

**AN ORDINANCE REPEALING ORDINANCE NUMBERS 1773 AND 1928 OF THE CITY OF CHESTERFIELD TO ALLOW FOR AN AMENDMENT TO THE STRUCTURE SETBACKS, PARKING SETBACKS AND GREENSPACE REQUIREMENT FOR A 21.6 ACRE TRACT OF LAND ZONED "PI" PLANNED INDUSTRIAL LOCATED EAST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND PUBLIC WORKS DRIVE. (TECH PARK II/CHESTERFIELD COMMONS FOUR)**

**WHEREAS**, the petitioner, Michael Doster of Doster, Mickes, James, Ullom, Benson and Guest, on behalf of THF Chesterfield Four Development, has requested to amend the structure setbacks, parking setbacks, and greenspace 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,

**WHEREAS**, the City Council, having considered said request, voted to approve the requested ordinance amendment with an amendment to the permitted uses.

**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**Section 1.** The City of Chesterfield Ordinance Numbers 1773 and 1928 are hereby repealed and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for Chesterfield Commons Four.

A tract of land being part of Adjusted Parcel B of a "Boundary Adjustment Plat" recorded in Plat Book 216, page 75 of the St. Louis County Records, being part of Share Numbers 1, 2 and 3 of the Subdivision in Partition of the Estate of Peter Steffan, in U.S. Survey 125, Township 45 North-Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South right-of-way line of Chesterfield Airport Road, 100 feet wide, with the East line of said Share Number 1 of the Subdivision in Partition of the Estate of Peter Steffan, said East line of Share Number 1 being the West line of property conveyed to THF Chesterfield Three Development, LLC, by deed recorded in Book 12469, Page 886 of the St. Louis County Records; thence South 00 degrees 34 minutes 15 seconds West 1657.66 feet along said East line of Share Number 1, being the West line of said property conveyed to THF Chesterfield Three Development, LLC to the North line of property conveyed to the Monarch Chesterfield Levee District by deed recorded in Book 11819, page 1928 of the St. Louis County Records (Tract G); thence Westwardly along said North line of property conveyed to the Monarch Chesterfield Levee District, the following courses and distances: North 49 degrees 31 minutes 18 seconds West 263.79 feet, North 66 degrees 06 minutes 51 seconds West 170.31 feet, North 76 degrees 31 minutes 26 seconds West 171.48 feet and North 71 degrees 13 minutes 07 seconds West 128.44 feet to the East line of property conveyed to the City of

Chesterfield, Missouri by deed recorded in Book 10401, Page 467 of the St. Louis County Records, and East line being the East line of Adjusted parcel A of said "Boundary Adjustment Plat"; thence North 00 degrees 34 minutes 15 seconds East 1331.43 feet along said East line of property conveyed to the City of Chesterfield, Missouri by deed recorded in Book 10401, Page 467 of the St. Louis County Records, said East line being the East line of Adjusted Parcel A of said "Boundary Adjustment Plat"; thence North 00 degrees 34 minutes 15 seconds East 1331.43 feet along the East line of property conveyed to the City of Chesterfield, Missouri and along the East right of way line of Public Works Drive, 50 feet wide, being said East line of Adjusted parcel A, to said South right of way line of Chesterfield Airport Road, 100 feet wide,; thence North 89 degrees 35 minutes 06 seconds East 648.01 feet along said South right of way of Chesterfield airport Road, 100 feet wide, to the point of beginning and containing 21.643 acres according to a survey by Volz, Inc. during October 2000.

**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 Attachinent A, which is attached hereto and made a part of.

**Section 3.** The City Council, pursuant to the request filed by Michael Doster of Doster, Mickes, James, Ullom, Benson and Guest, on behalf of THF Chesterfield Four Development, requesting the amendments 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.

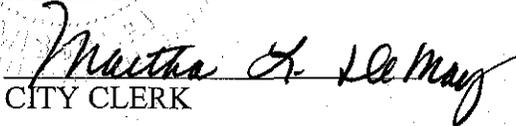
**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 18th day of JUNE, 2007.

