

BILL NO. 2425

ORDINANCE NO. 2247

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C-8" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 2.61 ACRE TRACT OF LAND LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD, NORTH OF EDISON AVENUE. (P.Z. 24-2005 KOMMERZ LLC- CLOCKTOWER PLAZA).**

**WHEREAS**, the Petitioner, Stock and Associates, requested a change in zoning from "C8" Planned Commercial District to an "PC" Planned Commercial District; and,

**WHEREAS**, the Planning Commission held a public hearing regarding the said request on October 24, 2005; and,

**WHEREAS**, the Planning Commission upon review of said request, made amendments to the petition regarding allowed uses, parking requirements, and hours of operation recommended denial by a vote of 3-5 on January 23, 2006; and,

**WHEREAS**, the City Council upon review of said request, made amendments to the petition regarding deferred parking, parking requirements, and hours of operation and recommended approval.

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

**Section 1.** The City of Chesterfield Zoning Ordinance and Official Zoning District Maps, which are part thereof, are hereby amended by approving preliminary plans for a change in zoning of a "C8" Planned Commercial District to a "PC" Planned Commercial district for a 2.61 acre tract of land located South of Chesterfield Airport Road, North of Edison Avenue in the City of Chesterfield as follows:

**LAND DESCRIPTION**

A tract of land being part of Lot 2 of Silver Maple Farm, according to the plat thereof recorded in Plat Book 274, Page 96 of St. Louis County Records Township 45 North, Range 4 East of the Fifth Principal Meridian, St. Louis County, Missouri, more particularly described as follows:

Commencing at the Southwest corner of Lot 3 of said subdivision, said corner also being on the North right-of-way line of Old Olive Street Road (60 feet wide); thence along the West line of said Lot 3, North 00 degrees 00 minutes 00 seconds East, 4.33 feet to the **POINT OF BEGINNING** of the tract herein described; thence along the North line of a tract of land conveyed to the City of Chesterfield by deed recorded in Book 13658, Page 476 of said records, North 83 degrees 44 minutes 31 seconds West, 80.19 feet; thence along the aforementioned North right-of-way line, North 80 degrees 41 minutes 15 seconds West, 121.90 feet; thence along the East line of Chesterfield Commons East, according to the plat thereof recorded in Plat Book 352, Pages 472

through 477 of said records, North 00 degrees 00 minutes 00 seconds East, 527.02 feet; thence along the South line of Lot 1 of said Silver Maple Farms, South 90 degrees 00 minutes 00 seconds East, 74.27 feet; thence along a curve to the left, the radius point of which bears North 00 degrees 00 minutes 00 seconds East, 75.00 feet from the last mentioned point, an arc distance of 89.85 feet; thence along a curve to the right, the radius point of which bears South 68 degrees 38 minutes 25 seconds East, 60.00 feet from the last mentioned point, an arc distance of 71.88 feet; thence along the West line of the aforementioned Lot 3, South 00 degrees 00 minutes 00 seconds West, 527.20 feet to the **POINT OF BEGINNING**, containing 113,671 square feet or 2.610 acres, more or less per calculations by Stock & Associates Consulting Engineers, Inc. during August, 2005.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council.

**Section 3.** The City Council, pursuant to the petition filed by Stock and Associates in P.Z. 24-2005 requesting the amendment embodied in this ordinance, and after public hearing, held by the Planning Commission on the 10<sup>th</sup> day of October 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.

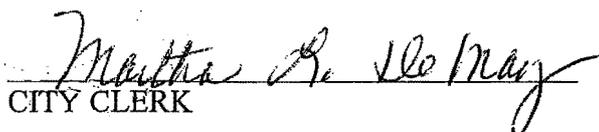
**Section 4.** This ordinance and the requirements thereof are exempt from the warnings and summons for violations as set out in Section 1003.410 of the zoning Ordinance of the City of Chesterfield.

**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 March, 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 uses allowed in this PC Planned Commercial District shall be:
  - (a) Animal hospitals, veterinary clinics, and kennels.
  - (b) Associated work and storage areas required by a business, firm, or service to carry on business operations.

