

BILL NO. 2416

ORDINANCE NO. 2237

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO A "PI" PLANNED INDUSTRIAL DISTRICT FOR THREE (3) PARCELS TOTALING APPROXIMATELY 36.6-ACRES LOCATED ON THE EAST SIDE OF EATHERTON ROAD, SOUTH OF OLIVE STREET ROAD AND ON THE NORTH SIDE OF WARDENBURG ROAD. (P.Z. 22-2005 WINGS CORPORATE ESTATES)**

**WHEREAS**, the petitioner, Ed Holthaus Realty has requested a change in zoning from an "NU" Non-Urban District to a "PI" Planned Industrial District for an approximately 36.6-acre tract of land located on Wardenburg Road, south of Olive Street Road and east of Eatherton Road; and,

**WHEREAS**, the Planning Commission, having considered said request, recommends approval of the request for a change of zoning from an "NU" Non-Urban District with conditions; 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 "PI" Planned Industrial District for an approximately 36.6-acre tract of land located on the East side of Eatherton Road South of Olive Street Road and on the North side of Wardenburg Road in the City of Chesterfield, and described as follows:

**Legal Description for Wings Corporate Estates**

A composite tract of land being those properties conveyed to D.F. Adams and Associates Inc., a Missouri Corporation, by Deeds recorded in Deed Book 12392, Page 1452, and Deed Book 12392, Page 1455 and a tract of land as described in a Quitclaim Deed to Carmelo J. Natoli as recorded in Deed Book 16429, Page 2594 of the St. Louis County Records, situated in U.S. Surveys 362 and 133, Township 45 North, Range 3 East, in the City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the Southern Line of Lot 1 of the Subdivision of E. Kroenung Estate, according to the Plat thereof recorded in Plat Book 11, Page 11 of the St. Louis County Records, at its intersection with the Eastern right of way line of Eatherton (40' wide) Road, forty feet wide; thence along said Southern Line, North 78 degrees 41 minutes 30 seconds East, 583.49 feet to the Southeastern corner of Lot 1 of the Subdivision of E. Kroenung Estate, as aforementioned; thence along the Eastern Line of said Lot 1, North 11 degrees 31 minutes 10 seconds West, 702.85 feet to a point being on the Eastern line of a tract of land as described in a deed to Norman Romback, Trustee as recorded in Deed Book 11326, Page 1796 of the St. Louis County records and said point being the Southwestern Corner of a tract of land conveyed to St. Louis County by Deed recorded in Deed Book 12257, Page 1813

and Deed Book 12257, Page 1816 of the St. Louis County Records; thence along the Southern Line of said tract, North 78 degrees 12 minutes 40 seconds East, 1803.83 feet to a point on the Western Line of U.S. Survey 153; thence along said Western Line, South 12 degrees 41 minutes 10 seconds East, 949.60 feet to the Southeastern Corner of Lot 1 of "Wardenburg Flats Plat 1", a Subdivision, according to the Plat thereof recorded in Plat Book 211, Page 48 of the St. Louis County Records; thence along the Southern Line of said Lot 1 and the Southern line of a tract of land as described to D.F. Adams and Associates, Inc. as recorded in Deed Book 12392, Page 1455, of the St. Louis County records South 78 degrees 26 minutes 15 seconds West, 1185.21 feet to a point on the Eastern Line of U.S. Survey 362; thence along said Eastern Line, North 12 degrees 45 minutes 00 seconds West, 211.68 feet to a point on the Southern Line of a twenty-five foot wide private road, as set forth by deed recorded in Deed Book 377, Page 296 of the St. Louis County Records; thence along said Southern Line, South 78 degrees 41 minutes 30 seconds West, 1216.70 feet to a point on the Eastern Line of Eatherton (40'wide)Road, as aforementioned; thence along said Eastern Line, North 11 degrees 56 minutes 10 seconds West, 25.00 feet to the point of beginning, containing 36.604 acres, more or less.

**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 Ed Holthaus Realty, in P.Z. 22-2005, 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 26th day of September, 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 6th day of February, 2006.