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING HELD: 6/4/2007

## ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

### I. SPECIFIC CRITERIA

#### A. PERMITTED USES

1. The uses allowed in this "PI" Planned Industrial District shall be:
  - a. Animal hospitals, veterinary clinics, and kennels (all uses shall be indoor).
  - b. Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
  - c. Broadcasting studios for radio and television.
  - d. Business, professional, and technical training schools.
  - e. Business service establishments.
  - f. Child care centers, nursery schools, and day nurseries.
  - g. Financial institutions.
  - h. Hotels and motels.
  - i. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
    - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
    - ii. Placed underground; or
    - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- j. Mail order sale warehouses.
- k. Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:

- i. Facilities producing or processing explosives or flammable gases or liquids;
  - ii. Facilities for animal slaughtering, meat packing, or rendering;
  - iii. Sulfur plants, rubber reclamation plants, or cement plants, and
  - iv. Steel mills, foundries or smelters.
- l. Medical and dental offices.
  - m. Offices or office buildings.
  - n. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.
  - o. Printing and duplicating services.
  - p. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters (excluding golf courses, golf practice ranges, and drive-in theaters).
  - q. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
  - r. Restaurants, fast food.
  - s. Restaurants, sit down.
  - t. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
  - u. 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.
  - v. Vehicle repair facilities.
  - w. Vehicle service centers.
  - x. Vehicle washing facilities.

- y. Warehousing, storage, or wholesaling of manufactured commodities, live animals, explosives, or flammable gases and liquids (excluding live animals, explosives, or flammable gases and liquids).
2. Ancillary Uses:
- a. Automatic vending facilities for:
    - i. Ice and solid carbon dioxide (dry ice);
    - ii. Beverages;
    - iii. Confections.
  - b. Cafeterias for employees and guests only.
  - c. Outpatient substance abuse treatment facilities.
  - d. 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.
  - e. Permitted signs (See Section 1003.168 'Sign Regulations').
3. The following uses shall be prohibited on the "Flex Building" as shown on the preliminary plan:
- z. Restaurants, fast food.
  - aa. Restaurants, sit down.
  - u. Vehicle repair facilities.
  - v. Vehicle service centers.
  - w. Vehicle washing facilities.

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

1. FLOOR AREA

- 1. The amount of square footage constructed shall be based on the developer's ability to comply with the parking regulations of the City of Chesterfield Zoning Ordinance
- 2. City of Chesterfield Ordinance #1773 allowed for three (3) possible outlots with Outlots A, B, and C not exceeding a

total of 50,000 square feet. Lots D and E were not to exceed a total of 205,000 square feet. If this site is developed with a movie theater, the maximum number of outlots shall not exceed six (6) within this district.

3. City of Chesterfield Ordinance #1773 allowed that the uses permitted within this district would be contained in a maximum of five (5) buildings. If this site is developed with a movie theater, the uses permitted within this district shall be contained in a maximum of seven (7) buildings.

## 2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed twenty-five (25) feet for all outlots, and seventy (70) feet above finished grade for theater building.

## 3. BUILDING REQUIREMENTS

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

A minimum of thirty percent (30%) openspace is required for this 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 0.16.

## 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:

All outlots shall have the following structure setbacks:

- a. Fifty (50) feet from the Chesterfield Airport Road right of way.
- b. Twenty (20) feet from the Public Works Drive right of way.

- c. Twenty (20) feet from the eastern boundary of this "PI" District.
- d. Thirty (30) feet from the internal drive known as THF Boulevard.

The remaining portion of this development shall have the following structure setbacks:

- a. Sixty (60) feet from Public Works Drive right of way.
- b. One hundred (100) feet from the eastern boundary of this "PI" District.
- c. Thirty-four (34) feet from the southern boundary of the outlots.
- d. One hundred and twenty-five (125) feet from Edison Ave. right of way.

2. PARKING SETBACKS

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

All outlots shall have the following parking setbacks:

- a. Twenty (20) feet from Chesterfield Airport Road right of way.
- b. Fifteen (15) feet from Public Works Drive right of way.
- c. Fifteen (15) feet from the eastern boundary of this "PI" District.
- d. Twenty (20) feet from the internal drive known as THF Boulevard.

The remaining portion of this development shall have the following parking setbacks:

- a. Thirty (30) feet from Public Works Drive right of way.
- b. Fifty (50) feet from the eastern boundary of this district.
- c. Thirty-five (35) feet from the southern boundary of this outlots.
- d. Twenty (20) feet from the Edison Avenue right of way.

3. **LOADING SPACE SETBACKS**

No loading space will be located within the following setbacks:

All outlots shall have the following parking setbacks:

- a. Twenty (20) feet from Chesterfield Airport Road right of way.
- b. Fifteen (15) feet from Public Works Drive right of way.
- c. Fifteen (15) feet from the eastern boundary of this "PI" District.
- d. Twenty (20) feet from the internal drive known as THF Boulevard.