- (c) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
- (e) Barber shops and beauty parlors.
- (f) Bookstores.
- (g) Broadcasting studios for radio and television.
- (h) Studios, and associated facilities for radio, television, and other communications.
- (i) Child care centers, nursery schools, and day nurseries.
- (j) Colleges and universities.
- (k) Dry cleaning drop-off and pick-up stations.
- (l) Film drop-off and pick-up stations.
- (m) Financial institutions.
- (n) 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.
- (o) Medical and dental offices.
- (p) Offices or office buildings.
- (q) Outpatient substance abuse treatment facilities.
- (r) Police, fire, and postal stations.
- (s) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- (t) Restaurants, sit down.

- (u) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- (v) 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.
- (w) Permitted signs
- (x) Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
- (y) Stores, shops, markets, service facilities, and automatic vending 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 above uses in the PC District shall be restricted as follows:

- a. No retail sales, storage or displays are permitted outside the main buildings unless one side is attached to said building. Screening for remaining three (3) sides shall be approved by the Planning Commission as part of the Site Development Plan.
- b. The following uses shall be permitted as ancillary uses only:

Automatic vending facilities for:

- (i) Ice and solid carbon dioxide (dry ice);
- (ii) Beverages;
- (iii) Confections.

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

1. FLOOR AREA

- a. Total building floor area shall not exceed 23,530 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. **Openspace:** A minimum of forty-two (42%) openspace is required for this development. Openspace includes all areas excluding the building or areas for vehicular circulation.
- b. **Floor Area Ratio:** The development shall have a maximum Floor Area Ratio (F.A.R.) of twenty-one percent (21%). 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 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, one (1) arch entry, or fences will be located within the following setbacks:

- a. Eighty (80) feet from the property line of the western boundary of the Planned Commercial (PC) District.
- b. Eighty (80) feet from the southern boundary of the PC District.
- c. Twenty (20) feet from the eastern boundary of the PC District.
- d. One-Hundred Twenty (120) feet from the northern boundary of the PC 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:

- a. Fourteen (14) feet from the western boundary of the Planned Commercial (PC) District.
- b. Thirty (30) feet from the southern boundary of the PC District.
- c. Five (5) feet from the eastern boundary of the PC District.
- d. Sixty-five (65) feet from the northern boundary of the PC District.

#### **F. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading spaces for this development will not exceed City of Chesterfield Code.
2. Construction Parking
  - a. No construction related parking shall be permitted within the right of way of Chesterfield Commons East Road or Edison Avenue.

#### **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 Plan as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.
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. 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.
  - a. 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.
  - b. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
  - c. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This 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 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.

#### **K. ACCESS/ACCESS MANAGEMENT**

1. Access to Chesterfield Commons East Road shall be limited to one entrance located across from the center entrance into the Chesterfield Commons East development off of Chesterfield Commons East Road.
2. No direct access to Edison Avenue will be permitted.
3. 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 a pedestrian connection to Chesterfield Commons East Development.

**M. TRAFFIC STUDY**

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

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

1. Provide a underseepage study as directed by the Monarch-Chesterfield Levee District.

**O. RECREATIONAL EASEMENT**

1. Provide a recreational trail easement along Edison Avenue as directed by the City of Chesterfield.

**P. POWER OF REVIEW**

1. 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. 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.

2. 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.
3. Jurisdictional wetlands have been identified on this site. The mitigation for the wetlands has been addressed under the Chesterfield Valley Mitigation Bank Program; therefore, the developer shall reimburse the Program for the mitigation provided for this site. There are .41 acres of wetlands delineated on this site, which require a total of .41 acres of mitigation credit. Prior to approval of a grading permit or improvement plans, or issuance of a building permit, the developer shall pay \$10,131.00 to the City of Chesterfield as the site's proportionate share of the cost of establishment of the mitigation area.
4. Lake(s), pond(s), reservoir(s), detention area(s), etc., are located downstream from the proposed development which may, in the opinion of the Department of Public Works, be impacted by development of subject site. A bond, in a form acceptable to the City of Chesterfield, shall be posted to assure compliance with this section. The developer shall perform preconstruction and post-construction surveys of these facilities and determine any changed condition. Preconstruction surveys shall be performed prior to any clearing, grading, demolition or other construction related to the proposed development. Post-construction surveys shall be performed within twelve (12) months of the completion of the proposed development or two (2) years from the start of the development, whichever is greater. The developer shall return affected facilities to their preconstruction condition within 3 months of the post-construction survey. If the owner/operator of potentially impacted facilities will not grant the developer the necessary easements to complete the surveys and/or restorative work, the requirements in this paragraph are null and void. The required bond and preconstruction survey of downstream facilities shall be submitted prior to approval of a grading permit or improvement plans.
5. 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.

