

BILL NO. 2441

ORDINANCE NO. 2264

**AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NUMBER 1030 TO ALLOW FOR AN AMENDMENT TO THE STRUCTURE SETBACK REQUIREMENT FOR AN "M-3" PLANNED INDUSTRIAL DISTRICT LOCATED ON THE SOUTHSIDE OF CHESTERFIELD AIRPORT ROAD AT CEPI DRIVE (CHESTERFIELD EXECUTIVE PARK)**

**WHEREAS**, the petitioner, Michael Doster of Doster, Mickes, James, Ullom, Benson & Guest, on behalf of J & T Holdings has requested an ordinance amendment to allow for an amendment to the structure setback requirement; and,

**WHEREAS**, the request was considered by the City of Chesterfield Planning Commission and upon review, the recommendation to approve the amendment was approved; and,

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

**Section 1.** Ordinance Number 11,403 and Ordinance Number 11,468 of St. Louis County established an "M-3" Planned Industrial District for a 15.0 acre tract of land, known as the Chesterfield Executive Park, located on the south side of Chesterfield Airport Road, west of Long Road. Chesterfield Ordinance Number 882, adopted St. Louis County Ordinances 11,403 and 11,468 in their entirety and repealed City of Chesterfield Ordinances 674 and 802 except to include in the amended Attachment A the provisions pertaining to unlighted outdoor volleyball courts as a permitted use and deleting the requirement that facades of all buildings on the five (5) lots closest to Chesterfield Airport Road as depicted on the preliminary plan be brick veneer. The City of Chesterfield Ordinance Number 1030 is hereby amended and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for Chesterfield Executive Park.

**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 hereof.

**Section 3.** The City Council, pursuant to the request filed by Michael Doster of Doster, Mickes, James, Ullom, Benson & Guest, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted, 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.

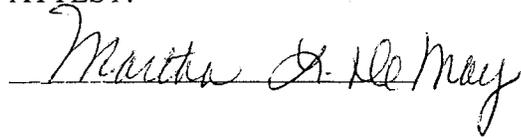
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 12 day of May, 2006

  
MAYOR

ATTEST:



FIRST READING HELD: \_\_\_\_\_

## 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
- 3.5.1 Chesterfield Valley Regional Retail and Low Intensity Industry
- 7.2.3 Maintain Proper Traffic Flow

### I. SPECIFIC CRITERIA

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

#### **B. Definitions**

1. A 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. A Site Development Plan is a plan for development in planned districts that is being done in one (1) phase.

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

1. The uses allowed in this “M-3” Planned Industrial District shall be all uses permitted in the “M-1” Industrial District including but not limited to:
  - a. A commercial bank with automatic banking and drive-through facilities.
  - b. Offices.
  - c. Office warehouses.
  - d. Warehouses.
  - e. Construction equipment storage yards.
  - f. Gymnasiums, including outdoor unlit volleyball courts.
2. The above uses in the “M-3” Planned Industrial District shall be restricted as follows:

- a. The three (3) lots closest to Chesterfield Airport Road as depicted on the preliminary development plan shall be limited to office and office related uses. No open storage shall be permitted on these lots.
- b. Construction equipment storage uses shall be limited to the southernmost three (3) lots opposite the gymnasium, depicted on the preliminary development plan.
- c. A one hundred twenty-five (125) seat restaurant/cocktail lounge may be permitted in conjunction with and as a part of the structure containing the gymnasium.

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

1. FLOOR AREA
  - a. Total building floor area for all buildings in the development shall not exceed 188,000 square feet. The gymnasium with associated restaurant/cocktail lounge shall be limited to 40,000 square feet.
2. HEIGHT
  - a. The maximum height of the buildings, exclusive of roof screening and roof-top mechanical equipment, shall not exceed two (2) stories or thirty (30) feet in height whichever is less, as measured from the average finished ground elevation of the building. The gymnasium with associated restaurant/cocktail lounge shall not exceed forty-five (45) feet in height.
3. BUILDING REQUIREMENTS
  - a. A maximum of eleven (11) individual lots and eleven (11) individual buildings shall be permitted in this development.