  
MAYOR

ATTEST:

  
CITY CLERK

## ATTACHMENT A

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

- 1.4 Quality New Development
- 1.5 Diversity of Development
- 1.6 Lighting Plan and Program
- 1.7 Chesterfield Valley
- 3.1.1 Quality of Design
- 3.4 Signage Considerations
- 3.4.1 Preserve Aesthetics and Public Safety
- 3.5 Chesterfield Valley
- 3.5.1 Chesterfield Valley Regional Retail and Low Intensity Industry
- 3.5.2 Chesterfield Valley Airport Compatibility
- 4.3 Low-Density Office Development
- 6.1 Low-Intensity Industrial
- 7.2.4 Encourage Sidewalks
- 7.2.5 Right-of-Way Dedication
- 7.2.6 Cross-Access Circulation
- 7.2.9 Access Management
- 7.4 Cooperation with Other Agencies
- 8.2.2 Underground Electric Service
- 8.3 Stormwater Management
- 8.3.1 New Development Review for Stormwater Control
- 8.3.2 Cooperation with Other Municipalities

### 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 uses allowed this Planned Industrial District shall be:**

- (b) Animal hospitals, veterinary clinics, ~~and kennels.~~
- (g) Automatic vending facilities for:
  - (i) Ice and solid carbon dioxide (dry ice);
  - (ii) Beverages;
  - (iii) Confections.
- (j) Business, professional, and technical training schools.
- (k) Business service establishments.
- (l) Cafeterias for employees and guests only.
- (q) Financial institutions.
- (v) Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), and indoor and unlighted outdoor tennis courts (public or private).
- (bb) Laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.
- (cc) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
  - (i) Adequately screened with landscaping, fencing or walls, or any combination thereof; or
  - (ii) Placed underground; or
  - (iii) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.
- (dd) Mail order sale warehouses.
- (ff) Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:
  - (i) Facilities producing or processing explosives or flammable gases or liquids;
  - (ii) Facilities for animal slaughtering, meat packing, or rendering;
  - (iii) Sulphur plants, rubber reclamation plants, or cement plants; and
  - (iv) Steel mills, foundries, or smelters.
- (gg) Medical and dental offices.
- (ii) Office or Office Buildings.
- (ll) 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.
- (mm) Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.
- (nn) Police, fire, and postal stations.
- (oo) Printing and duplicating services.
- (pp) Public utility facilities.

- (tt) Recreational facilities, indoor and ~~illuminated outdoor facilities~~, including swimming pools, golf courses, ~~golf practice driving ranges, tennis courts~~, and gymnasiums, and indoor theaters, ~~including drive-in theaters~~.
- (uu) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- (ccc) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, 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.
- (eee) Permitted signs (See Section 1003.168 'Sign Regulations').
- (ggg) Storage and repair garages for public mass transit vehicles.
- (kkk) Terminals for buses and other public mass transit vehicles.
- (nnn) Union halls and hiring halls.
- (ooo) Vehicle repair facilities.
- (ppp) Vehicle service centers.
- (rrr) Warehousing, storage, or wholesaling of manufactured commodities, ~~live animals, explosives, or flammable gases and liquids~~.
- (ttt) Yards for storage of contractors' equipment, materials, and supplies, excluding junk yards and salvage yards.

2. The above uses in the Planned Industrial District shall be restricted as follows:

- (b) Kennels are not allowed.
- (tt) Illuminated outdoor facilities, golf courses, golf practice driving ranges, tennis courts and drive in theaters are not allowed.
- (ccc) Fishing tackle and bait shops and souvenir sales are not allowed.
- (rrr) Warehousing, storage or wholesaling of live animals, explosives, or flammable gases and liquids are not allowed.
- (ttt) All areas used for outdoor storage will be screened as approved by the Planning Commission.

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

##### **1. FLOOR AREA**

- a. Total building floor area for this development shall not exceed the developer's ability to comply with setbacks, parking requirements and open space criteria.

