

BILL NO. 2414

ORDINANCE NO. 2236

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR THREE (3) PARCELS OF LAND TOTALING 55.8 ACRES ON OLIVE STREET ROAD, LOCATED .5 MILES WEST OF THE INTERSECTION OF OLIVE STREET ROAD AND CHESTERFIELD AIRPORT ROAD. (P.Z. 28-2004 BLUE VALLEY/AGRICOLA ASSOCIATES, L.L.C.)**

**WHEREAS**, the petitioner, Agricola Associates, L.L.C., has requested a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District for three (3) tracts of land totaling 55.8 acres located on Olive Street Road, and;

**WHEREAS**, the Planning Commission held a public hearing on February 14, 2005 to consider the matter, and;

**WHEREAS**, P.Z. 28-2004 Blue Valley was considered by the Planning Commission of the City of Chesterfield and recommended for approval by a vote of 9-0, and;

**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 a "PC" Planned Commercial District for a 55.8 acre tract of land located on Olive Street Road. A description of the subject site is as follows:

**PROPERTY DESCRIPTION**

A tract of land in U.S. Survey 368, Township 45 North, Range 3 East of the 5th Principal Meridian in St. Louis County, City of Chesterfield, Missouri, consisting of part of Lots 1 through 8 of the Partition in the Estate of Conrad Kroenung as said lots were established by Report of Commissioners recorded August 13, 1879 in Book 4 Page 583 of the St. Louis County (now St. Louis City) Records, and being more particularly described as follows:

Beginning at the point of intersection of the Western line of the above said Lands of Conrad Kroenung and the Northern line of Olive Street Road, 60 feet wide; thence North 11 degrees 46 minutes 01 seconds West along said Western line 2019.43 feet to the center of the Chesterfield-Monarch Levee; thence departing said Western line along said center of the Chesterfield-Monarch Levee the following courses and distances: thence North 60 degrees 45 minutes 55 seconds East 310.56 feet to a point of curvature to the left, said

curve having a radius of 100.00 feet; thence along last said curve with a chord which bears North 47 degrees 37 minutes 06 seconds East 45.49 feet, an arc length of 45.89 feet to a point of tangency; thence North 34 degrees 28 minutes 18 seconds East 296.44 feet; thence North 35 degrees 39 minutes 41 seconds East 586.87 feet to the Western line of a tract of land conveyed to Thomas Bayer by deed recorded in Book I-6, Page 533 of the St. Louis County (now St. Louis City) records; thence South 11 degrees 42 minutes 00 seconds East along said Western line 3073.07 feet to the Northern line of said Olive Street Road; thence North 82 degrees 51 minutes 01 seconds West along said Northern line 1033.93 feet to the **POINT OF BEGINNING** and containing 2,431,441 square feet or 55.818 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc on August 6, 2004.

**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.

**Section 3.** The City Council, pursuant to the petition filed by Agricola Associates L.L.C. in P.Z. 28-2004 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 hearings, held by the Planning Commission on the 14<sup>th</sup> day of February 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.

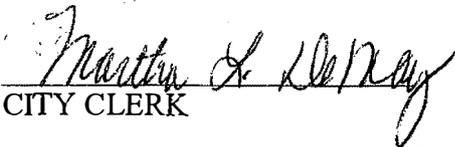
**Section 4.** This ordinance and the requirements thereof are exempt from the warnings and summons for violations as set out in Section 1003.410 of the zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 6<sup>th</sup> day of FEBRUARY, 2006.

  
MAYOR

ATTEST:

  
CITY CLERK

## ATTACHMENT A

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

- 1.2 Adherence to the Plan
- 1.4 Quality New Development
- 1.7 Chesterfield Valley
- 3.1 Quality Commercial Development
- 3.4 Signage Considerations
- 3.5 Chesterfield Valley
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 8.2.2 Underground Electric Service
- 10.2.3 Trail System

### I. SPECIFIC CRITERIA

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

#### **B. Definitions**

- 1. Site Development Concept Plan is a conceptual plan for development in a planned district being done in phases. A concept plan provides an overall picture of a development that is being divided into sections to be developed in phases.**
- 2. A Site Development Section Plan is a plan for development for sections of the overall concept plan.**
- 3. Site Development Plan is a plan for development in planned districts that is being done in one phase.**

