

BILL NO. 2513

ORDINANCE NO. 2334

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "NU" NON URBAN DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 10.14-ACRE TRACT OF LAND LOCATED NORTH OF EDISON ROAD, EAST OF LONG ROAD [P.Z. 24-2006 Monarch Center (158 Long Road)]**

**WHEREAS**, the petitioner, Brandon Harp, of Civil Engineering Design Consultants, has requested a change in zoning from a "NU" Non Urban District to a "PC" Planned Commercial District for a 10.14 acre tract of land located north of Edison Road and East of Long Road; and,

**WHEREAS**, the Planning Commission, having considered said request, recommended approval of the rezoning request and recommended denial of the Petitioner's request to reduce the open space requirement; and,

**WHEREAS**, the City Council, having considered said request, voted to approve the change of zoning with an amendment to include the addition of public art, and an amendment to the parking and structure setbacks, to the access from Long Road, to the road improvements, to the permitted uses, and to the openspace requirement.

**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 10.14 acre tract of land located north of Edison Road and east of Long Road and described as follows:

A tract of land being part of Adjusted Parcel 2 of the Boundary Adjustment Plat of Plat 4 of The Valley Center, and Part of Share 7 of The Estate of Peter Steffan and Part of Lot 1 of Kroenung Estate in U.S. Survey 126, Township 45, Range 4 East, a subdivision recorded in Plat Book 347 Page 13 ff The St. Louis County Land Records Office in St. Louis County, Missouri, more particularly described as follows:

Beginning at a found concrete monument at the northwestern corner of said Adjusted Parcel 2, said monument being on the eastern right of way of Long Road (variable width); thence leaving said right of way along the southern line of Gene V. Mainini as recorded in Book 9625 Page 2246, south 89 degrees 27 minutes 00 seconds east a distance of 178.00 feet to a point, from which a found ½" iron pipe bears south 31 degrees 28 minutes west a distance of 0.10 feet; thence along said eastern line of aforesaid Gene V. Mainini parcel, north 01 degrees 24 minutes 00 seconds east a distance of 208.00 feet to a set of ½" x 18" rebar with cap stamped "Marler 347-D" (typical), said point being on the northern line of aforesaid Adjusted Parcel 2; thence eastwardly along said northern line of Adjusted Parcel 2 and the southern line of Adjusted Parcel 1 of a Boundary Adjustment Plat recorded in Plat Book 346 Page

760, south 89 degrees 27 minutes 00 seconds east a distance of 888.45 feet to a set ½" x 18 rebar with cap; thence southwardly along the eastern line of Adjusted Parcel 2 of Plat Book 347 Page 13, south 00 degrees 34 minutes 00 seconds west a distance of 309.57 feet to a point on the northern right of way of Edison Road (variable width) as less and excepted by Deed Book 13096 Page 1766; thence westwardly along said right of way along a curve to the left having a radius of 937.96 feet, an arc length of 144.79 feet and a chord bearing and distance of south 15 degrees 46 minutes 19 seconds west a distance of 144.65 feet to a point; thence along northern line of a tract of land less and excepted by Deed Book 12565 Page 0335, south 82 degrees 58 minutes 27 seconds west a distance of 131.37 feet to a point; thence south 33 degrees 50 minutes 39 seconds west a distance of 65.79 feet to a point, said point being on the northern right of way line of Edison Road (variable width); thence along said right of way, south 65 degrees 31 minutes 27 seconds west a distance of 116.03 feet to a point; thence along a curve to the right having a radius of 565.42 feet, an arc length of 255.41 feet and a chord bearing distance of south 80 degrees 40 minutes 15 seconds west a distance of 253.24 feet to a set ½" x 18" rebar; thence north 88 degrees 35 minutes 38 seconds west a distance of 70.95 feet to a set ½ " x 18" rebar; thence north 83 degrees 50 minutes 38 seconds west a distance of 120.76 feet to a set ½ " x 18" rebar; thence north 88 degrees 35 minutes 38 seconds west a distance of 104.77 feet to a set ½ " x 18" rebar; thence north 54 degrees 23 minutes 35 seconds west a distance of 125.01 feet to a set ½ " x 18 rebar; thence north 88 degrees 34 minutes 53 seconds west a distance of 13.62 feet to a set ½ " x 18" rebar, said point being on the intersection of the northern line of Edison Road and the eastern right of way line of Long Road; thence along said eastern right of way line of Long Road, north 01 degrees 24 minutes 00 seconds east a distance of 216.92 feet to the point of beginning containing 440,773 square feet or 10.11 acres as surveyed by Marler Surveying Company, Inc. during the month of June 2006.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and, made a part of.