##### **2. HEIGHT**

- a. The maximum height of the building, exclusive of roof screening, shall not exceed forty (40) feet or the acceptable maximum height as stated in the Federal Air Regulations Part 77, which ever is less.

**3. BUILDING REQUIREMENTS**

- a. **Open Space:** Until such time as the connection of the site to a permanent sanitary sewer system, a minimum of fifty percent (50%) open space is required for this development. Open space 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. Upon connection to sanitary sewer, a minimum of thirty percent (30%) open space is required for this development.
- b. **Floor Area Ratio:** The development will have a maximum Floor Area Ratio (F.A.R.) of fifty-five (55%). 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.

**E. STRUCTURE AND PARKING SETBACKS**

**1. STRUCTURE SETBACKS**

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

- a. Ten (10) feet from the northern boundary of the Planned Industrial District.
- b. Twenty (20) feet from the southern boundary of the Planned Industrial District.
  - For lots 15 and 16 the setback is ten (10) feet from the northern line of the fire lane right of way known as Wardenburg Road.
- c. Ten (10) feet from the eastern boundary of the Planned Industrial District.
- d. Ten (10) feet from the western boundary of the Planned Industrial District.

**2. PARKING AND LOADING SPACE SETBACKS**

No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks or appropriate setbacks at the time of development:

- a. Five (5) feet from the northern boundary of the Planned Industrial District.
- b. Five (5) feet from the southern boundary of the Planned Industrial District.
  - For lots 15 and 16 the setback is five (5) feet from the northern line of the fire lane right of way known as Wardenburg Road.
- c. Five (5) feet from the eastern boundary of the Planned Industrial District.
- d. Five (5) feet from the western boundary of the Planned Industrial District.

**F. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
  - a. 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.
  - b. 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 Plans or 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.

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

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.
2. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
3. 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.
4. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.
5. Signage indicating that the streets are private and owners are responsible for maintenance shall be posted in conformance with Section 1005.180 of the Subdivision Ordinance. Said signage shall be posted within thirty (30) days of the placement of the adjacent street pavement and maintained/replaced by the developer until such time as the subdivision trustees are residents of the subdivision, at which time the trustees shall be responsible.
6. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the Missouri Department of Transportation and the City of Chesterfield for sight distance considerations prior to installation or construction.

#### **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 architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and, landscaping to avoid a monotonous or overpowering appearance.
3. 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.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.
5. Screening of outdoor equipment and storage: The location and elevation of any screening for outdoor storage or equipment will be as approved by the Planning Commission on the Site Development Plan. All exterior screened areas will be complimented by adequate landscaping and as 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.

**K. ACCESS/ACCESS MANAGEMENT**

1. 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.
2. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent properties to the east and

south as directed, and/or the private roadway easement shall coincide with the adjacent property lines.

3. Access to this development shall be via the extension of the existing roadway as directed by the City of Chesterfield. No additional access to Eatherton Road will be permitted.

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

1. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.
2. Appropriate easements for the temporary turnaround and the street stub will be required from the adjacent property owner to the south and east. If the property owner to the south and east does not grant the necessary easements, then the temporary turnarounds, as well as the street stub must be located on the proposed development.
3. All streets within this development shall be twenty-six (26) feet wide, centered within a forty (40) foot private roadway easement with a ten (10) foot wide maintenance and utility easement located on both sides of the roadway easement.
4. All streets within this development shall be private and remain private forever unless accepted as public streets by a governmental agency. Maintenance of private streets, including, but not limited to, snow removal, shall be the responsibility of the developer/subdivision. In conformance with Section 1005.265 of the Subdivision Ordinance, a disclosure statement shall be provided to all potential buyers. In conformance with Section 1005.180 of the Subdivision Ordinance, the method for providing continuous maintenance of streets and appurtenant storm sewers shall be included in the trust indentures and the record plat.
5. Provide street connections to the adjoining properties to the south and east from the streets serving this development, as directed by the City of Chesterfield. 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 all of the subdivision trustees are residents of the subdivision, at which time the trustees 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.