#### **C. PERMITTED USES**

- 1. The primary uses allowed this "PC" Planned Commercial District shall be:**
  - a. Associated, covered and enclosed, work and storage areas required by a business, firm, or service to carry on business operations.**
  - b. Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.**

- c. Barber shops and beauty parlors.
- d. Bookstores.
- e. Child care centers, nursery schools, and day nurseries.
- f. Colleges and universities.
- g. Dry cleaning drop-off and pick-up stations.
- h. Film drop-off and pick-up stations.
- i. Fishing tackle and bait shops. Open storage and display are prohibited.
- j. Financial institutions.
- k. Hotels and motels.
- l. Medical and dental offices.
- m. Offices or office buildings.
- n. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- o. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters.
- p. Restaurants, fast food. (see "Use Restrictions" below).
- q. Restaurants, sit down.
- r. Sales, rental, and leasing of new and used vehicles, including automobiles, trailers, agricultural equipment, and boats, as well as associated repairs. No outdoor storage of inventory vehicles shall be permitted. Outdoor display of up to a maximum of ten (10) vehicles shall be permitted.
- s. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- t. 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, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
- u. Permitted signs (See Section 1003.168 "Sign Regulations").
- v. Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
- w. Stores, shops, markets and service facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

2. The following uses shall be ancillary uses only:

- a. Automatic vending facilities for:
  - 1. Ice and solid carbon dioxide (dry ice);
  - 2. Beverages;
  - 3. Confections.
- b. Cafeterias for employees and guests only.

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

- a. There shall be no more than twenty-five (25) buildings.
- b. Outdoor Sales shall be limited to an area not to exceed twenty percent (20%) to be shown on the Site Development Concept Plan and Site Development Section Plans and must not be visible from roadways exterior to the development.
- c. A maximum of thirty percent (30%) of the lots in this proposed development may have drive-thrus and there will be a maximum of two drive-thrus per building.
- d. "Drive-ups" or "Drive-throughs" shall not be permitted on any free-standing building dedicated solely to a fast food restaurant.

**D. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS**

1. FLOOR AREA

- a. Total building floor area shall not exceed 437,550 square feet.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed two (2) stories or forty-five (45) feet, whichever is less.

3. BUILDING REQUIREMENTS

- a. Open space: A minimum of forty percent (40%) open space is required for this development. Open space includes all areas excluding the building or areas for vehicular circulation. Open space calculations shall not include area on non-impervious surface used for outdoor sales.
- b. Floor Area Ratio: The development shall have a maximum Floor Area Ratio (F.A.R.) of nineteen percent (19%) F.A.R. 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



- a. No construction related parking shall be permitted within the Olive Street Road right-of-way.
- b. Provide adequate off-street stabilized parking area(s) for construction employees and a wash down 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.

#### **G. LANDSCAPE AND TREE REQUIREMENTS**

1. The developer shall submit a landscape plan, tree stand delineation; and tree preservation plan in accordance with the City of Chesterfield Code.
2. 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.
3. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.
4. No landscaping will be allowed to be planted within the 100-year high water elevation of any Chesterfield Valley Master Storm Water channel.

#### **H. SIGN REQUIREMENTS**

1. A sign package shall be required for this development and shall adhere to the requirements of the City of Chesterfield Code. All sign packages shall be reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield for sight distance considerations prior to installation or construction.
3. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
4. 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

sign and landscaping shall be as approved by the Planning Commission on the Site Development Plan.

**I. LIGHT REQUIREMENTS**

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. The location and height of the light standards will be as approved by the Planning Commission.
3. Except for required street lighting, no source of illumination will be situated so that light is cast on any public right-of-way or adjoining property.

**J. ARCHITECTURAL**

1. The developer shall submit an overall design package for the proposed development, including, but not limited to, architectural elevations, colored renderings and building materials for the development for approval with the Site Development Concept Plan.
2. The proposed package should give consideration to creating a visually-appealing development pattern, particularly from I-64/US40, achieved by retaining open spaces and creating consistency in the location and massing of structures on the site.
3. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
4. 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.
5. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

**K. ACCESS/ACCESS MANAGEMENT**

1. Access to Olive Street Road shall be limited to one street approach and one drive entrance. The street approach shall be located as directed by the Department of Public Works and the St. Louis County Department of Highways and Traffic, and shall be located in such a manner as to provide adequate sight distance. The drive entrance shall be located

adjacent to the west property line. Cross access shall be provided to the adjacent property to the west as directed by the City of Chesterfield.

