

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 0.92-ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CLAYTON ROAD, AT ITS INTERSECTION WITH BAXTER ROAD. [(P.Z. 10-2005 Petro Mart (Land West One LLC))]

WHEREAS, the petitioner, Land West One LLC., has requested a change in zoning from a "C-8" Planned Commercial District to a "PC" Planned Commercial District for a 0.92-acre tract of land located on Clayton Road, at its intersection with Baxter Road; and,

WHEREAS, the Planning Commission, having considered said request, and recommended approval of the variance request and the rezoning request with conditions as written in the Attachment A; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning with an amendment to require automatic power of review and amendments to the greenspace provided and setback from eastern property line.

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

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District for a .92-acre tract of land located on Clayton Road, at its intersection with Baxter Road and described as follows:

A tract of land being part of Adjusted Tract 1 of the Boundary Adjustment Plat of Tracts 1 and 2 of part of Lot 6 of Baxter Estate Partition, as recorded in Plat Book 248, page 36, of the St. Louis County Records, and also being in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 26, Township 45 North, Range 4 East, of the Fifth Principal Meridian, in St. Louis County, Missouri, and more particularly described as follows:

Beginning at the Northeast corner of said Adjusted Tract 1, said corner is also the Northwest corner of Wildwood, Plat 2, a subdivision recorded in Plat Book 105, pages 8, 9 of the St. Louis County Records; thence along the East line of Adjusted Tract 1 and along the West line of said Wildwood, Plat 2, S 1° 03' 00" W, a distance of 73.20', by record and survey, to the Southeast corner of Adjusted Tract 1; thence along the South line of Adjusted Tract 1, S 74° 53' 27" W, a distance of 299.79', by survey, to the East line of Baxter Road, as widened by Plat Book 255, page 8, of the St. Louis County Records; thence along the East line of said Baxter Road, as widened, N. 28° 17' 00" W, a distance of 124.58', by record and survey, to a point of curve; thence continuing along the East line of said Baxter Road in a Northeasterly direction along a curve to the right having a radius of 40.00', an arc distance of 59.41', with a chord being, N 14° 16' 16" E, a distance of 54.10', by record and survey, to a point of reverse curve on the South line of Clayton Road, as widened, by Plat Book 255, page 8, of the St. Louis County Records; thence along the South line of said Clayton Road, as widened, in a Northeasterly direction along a curve to the left having a radius of 931.95', an arc distance of

128.32', with a chord bearing, N. 52° 52' 51" E, a distance of 128.22', to the East line of Adjusted Tract 1; thence along the East line of said Adjusted Tract 1, S 20° 31' 00" E, a distance of 143.04', by survey, to the corner of Adjusted Tract 1; thence along the North line of said Adjusted Tract 1, N 76° 02' 00" E, a distance of 189.70', by record and survey, to the Northeast corner of Adjusted Tract 1 and to the point of beginning, containing 0.92 acre, more or less, according to a Survey performed by T. L. Consultants in January, 2004.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, 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 Petro Mart, in P.Z. 10-2005, 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 25th day of July, 2005, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

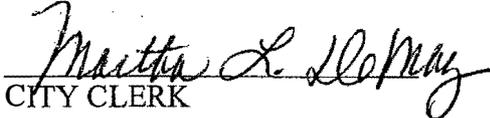
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 17th day of April, 2006.


MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 03/20/06

ATTACHMENT A

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

- 3.1 Quality Commercial Development
- 3.1.2 Buffering of Neighborhoods
- 3.2.1 Neighborhood Retail Facilities

I. SPECIFIC CRITERIA

A. Information to be shown on 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 "PC Planned Commercial District shall be:
 - a. Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
 - b. Permitted signs.
 - c. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises.
 - d. Vehicle washing facilities for automobiles.

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

1. FLOOR AREA

- a. The gross floor area constructed for the convenience store building shall not exceed two thousand six hundred and ten (2,610) square feet. The gross floor area constructed for the car wash shall not exceed two thousand five hundred and thirty one (2,531) square feet.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed twenty (20) feet.
- b. The maximum height for the car wash shall not exceed twelve (12) feet.
- c. The maximum height of the gasoline canopy shall not exceed eighteen (18) feet.