7. 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.

**M. TRAFFIC STUDY**

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

**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. 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
4. The Chesterfield Valley Master Storm Water Plan indicates a forty (40') flat bottom ditch with 4:1 side slopes shall be constructed, running east to west, through the middle of the site. The developer shall be responsible for construction of the required storm water improvements and coordination with the owners of the properties affected by construction of the required improvements. If it is determined that the required

improvements will be constructed off site, the developer shall deposit a special cash escrow with the Department of Public Works equal to the amount of the cost to construct the required improvements on the site per the Chesterfield Valley Master Storm Water Plan. 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.

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. Provide a Chesterfield Valley Storm Water Easement, as directed by the Department of Public Works, to accommodate the future construction of the Chesterfield Valley Master Storm Water Plan channel in that area, and depict the channel on the Site Development Plan and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.
6. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.

7. 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.
8. 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.

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

1. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Highways and Traffic for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
2. The developer shall be responsible for the construction of a two hundred (200) foot southbound left turn lane on Eatherton Road as directed by the St. Louis County Department of Highways and Traffic.

**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 all Site Development Plans and Improvement Plans.

**T. GRADING AND IMPROVEMENT PLANS.**

1. A 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.
2. 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.
3. No grading which results in a change in watersheds will be permitted.
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, Spirit of St. Louis Airport, Monarch Chesterfield Levee District, and the Metropolitan St. Louis Sewer District.
7. 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.

8. A grading permit or improvement plan approval is required prior to any clearing or grading.

#### **U. MISCELLANEOUS**

1. 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.
2. All outdoor equipment and storage will be adequately screened as shown on the Site Development Plan or Site Development Section Plan and as approved by the Department of Planning or the Planning Commission.

### **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 (1) additional year.
- C. 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.

### **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 greenspace 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 one (1) 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 stormwater 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, Metropolitan St. Louis Sewer District, St. Louis County Department of Highways and Traffic, Missouri Department of Transportation, and Spirit of St. Louis Airport.

**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.
  4. 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.
  5. Show the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
  6. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
  7. The Site Development Plan and Tree Preservation Plan must be approved prior to any clearing or grading.

**VI. GENERAL CRITERIA - SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

- A. Site Development Plan shall include, but is not 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. Parking calculations.
7. Specific structure and parking setbacks along all roadways and property lines.
8. Provide the greenspace 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. 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 one (1) 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 stormwater 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, Metropolitan St. Louis Sewer District, St. Louis County Department of Highways and Traffic, Missouri Department of Transportation and the Spirit of St. Louis Airport.
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. 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.

**VIII. CHESTERFIELD VALLEY TRUST FUND CONTRIBUTIONS**

Roads

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed based on the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$1.91/sq. ft. of building space
Office	\$1.33/sq. ft. of building space
<b>Industrial</b>	<b>\$4,605.62/acre</b>

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$604.65 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

Stormwater

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the storm water contribution will be computed based on \$1,918.45 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek impact fee.

The sanitary sewer contribution within Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2006, shall 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 contribution prior to issuance of building permits for each phase of development.

**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, Missouri Department of Transportation, Department of Highways and Traffic, and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

3. Certification of Plans

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

**XII. VERIFICATION PRIOR TO RECORD PLAT APPROVAL**

1. 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.

**XIII. OCCUPANCY PERMIT/FINAL OCCUPANCY**

1. Prior to the issuance of any occupancy permit, floodplain management requirements shall be met.
2. 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.
3. Prior to final occupancy of any building, 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.

#### **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.

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.

#### **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:

3. 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.
4. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
5. 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.
6. 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.
7. 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.*

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. The developer is advised that utility companies will require compensation for relocation of their facilities with public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy before completion of road improvements.
14. A grading permit or improvement plan approval is required prior to issuance of a building permit. In extenuating circumstances, an exception to this requirement may be granted.

15. 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.

**XVI. 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.
2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
3. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
4. Waiver of Notice of Violation per the City of Chesterfield Code.
5. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.