2. The nearest edge of any street, access or driveway intersecting the entrance street shall be located a minimum of eighty (80) feet from the edge of pavement of Olive Street Road, as directed by the Department of Public Works.
3. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access anywhere along the eastern and western property lines to the adjacent properties as directed by the City of Chesterfield and Monarch Fire Protection District.
4. 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.

**L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. Provide street connections to the adjoining properties to the east and west from the main street serving this development, as directed by the City of Chesterfield. All streets within the development shall be twenty-six (26) feet wide, shall have seven (7) foot wide shoulders on both sides, and shall be located in a forty (40) foot wide right-of-way. Ten foot wide roadway maintenance, widening and utility easements shall be provided on each side of the right of way. In conformance with Section 1005.180 of the Subdivision Ordinance, any street connection that is stubbed for future extension shall be posted with signage indicating that the street is to be extended as part of future development.

Said signage shall be posted within thirty (30) days of the street pavement being placed. Signs on private streets shall be maintained and/or replaced by the developer until such time as other individual owners will be responsible. Signage on public rights of way shall be maintained by the developer until such time as the streets are accepted for maintenance by a governmental agency.

2. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.
3. All roadway and related improvements in each plat or phase of the development shall be constructed prior to sixty percent(60%) occupancy of that plat or phase.
5. Provide any additional right-of-way and construct any improvements to Olive Street Road and Chesterfield Airport Road, as required by the City

of Chesterfield, and the St. Louis County Department of Highways and Traffic.

6. Provide connected sidewalks throughout the development.
7. Completion of the required road improvements is required as soon as is reasonably possible in the opinion of the City of Chesterfield City Engineer considering the conditions of this site and the impact of the development in this Zoning District. If public funding is not available for a particular road improvement at such time as such road improvement is required to be made, the Petitioner, or Petitioner's successor in interest, will be required to fund and complete such road improvements as are required by the City of Chesterfield City Engineer in order to obtain further building or occupancy permits within this Zoning District. If Petitioner or Petitioner's successor in interest funds such road improvement, a reimbursement agreement or other reimbursement mechanism may be available and may be considered by the City, but there is no assurance that any portion of such funding will ever be reimbursed. If Petitioner or Petitioner's successor in interest does not receive any reimbursement for road improvement cost this will in no way prevent or delay funding and completion of the road improvements and in no way shall prevent the City of Chesterfield from withholding future building or occupancy permits pending completion of the road improvements to the satisfaction of the City of Chesterfield City Engineer.
8. Timing for roadway improvements, as specified in Exhibit A, should be as directed by St. Louis County Highways & Traffic and the City of Chesterfield Department of Public Works. The City reserves the right to withhold building or occupancy permits at any time, as necessary to insure timely completion of the required road improvements and to prevent degradation of the traffic conditions as they may be associated with the proposed development.

#### **M. TRAFFIC STUDY**

Provide a traffic study as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic. 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 modifications 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.

**N. MONARCH-CHESTERFIELD LEVEE DISTRICT/HOWARD BEND LEVEE DISTRICT**

1. The developer shall dedicate an underseepage berm easement adjacent to the existing levee, as directed by the Monarch Chesterfield Levee District and the City of Chesterfield's Department of Public Works.
2. Prior to approval of any grading permit or improvement plans for the development, an underseepage study may be required for review/approval as directed by the Monarch Chesterfield Levee District, the U.S. Army Corps of Engineers and the City of Chesterfield's Department of Public Works.

**O. RECREATIONAL EASEMENT**

Provide a twenty-five (25) foot wide easement to and along the crest of the levee on this property for recreational and trail purposes, as directed by the City of Chesterfield.

**P. POWER OF REVIEW**

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan 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 of the site plan. The City Council will then take appropriate action relative to the proposal.