**Section 3.** The City Council, pursuant to the petition filed by Brandon Harp, in P.Z. 24-2006, 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 23rd day of October, 2006, 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.

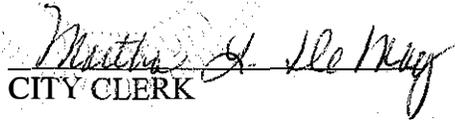
**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 5th day of February, 2007.

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING HELD: 1/17/07

## ATTACHMENT A

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

- 1.4 Quality New Development
- 3.1 Quality Commercial Development
- 3.1.1 Quality of Design
- 3.5 Chesterfield Valley

### I. SPECIFIC CRITERIA

**A. Information to be shown on the Site Development Concept Plan shall adhere to conditions specified under 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.**
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 phase.**

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

1. The uses allowed in this "PC" 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.
  - d. Barber shops and beauty parlors.
  - e. Bookstores.
  - f. Broadcasting studios for radio and television.
  - g. Cafeterias for employees and guests only.

- h. Child care centers, nursery schools, and day nurseries.
- i. Colleges and universities.
- j. Dry cleaning drop-off and pick-up stations.
- k. No more than one (1) filling station, 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.
- l. Film drop-off and pick-up stations.
- m. Fishing tackle shops. Open storage and display are prohibited.
- n. Financial institutions.
- o. 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 City of Chesterfield for review. No building permit or installation permit shall be issued until these plans have been approved by the City of Chesterfield.

- p. Medical and dental offices.
- q. Offices or office buildings.
- r. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy two (72) hours.
- s. Police, fire, and postal stations.
- t. Public utility facilities.
- u. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- v. Restaurants, fast food.
- w. Restaurants, sit down.
- x. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- y. Service facilities, studios, or work areas for antique salespersons, artist, candy makers, craft persons, dressmakers, tailor, 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.

- z. Permitted signs. (See Section 1003.168 "Sign Regulations)
- aa. Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
- bb. 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.
- cc. No more than one (1) vehicle service centers for automobiles.
- dd. No more than one (1) vehicle washing facilities for automobiles.

2. The following Ancillary Uses shall be permitted:

- a. Automatic vending facilities for:
  - i. Ice and solids carbon dioxide (dry ice);
  - ii. Beverages;
  - iii. Confections.

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

1. FLOOR AREA

Total building floor area shall not exceed 64,025 square feet.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed forty (40) feet.

3. BUILDING REQUIREMENTS

- a. Openspace: Openspace includes all areas excluding the building or areas for vehicular circulation.

A minimum of thirty-five percent (35%) openspace shall be required for this development due to good planning and urban design as a result of the following specific design components:

- i. the decreased floor area ratio over the minimum standard,

- ii. the enlarged landscape islands between each row of parking,
  - iii. the installation of the public art feature in one of the landscaped islands,
  - iv. the inclusion of an outdoor seating and plaza area,
  - v. the inclusion of pedestrian walkways from the bus stop on Long Road to each building in the development.
- b. Floor Area Ratio: 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 (2) calculations: one (1) calculation for those areas above grade and another that includes building area below grade.

This development shall have a maximum Floor Area Ratio (F.A.R.) of 0.15.

## E. 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. Seventy-five (75) feet from the eastern boundary of the "PC" District with bearing S00°34'00"W.
- b. Seventy (70) feet from the northern boundary of the "PC" District with bearing S89°27'00"E.
  - i. For Building "A": fifty (50) feet from the northern boundary of the "PC" District with bearing S89°27'00"E.
- c. One hundred forty five (145) feet from the western boundary of the "PC" District with bearing N01°24'00"E.
  - i. For Building "A": eighty (80) feet from the roadway easement for Long Road.
- d. Sixty five (65) feet from the right-of-way of Edison Road.
  - i. For Building "E": one hundred twenty (120) feet from the right-of-way of Edison Road.