**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. Thirty (30) feet from the right-of-way of Chesterfield Airport Road and Cepi Drive.
- b. Twenty (20) feet from the east, west and south property limits of this development.

- c. Eight (8) feet from internal lot lines in the development.

2. PARKING AND LOADING SPACE SETBACKS

No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress, or other connecting drives between parking lots approved on the Site Development Concept or Sections Plans will be located within the following setbacks:

- a. Ten (10) feet from the right-of-way of Chesterfield Airport Road and Cepi Drive.
- b. Ten (10) feet from the east, west and south property limits for this development.
- c. Five (5) feet from internal lot line in the development, except where shared parking lots are approved on the Site Development Concept or Section Plans.

**F. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading requirements shall be as specified in accordance with the City of Chesterfield Code.
2. Construction Parking
  - a. 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.
  - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
  - c. Construction parking shall not be permitted on public- maintained roadways. Adequate off-street stabilized parking area(s) shall be provided for construction employees.
3. Parking lots shall not be used as streets.

**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 and to comply with the following:

- a. Paved area setbacks, including setbacks required between paved areas on lots in the development shall be adequately landscaped as approved on the appropriate Site Development Section Plan
- b. All new required landscaping material shall meet the following criteria:
  1. Deciduous trees – two (2) inch minimum caliper.
  2. Evergreen trees – four (4) feet minimum height.
  3. Shrubs – eighteen (18) inch minimum diameter.
2. If the estimated cost of new landscaping indicated on the Site Development Section Plans as required by the Planning Commission exceeds \$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. The location of all freestanding business signs and landscaping shall be as approved by the City of Chesterfield on the Site Development Section Plans. The height and area of said signs shall be approved by the City of Chesterfield on the final Development Concept Plan and said signs may be erected subsequent to approval of said 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 on the appropriate Site Development Section Plan. No on-site lighting shall exceed 30 feet in height.

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. Direct access to all lots in this development shall be limited to ingress/egress from Cepi Drive.

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

1. Improve one-half of Chesterfield Airport Road to a sixty (60) foot pavement with stabilized shoulder, including bridges and culverts, as directed by the St. Louis County Department of Highways and Traffic.
2. Provide forty (40) foot right-of-way with ten (10) foot roadway maintenance and utility easement and twenty-six (26) foot pavement for Cepi Drive as directed by the City of Chesterfield. Additional pavement right-of-way shall be required for a left-turn facility at the entrance to Chesterfield Airport Road.

Also the radii on the corners at the intersection on Chesterfield Airport Road should be a minimum of fifty (50) feet. The curve in Cepi Drive

directly south of Chesterfield Airport Road should have a minimum radius of One Hundred and Fifty (150) feet.

3. Provide a street stub to the south property line of the property to provide access to the abutting undeveloped property.
4. Provide required easement and escrow and construct a temporary cul-de-sac at the terminus of Cepi Drive. Upon completion and opening of the proposed extension of Edison Avenue and the extension of Cepi Drive and its intersection with the extension of Edison Avenue, the petitioner shall remove the existing turnaround and restore the frontage of adjacent lots.

**M. POWER OF REVIEW**

Either Councilmember of the Ward where this 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.

**N. STORMWATER AND SANITARY SEWER**

A Preliminary engineering plan approved by the city of Chesterfield, showing that adequate handling of the stormwater drainage of the site is provided.

1. The developer is required to provide adequate stormwater systems in accordance with the City of Chesterfield standards and in accordance with the Chesterfield Valley Stormwater Drainage Master Plan.
2. All stormwater shall be discharged at an adequate natural discharge point. This may require clearing, grubbing and shaping of the existing Master Channel to its outfall off-site.
3. Detention of differential runoff of stormwater is required by providing permanent detention facilities such as: dry reservoirs, ponds or other acceptable alternative in accordance with the Master Plan for Chesterfield Valley.
4. The petitioner must address the major stormwater channel which abuts the west property line of this tract. Easement dedications and/or improvements to this channel may be required by the City of Chesterfield.

