building, the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

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

1. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
  - a. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
  - b. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments and Commissions.
  - c. The City of Chesterfield, Missouri shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the City of Chesterfield and any Site Development Section Plans approved by the City of Chesterfield.
  - d. Waiver of Notice of Violation per the City of Chesterfield Zoning Ordinance.
  - e. 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
  - f. Notice requirements set forth in the Zoning Ordinance shall not apply to violations pursuant to this Attachment A.