## 2. PARKING SETBACKS

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

- a. Twenty (20) feet from the eastern boundary of the "PC" District with bearing S00°34'00"W.
- b. Twenty-two (22) feet from the northern boundary of the "PC" District with bearing S89°27'00"E.
  - i. For Building "A": eight (8) feet from the northern boundary of the "PC" District with bearing S89°27'00"E.
- c. Forty eight (48) feet from the western boundary of the "PC" District with bearing N01°24'00"E.
  - i. For Building "A": Fifteen (15) feet from the roadway easement for Long Road.
- d. Fourteen (14) feet from the right-of-way of Edison Road.
- e. Trash enclosures for this development shall adhere to the requirements of the Monarch Fire Protection District and adhere to the parking setbacks established by this Attachment A.

## 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. 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. No construction related parking shall be permitted within the right-of-way of Edison Road and Long Road.

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 which adheres to the Tree Manual of the City of Chesterfield Code.
2. Landscaping in the right of way, 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.

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

1. Sign package submittal materials shall be required for this development. All sign packages shall be reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.

#### **I. LIGHT REQUIREMENTS**

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

#### **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. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards, as originally adopted by Ordinance No. 2103 and as may be amended from time to time.
2. Access to Edison Road shall be limited to three (3) entrances. The first entrance shall be located no closer than 300 (three hundred) feet from the centerline of Long Road. The remaining entrances shall not be closer than two hundred fifty (250) feet to each other. All entrances measurements shall be made from centerline to centerline.
3. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to adjacent properties as directed by the Department of Public Works.
4. The developer shall be responsible for providing all necessary right-of-way, easements, Temporary Slope Construction License, etc., as required for Saint Louis County Project Number AR-863(B). All on-site improvements shall be compatible with this project.
5. Access to this development from Long Road will not be permitted unless specifically approved by the Department of Public Works, the St. Louis County Department of Highways and Traffic, and/or the Missouri Department of Transportation.
6. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.

7. It is recommended that parking be prohibited along both sides of the main driveway. Parking lot aisles, where possible, should intercept the main and minor driveways at right angles and be logically located opposite minor driveways and other parking lot aisles. The main and minor driveways shall not have speed bumps. Stop signs shall not be installed for traffic on the main driveway. Minor driveways shall not intersect the main driveways closer than fifty (50) feet from Edison Avenue right-of-way and directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.

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

1. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.
2. Obtain approvals from the Department of Public Works and St. Louis County Department of Highways and Traffic for areas of new dedication and roadway improvements.
3. Provide all necessary right-of-way, easements and temporary slope construction license required for St. Louis County Project Number AR-863(B), as directed by the Department of Public Works and the St. Louis County Department of Highways and Traffic. All on-site improvements shall be compatible with this project.
4. Provide a five (5) foot sidewalk in conformance with ADA standards as directed by the City of Chesterfield.
5. Construct additional lanes, pavement widening, and provide necessary right-of-way to provide for turning or deceleration lanes for Edison Avenue in the vicinity of the permitted street access locations, as determined to be necessary by the City of Chesterfield Department of Public Works to ensure the continued free flow of traffic along Edison Avenue.

**M. TRAFFIC STUDY**

1. Provide a traffic study as directed by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the

density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

**P. POWER OF REVIEW**

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the site plan. The City Council will then take appropriate action relative to the proposal.

**Q. STORMWATER AND SANITARY SEWER**

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system. The adequacy and condition of the existing downstream systems shall be verified and upgraded if necessary.
2. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works.
3. Detention/retention and other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.
4. The Chesterfield Valley Master Storm Water Plan indicates a 30' flat bottom ditch shall be constructed along the northern property line of this site. Said ditch shall tie into the existing ditch located on the east side of the site. The developer shall be responsible for construction of the required storm water improvements and coordination with the owners of the properties affected by construction of the required improvements. In the event that the ultimate required improvements cannot be constructed concurrently

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

The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the Director of Public works, the alternate proposal provides the same hydraulic function, connectivity, and system wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Director of Public works determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.