6. 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.
7. 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.

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

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

**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.
  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.

#### 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. Provide a traffic study as directed by the City of Chesterfield. 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.
3. Hours of operation for restaurants and retail sales will be as follows:

Normal Hours:

Hours of operation will be as follows:

7 a.m. to 9:30 p.m. seven days/week.

4. All deliveries and trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.
5. All loading docks are to be screened by sound attenuating material.
6. No commercial vehicles shall remain on the premises with idling engines during non-business hours.
7. Developer shall review the option of deferred parking along the southern end of the site with landscaping in its place.

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

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

1. 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.
2. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan and will require a new public hearing.
3. 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.
4. 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**

1. 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.

2. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.
3. A grading permit or improvement plan approval is required prior to any clearing or grading.
4. 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 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. Show location of curb cuts, necessary right-of-way dedication, road improvements, and driveways on opposite side of street.
17. 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.
18. 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.
19. Show preliminary stormwater and sanitary sewer facilities.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, Spirit of St. Louis Airport, the Monarch Chesterfield Levee District, the Metropolitan St. Louis Sewer District, and any other applicable agency as required by the Department of Planning.
22. 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.
23. 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.
24. Show the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
25. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
26. The Site Development Plan and Tree Preservation Plan must be approved prior to clearing or grading.

**V. RECORDING**

1. 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.

**VI. CHESTERFIELD VALLEY TRUST FUND**

The developer shall be required to contribute to the Chesterfield Valley Trust Fund.

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 Saint 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 |
| Industrial                 | \$4,605.62/acre                  |

If the types of development proposed differ from those listed, rates shall be provided by the Saint Louis County Department of Highways and Traffic.

Credits for roadway improvements required will be awarded as directed by the Saint Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development shall be retained in the trust fund.

The roadway improvement contribution shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Highways and Traffic. Funds shall be payable to the Treasurer, Saint Louis County.

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.

The primary water line contribution shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan unless otherwise directed by the Saint Luis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

#### Storm water

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 Saint Louis County and the Metropolitan Saint 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 Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by Saint 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 Saint Louis County Department of Highways and Traffic.

Trust Fund contributions shall be deposited with Saint Louis County in the form of a cash escrow prior to the issuance of building permits.

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

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

- a. Provide comments/approvals from the appropriate Fire District, Spirit of St. Louis Airport, the Monarch Chesterfield Levee District, the Metropolitan St. Louis Sewer District, and any other applicable agency as required by the Department of Planning.
- b. Copies of recorded easements for off-site work, including book and page information, will be provided.

#### **VIII. 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, 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.

- B. 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.

- C. All required subdivision improvements in each plat of a subdivision shall be completed prior to issuance of more than 85% of the building permits for all lots in the plat.

#### **IX. OCCUPANCY PERMIT/FINAL OCCUPANCY**

1. Prior to the issuance of an occupancy permit, the existing stormwater channel and reservoir located on the site shall be regraded to restore them

to the line and grade of the original design, as necessary, and shall be revegetated as necessary.

2. Prior to the issuance of any occupancy permit, floodplain management requirements shall be met.
3. 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.
4. 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.

#### **X. 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.

#### **XI. 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:
  - 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.

- c. When clearing and/or grading operations are completed or will be suspended for more than 14 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures may include a combination of seeding, periodic wetting, mulching, or other suitable means.
- d. 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.
- e. 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.*
- f. 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.
- g. All fills placed under proposed storm and sanitary sewer lines and/or paved areas, including trench backfill within and off the road right-of-way, shall be compacted to 90% of maximum density as determined by the "Modified AASHTO T-180 Compaction Test" (ASTM D-1557) for the entire depth of the fill. Compacted granular backfill is required in all trench excavation within the street right-of-way and under all paved areas. All tests shall be performed concurrent with grading and backfilling operations under the direction of a geotechnical engineer who shall verify the test results.
- h. This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) or more acres.

## XII. ENFORCEMENT

- A. 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.
- B. 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.
- C. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.