3. BUILDING REQUIREMENTS

- a. **OPENSOURCE:** A minimum of twenty two (22%) opensource is required for this development. Opensource 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. The proposed greenspace is shown on the attached Exhibit A.
- b. **Floor Area Ratio:** The development shall have a maximum Floor Area Ratio (F.A.R.) of .190. 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 or fences will be located within the following setbacks:

- a. One (1) foot from the eastern property line bearing S20°31'00"E.
- b. Forty (40) feet from the northern property line bearing N76°02'00"E.

- c. Seventy (70) feet from the eastern property line bearing S01°03'00"W.
- d. One (1) foot from the southern property line bearing S74°53'27"W.
- e. Structure setbacks from the western property line bearing N28°17'00"W shall be as follows:
 - (i.) for the gas station canopy-setback shall be thirty (30) feet.
 - (ii.) for the convenience store-setback shall be one hundred and seven (107) feet.
 - (iii.) for the car wash-setback shall be one hundred eighteen (118) feet.
- f. Twenty four (24) feet from the right-of-way Clayton Road on the northern boundary of the "PC" Planned Commercial 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. Forty (40) feet from the right-of-way of Clayton Road.
- b. Two (2) feet from the northern property line bearing N76°02'00"E.
- c. Twenty five (25) feet from the eastern property line bearing S01°03'00"W.
- d. Five (5) feet from the southern property line bearing S74°53'27"W.

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. No construction related parking shall be permitted within the State Route HH (Clayton Road) or Baxter Road rights-of-way.

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. Provide a white vinyl fence, not to exceed six (6) feet in height, along the southern and eastern property lines in addition to the required landscaping.
3. 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.
4. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.
5. Landscape buffer requirement for this site shall be as follows:
 - a. Eight (8) feet from the southern boundary of the site.
 - b. Twenty (20) feet from the eastern property line bearing S01°03'00"W.
 - c. Four (4) feet from the northern property line bearing N76°02'00"E.
 - d. Two (2) feet from the right-of-way of Clayton Road.
 - e. The developer shall provide comments from the Missouri Department of Transportation and the City of Chesterfield Department of Public Works regarding plantings in the right-of-way.

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 or Missouri Department of Transportation, 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.

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, building materials, and screening. 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 Baxter Road shall be limited to one entrance. The location and geometry of the access shall be as directed by the Department of Public Works and the St. Louis County Department of Highways and Traffic.
2. Access to State Route HH (Clayton Road) shall be limited to one entrance. The location and geometry of the access shall be as directed by the Department of Public Works and the Missouri Department of Transportation (MoDOT).

3. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent properties to the east as directed.
4. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards, as originally adopted by Ordinance No. 2103 and as may be amended from time to time.

L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide any additional right-of-way and construct any improvements to State Route HH (Clayton Road) as required by MoDOT.
2. Provide any additional right-of-way and construct any improvements to Baxter Road as required by the St. Louis County Department of Highways and Traffic.
3. All roadway and related improvements shall be completed prior to occupancy for the development.
4. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Baxter Road and the State Route HH (Clayton Road) frontage of the site. The sidewalk may be located within County and State right-of-way, if permitted by MoDOT and the St. Louis County Department of Highways and Traffic.

M. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield, St. Louis County Highways and Traffic and MoDOT. 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 as required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

N. POWER OF REVIEW

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

O. STORMWATER AND SANITARY SEWER

1. Any additional stormwater runoff generated shall be attenuated onsite.
2. This development shall conform to the St. Louis County Department of Highways and Traffic's requirements regarding car wash drainage within road rights-of-way.
3. 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.
4. 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.
5. Detention/retention is to be provided in each watershed as required by the City of Chesterfield. Detention of storm water runoff is required by provided permanent detention/retention facilities, such as dry reservoirs, ponds; underground vaults or other alternatives acceptable to the Department of Public Works. The maximum fluctuation from the permanent pool elevation of a basin shall be three (3) feet, as directed. Wetland mitigation shall not be permitted within a detention/retention basin. The detention/retention facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty (60%) of the approved dwelling units in each plat, watershed or phase of residential developments. The location and types of detention/retention facilities shall be identified on the Site Development Plan.
6. The lowest opening of all structures shall be set at least two (2) feet higher than the 100-year high water elevation in detention/retention facilities. All structures shall be set at least thirty (30) feet horizontally from the limits of the 100-year high water.

P. ROADWAY IMPROVEMENTS AND CURB CUTS.

1. Obtain approval from the City of Chesterfield Department of Public Works, St. Louis County Department of Transportation and MoDOT for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
2. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.
3. If street grades in excess of six percent (6%) are desired, steep grade approval must be obtained. In no case shall slopes in excess of twelve percent (12%) be considered. Any request for steep street grades must include justification prepared, signed and sealed by a registered

professional engineer and include plans, profiles, boring logs, cross-sections, etc., in accordance with the Street Grade Design Policy. The justification should clearly indicate site conditions and alternatives considered. If steep grades are approved for this site, a disclosure statement shall be provided to all potential buyers and a note indicating that priority snow removal will not be given to this site shall be included on the Site Development Plan and Record Plat.

Q. 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 stated of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

R. GRADING AND IMPROVEMENT PLANS.

1. A grading permit or improvement plan approval is required prior to any clearing or grading.
2. 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.
3. Prior to approval of a grading permit or improvement plans, a Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved. The SWPPP shall address installation and maintenance of required erosion control practices specific to site conditions. The purpose of the SWPPP is to ensure the design, implementation, management and maintenance of Best Management Practices (BMPs) to control erosion and reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities, and ensure compliance with the terms and conditions stated in the Sediment and Erosions Control Manual.
4. No grading which results in a change in watersheds will be permitted.
5. 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.

6. An evaluation, including film record, of the current condition of the pavement on the approved travel route must be submitted.
7. 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.
8. 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.
9. Additional protective measures, as deemed necessary by the Department of Public Works, may also be required.

S. 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.

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

A. TIME PERIOD FOR PLAN SUBMITTAL

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

5. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA – SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

- A. The Site Development Plan shall adhere above criteria to the following:
 1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
 2. Outboundary plat and legal description of the property.
 3. Density Calculations.
 4. Parking calculations. Including calculation for a all off street parking spaces, required and proposed, and the number, size and location for designed for handicapped.
 5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
 6. Provide Floor Area Ratio (F.A.R.)
 7. A Note indicating all unitlies will be installed underground
 8. A note indcating signage approval is sperate process.
 9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.

10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed free standing monument signs
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different that site
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways 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.
15. Depict all existing and proposed easements and rights of way within on hundred fifty (150) feet of the site and all existing or proposed off-site easements and rights of way required for proposed improvements.
16. Indicate the location the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than two (2) foot, and extending one hundred fifty (150) feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Provide a lighting plan in accordance with the City of Chesterfield Code.
20. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
21. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
22. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation.

VIII. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

IX. VERIFICATION PRIOR TO RECORD PLAT APPROVAL

The developer shall cause, at this expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corner 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.

X. 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.

XI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

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

1. Comments/approvals from the appropriate fire district, St. Louis County Department of Highways and Traffic, Missouri Department of Transportation, and the Metropolitan St. Louis Sewer District.
2. 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.

XII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

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

1. Notification of Department of Planning

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

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

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, {the Missouri Department of Transportation (Department of Highways and Traffic)} and the Metropolitan St. Louis

Sewer District must be received by the St. Louis County Department of Public Works.

3. Certification of Plans

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

4. 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.
5. 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.

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 final release of subdivision construction deposits, 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 re-established and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

XVI. GENERAL DEVELOPMENT CONDITIONS

- 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 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.
- 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 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