5. Provide a Chesterfield Valley Storm Water Easement along the north property line. Maintenance of the required channel shall be the responsibility of the property.
6. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.
7. Storm water quality management measures are to be provided in each watershed directed by the City of Chesterfield and the Metropolitan St. Louis Sewer District.
8. 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 Flood plain 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.

9. 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 be not issued for structures for which an Elevation Certificate has not been submitted.
10. 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.
11. Treatment shall be required at this site for water quality per MSD February 2006 (Chapter 4) guidelines.
12. Certification by the City of Chesterfield that the design is in accordance with the Stormwater Master Plan shall be provided to the St. Louis Metropolitan Sewer District.
13. This project is in the Caulks Creek Surcharge and is subject to a surcharge of \$2750.00 per acre.
14. Downstream sanitary sewers (including force mains and pumping stations) need to be evaluated to ensure adequate capacity.

**R. GEOTECHNICAL REPORT**

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.

**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.
2. 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. The developer is advised that utility companies will require compensation for relocation of their facilities with public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
4. One (1) piece of public art work shall be provided and installed by the Developer in this development.

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

- A. The developer shall submit a concept plan within 18 months of City Council approval of the Preliminary Development Plan. This requirement shall be accomplished prior to issuance of building permits.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site

Development Plan for the entire development within 18 months of the date of approval of the Preliminary Development Plan by the City.

- C. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

### **III. COMMENCEMENT OF CONSTRUCTION**

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

### **IV. GENERAL CRITERIA**

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

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.

**B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS**

The Site Development Section Plan shall adhere to the above criteria and 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. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs
10. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.

11. Floodplain boundaries.
12. Depict existing and proposed improvements within one hundred 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.
13. Depict all existing and proposed easements and rights-of-way within one hundred fifty (150) feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. 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.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
18. 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.
19. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Howard Bend Levee District, and Spirit of St. Louis Airport.
20. Compliance with Sky Exposure Plane.

**C. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

The Site Development Plan shall adhere to the above criteria and 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 for handicap designed.
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 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 freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within one hundred 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 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 of 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, the St. Louis County Department of Highways and Traffic, Monarch Levee District, and Spirit of St. Louis Airport.
23. Compliance with Sky Exposure Plane.

#### **V. GRADING AND IMPROVEMENT PLAN REQUIREMENTS**

- A. A Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a grading permit or approval of improvement plans.
- B. 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.
- C. No grading which results in a change in watersheds will be permitted.
- D. 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:

1. The travel route must be approved by the Department of Public Works. No deviation from the approved route will be permitted.
  2. An evaluation, including film record, of the current condition of the pavement on the approved travel route must be submitted.
  3. 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.
  4. 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.
  5. Additional protective measures, as deemed necessary by the Department of Public Works, may also be required.
- E** Prior to grading permit or improvement plan approval, provide comments/approvals from the appropriate Fire District, St. Louis County Department of Highways and Traffic, Spirit of St. Louis Airport, Monarch Chesterfield Levee District, and the Metropolitan St. Louis Sewer District.
- F.** 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.

## **VII. 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	\$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 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 Treasure, 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 Louis 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 constructions 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.

The amount of the required contribution/improvements, if not approved for construction by January 1, 2007, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

**VIII. RECORDING**

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

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

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

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

The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners.

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

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

**XII. 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.

**XIII. FINAL RELEASE OF SUBDIVISION DEPOSITS**

Prior to final release of subdivision construction deposits, 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. GENERAL DEVELOPMENT CONDITIONS

- A. 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.
- B. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
  1. 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.
  2. 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.
  3. 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.*
  4. 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.
  5. 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.

6. Access/utility easements shall be required throughout the development. A continuous fifteen (15) foot wide rear yard easement shall be provided. At a minimum, a ten (10) foot wide utility/access easement shall be provided at every other lot line or break between structures, as directed.
7. 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.
8. 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.

## **XV. ENFORCEMENT**

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Concept 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 approvals/permits by reviewing 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.