**Q. STORMWATER AND SANITARY SEWER**

1. 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.
2. 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
3. The Chesterfield Valley Master Storm Water Plan indicates a fifteen (15) foot flat bottom ditch with 4:1 side slopes shall be constructed in such a manner as to bisect the site, from east to west and that drainage from this site is to be directed to the west to a future reservoir/ pump station. The developer shall be responsible for construction of the required storm water improvements, the dedication of the necessary easements, and coordination with the owners of the properties affected by construction of the required improvements. In the event that the ultimate required improvements cannot

be constructed concurrently with this development, the developer shall provide interim drainage facilities and establish sufficient escrows as guarantee of future construction of the required improvements, including removal of interim facilities. Interim facilities shall be sized to handle runoff from the 100-year, twenty-four (24) hour storm event as produced by the Master Storm Water Plan model. The interim facilities shall provide positive drainage and may include a temporary pump station, if necessary. Interim facilities shall be removed promptly after the permanent storm water improvements are constructed.

4. The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the Director of Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Director of Public Works determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.
5. If any lot is proposed to be located in an existing or proposed Special Flood Hazard Area, the lot shall be clearly labeled as being located in the floodplain on the Site Development Plan and improvement plans. If any development in, or alteration of, the floodplain is proposed, the developer shall obtain a Floodplain Development Permit from the Department of Public Works. The developer must demonstrate that the proposed work will have no adverse impact on other properties in Chesterfield Valley. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. If any change in the location of the Special Flood Hazard Area is proposed, the developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final issuance of an occupancy permit and final release of any escrow for improvements in the development.
6. The lowest Reference Level (floor) of any structure, as defined by FEMA, shall be constructed a minimum of one (1) foot above the base flood

elevation and a minimum of one (1) foot above the 100-year high water elevation as produced by the Chesterfield Valley Master Storm Water Plan model. The minimum elevation for the Reference Level for each lot shall be indicated on the Site Development Plan and improvement plans, and an Elevation Certificate, on the form developed by FEMA for that purpose, shall be submitted immediately after construction of each structure. Occupancy permits shall not be issued for structures for which an Elevation Certificate has not been submitted.

7. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, in accordance with the Metropolitan St. Louis Sewer District Conceptual Sewer Master Plan for Chesterfield Valley.
8. 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 (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.

**R. ROADWAY IMPROVEMENTS AND CURB CUTS.**

1. Obtain approval from the City of Chesterfield Department of Public Works and St. Louis County Department of Highways and Traffic for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

**S. GEOTECHNICAL REPORT.**

1. 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.
2. 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.*

#### **T. GRADING AND IMPROVEMENT PLANS.**

1. A grading permit or improvement plan approval is required prior to issuance of a building permit, as directed.
2. 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.
3. 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.
4. 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:
  - a. The travel route must be approved by the Department of Public Works. No deviation from the approved route will be permitted.
  - b. An evaluation, including film record, of the current condition of the pavement on the approved travel route must be submitted.
  - c. 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.
  - d. 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.
  - e. Additional protective measures, as deemed necessary by the Department of Public Works, may also be required.

5. Prior to grading permit or improvement plan approval, provide comments/approvals from the appropriate Fire District, St. Louis County Department of Highways and Traffic, Spirit of St. Louis Airport, Monarch Chesterfield Levee District, and the Metropolitan St. Louis Sewer District.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

#### U. MISCELLANEOUS

1. Access/utility easements shall be required throughout the development. A continuous fifteen (15) foot wide rear yard easement shall be provided. At a minimum, a ten (10) foot wide utility/access easement shall be provided at every other lot line or break between structures, as directed.
2. 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.
3. 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.
4. Reserve an area for display of works of art so long as the art to be displayed is mutually agreed upon by the City of Chesterfield and the Petitioner.

5. 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.
  - a. 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.

## **II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT PLANS AND SITE DEVELOPMENT CONCEPT PLANS**

### **1. TIME PERIOD FOR PLAN SUBMITTAL**

- a. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the Preliminary Development Plan. This requirement shall be accomplished prior to issuance of building permits.
- b. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may 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.
- c. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan and will require a new public hearing.
- d. Said Plan shall be submitted in accordance 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.
- e. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

## **III. COMMENCEMENT OF CONSTRUCTION**

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.

- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

#### **IV. GENERAL CRITERIA-SITE DEVELOPMENT CONCEPT PLAN SUBMITTAL REQUIREMENTS**

- A. The Site Development Concept Plan shall include, but not be limited to, the following:
1. Outboundary plat and legal description of the property.
  2. Density Calculations.
  3. Zoning district lines and floodplain boundaries.
  4. Location map, north arrow, and plan scale.
  5. Conceptual location, and size, including height, of all proposed buildings, parking and loading areas, and lots.
  6. Specific structure and parking setbacks along all roadways and property lines.
  7. Parking calculations.
  8. Provide the green space percentage for each lot on the plan.
  9. Provide open space percentage.
  10. Address trees and landscaping in accordance with the City of Chesterfield Code.
  11. Provide a lighting plan in accordance with the City of Chesterfield Code.
  12. Provide Floor Area Ratio (F.A.R.)
  13. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
  14. Provide size and approximate location of existing and proposed internal and adjacent roadway, drives, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts on and adjacent to property in question.
  15. Provide location of curb cuts, necessary right-of-way dedication, road improvements, and driveways on opposite side of street.

16. Show existing and proposed contours at intervals of not more than two (2) foot, and extending one hundred fifty (150) feet beyond the limits of the site.
17. Show 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.
18. Preliminary storm water and sanitary sewer facilities.
19. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
20. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
21. 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.
22. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Spirit of St. Louis Airport, and Monarch Chesterfield Levee District.

**V. GENERAL CRITERIA -SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS**

- A. In addition to the above referenced requirements, the Site Development Section Plan shall adhere to the following criteria:
  1. Show 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.
  2. Show confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
  3. Show 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.



13. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
14. Scale shall be no greater than one (1) inch equals one hundred (100) feet.
15. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
16. Size and approximate location of existing and proposed internal and adjacent roadway, drives, major utility easements, necessary right-of-way dedications, road improvements and curb cuts on and adjacent to property in question.
17. Show location of curb cuts, necessary right-of-way dedication, road improvements, and driveways on opposite side of street.
18. Show existing and proposed contours at intervals of not more than two (2) foot, and extending one hundred fifty (150) feet beyond the limits of the site.
19. Show 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.
20. Show preliminary storm water and sanitary sewer facilities.
21. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
22. 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.
23. 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.
24. Show 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.
25. Show 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.

26. Prior to plan approval; depict existing and proposed improvements, easements, right-of-ways, and off-site easements and right-of-way required for proposed improvements within one hundred fifty (150) feet of the site as directed by the City of Chesterfield. 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.
27. Show the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
28. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
29. The Site Development Plan and Tree Preservation Plan must be approved prior to clearing or grading.

## VII. TRUST FUND CONTRIBUTION

- A. The developer will contribute to the Chesterfield Valley Trust Fund. 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>
Commercial	\$1.91/Square Foot
Office	\$1.33/Square Foot
Industrial	\$4,605.62/Acre
Stormwater	\$1,918.45/Acre
Water Main	\$604.65/Acre

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

Credits for roadway improvements will be as approved by the City of Chesterfield and St. Louis County Department of Highways and Traffic.

If 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 or to St. Louis County as directed by the Department of Planning prior to the issuance of building permits. If development phasing is anticipated, the developer will provide the traffic generation assessment.

### **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 of a plan by the Planning Commission.

### **IX. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE**

Prior to any Special Use Permit being issued by St. Louis County Department of Highways and Traffic, a special cash escrow must be established with this Department to guarantee completion of the required roadway improvements.

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

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

1. Comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District and the appropriate Fire District and any other applicable agency as required by the Department of Planning.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

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

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

1. Notification of Department of Planning

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

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

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, Spirit of St. Louis Airport 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.

4. All required subdivision improvements in each plat of a subdivision shall be completed prior to issuance of more than eighty-five percent (85%) of the building permits for all lots in the plat.

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

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.

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

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.

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.

All conditions of the Escrow as stated in the Escrow Agreement shall be met and approved by the Department of Public Works per the established Escrow Agreement.

## **XIV. ENFORCEMENT**

1. 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.