**O. ROADWAY IMPROVEMENTS AND CURB CUTS.**

1. Obtain approval from the City of Chesterfield Department of Public Works and the Missouri Department of Transportation for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

2. The number and location of curb cuts from Cepi Drive shall be as approved by the City of Chesterfield on the Site Development Concept Plan or the City of Chesterfield on the Site Development Section Plans.
3. Only one (1) curb cut shall be permitted on Cepi Drive for each of the five (5) lots closest to Chesterfield Airport Road as depicted on the preliminary development plan. The location of said curb cuts shall be as far as possible from Chesterfield Airport Road as approved on the appropriate development plan.

**P. GEOTECHNICAL REPORT.**

Provide a geotechnical report, as directed, 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.

**Q. GRADING AND IMPROVEMENT PLANS.**

1. A Site Development Plan and Tree Preservation Plan 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 or 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.

## **R. MISCELLANEOUS**

1. 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.
3. No open storage shall be permitted on the five (5) lots closest to Chesterfield Airport Road as depicted on the preliminary development plan or within the required front yard setback for any lot from Cepi Drive. All permitted open storage or construction equipment storage yards shall be screened with landscaping and/or fencing as approved on the appropriate Site Development Section Plan.

## **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 (1) additional year.

### **IV. GENERAL CRITERIA**

#### **SITE DEVELOPMENT CONCEPT PLAN SUBMITTAL REQUIREMENTS**

- A. The Site Development Concept Plan shall include, but not be limited to, the following:
  1. Outboundary plat and legal description of the property.
  2. Location of all roadways adjacent to the property and general location, size, and pavement widths of all interior roadways.
  3. General design of the development including unit types (i.e., single-family detached, single-family attached, garden apartment), number of each unit type proposed, location of units, minimum and

maximum size of single-family lots, approximate size of multiple-family structures, and location and size of common areas and recreation facilities.

4. Location and size of any commercial uses; types of uses proposed and general parking layout.
5. Zoning district lines and floodplain boundaries.
6. Density Calculations.
7. Provide a conceptual landscape plan in accordance with the City of Chesterfield Code.
8. Provide a lighting plan in accordance with the City of Chesterfield Code.

## V. GENERAL CRITERIA

### SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

- A. The Site Development Section 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 all off street parking spaces, required and proposed, and the number, size and location 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 utilities will be installed underground.
  8. A note indicating signage approval is a separate 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 from that site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within one hundred and fifty (150) feet of the site as directed. Improvements include, but are not limited to, roadways, 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 one hundred and 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 one (1) 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, Monarch Chesterfield Levee District, and Spirit of St. Louis Airport.

**VI. 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.

**VII. 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	\$2.05/sq. ft. of building space
Office	\$1.43/sq. ft. of building space
Industrial	\$4,937.22/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 Department of 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 \$648.18 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 \$2,056.58 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, 2007 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.

### **VIII. 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.

### **IX. 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, Spirit of St. Louis Airport 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.

**X. 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.

**XI. OCCUPANCY PERMIT/FINAL OCCUPANCY**

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

B. 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.

C. 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.

**XII. 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.

### XIII. 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:

1. 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.
2. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
  - a. When clearing and/or grading operations are completed or will be suspended for more than five (5) 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.
  - b. 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.
  - c. 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.*

- d. 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.
- e. 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 percent 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.
- f. 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.
- g. This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one or more acres.

#### XIV. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Concept Plan and Site Development Section Plan approved by the City of Chesterfield and the terms of this Attachment A.
- A. 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.
- B. 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.
- C. Waiver of Notice of Violation per the City of Chesterfield Code.
- D. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.