The remaining portion of this development shall have the following parking setbacks:

- a. Thirty (30) feet from Public Works Drive right of way.
- b. Fifty (50) feet from the eastern boundary of this district.
- c. Thirty-five (35) feet from the southern boundary of this outlots.
- d. Twenty (20) feet from the Edison Avenue right of way.

**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. 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 adhere 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, the St. Louis County Department of Highways and Traffic and/or the Monarch Levee District.
3. A landscape buffer shall be required on the south side of Chesterfield Airport Road on the Site Development Concept Plan, and that said landscape buffer at anticipated mature height shall not interfere with overhead power lines.

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

1. 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.
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 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 for additional requirements see below.
2. Parking lot lighting:
  - a. Fully shielded flat-lens enclosed luminaries must be used.

- b. Pole heights cannot exceed a maximum of thirty-nine (39) feet, in addition to the base of the pole (typically 3 feet).
- c. The source type shall be metal halide.

Horizontal illuminance (measured at 5'-0" above the ground) must conform, within +/- ten percent (10%), to the following maintained illuminance values established by the Illuminating Engineering Society of North America (IESNA):

- Minimum 0.5 footcandles
- Average 2.5 footcandles
- Maximum 7.5 footcandles

IESNA recognized maintenance factors (lamp lumen depreciation-LLD, luminaire dirt depreciation-LLD and equipment operating factor-EOF) shall be used for computing illuminance levels. A metal halide parking lot lighting system normally requires a 0.65 combined factor.

- d. Light trespass onto neighboring properties shall be mitigated such that maximum vertical illuminance measured at the adjacent property line shall be not more than 0.50 footcandles at 5'-0" above grade.
- e. All lighting fixtures shall be controlled through an automated system with timeclock capabilities.
- f. Within one (1) hour after close of business, illumination shall be reduced to security lighting levels of twenty-five percent (25%) of normal maintained levels.
- g. Searchlights are prohibited.

3. Building lighting:

- a. Building mounted lighting, including both utilitarian and decorative applications, shall be limited to fully shielded, cut-off optics, flat lens luminaries.
- b. Decorative wall scones are prohibited on the sides of the building.

4. Maintenance:

All lighting installations shall be relamped or repaired as necessary to maintain prescribed illumination levels and glare control.

**J. ARCHITECTURAL**

1. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan. The material will be as approved by the Planning Commission in conjunction with the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.
5. Buildings shall be constructed of compatible material and design as adjacent commercial developments or as approved by 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 Avenue shall be limited to one street approach. The centerline of the street approach shall be located approximately five hundred-fifty (550) feet from the existing centerline of Public Works Drive.
3. Access off internal streets or drives shall be a minimum distance of one hundred-fifty (150) feet from the right of way of Edison Avenue, as directed by the City of Chesterfield Public Works.
4. No driveway access will be permitted to Edison Avenue from any lot within the proposed development.
5. No direct access to Chesterfield Airport Road from any lot within the proposed development shall be permitted.

6. The centerline of the interior connector road that parallels Chesterfield Airport shall be located approximately three hundred (300) feet from Chesterfield Airport Road or as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
7. Access to Public Works Drive shall be aligned with or a minimum of one hundred (100) feet from existing or proposed streets and entrances on the other side and no closer than one hundred (100) feet from each other on the same side. Access to the drive entrances shall be designed to support a Single Unit Truck radius of forty-two (42) feet at a minimum.
8. Secondary access to the drive entrances shall be spaced no closer than one hundred (100) feet from the Public Works right of way, or as directed by the City of Chesterfield.
9. Cross access shall be provided between lots within the proposed development. Cross access shall be provided between lots in order to minimize the number of curb cuts on the interior street(s).
10. Direct access to all outlots shall be as directed by the City of Chesterfield.

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

1. 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.
2. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. No gate installation will be permitted on public right of way. A minimum stacking distance of sixty (60) feet from any intersection and a turnaround for rejected vehicles designed to accommodate a single unit truck shall be provided in advance of the gate, as directed by the

Department of Public Works and the St. Louis County Department of Highways and Traffic.

3. If a gate is installed on a street in this development, the streets within the development or that portion of the development that is gated shall be private and remain private forever. Maintenance of private streets, including snow removal, shall be the responsibility of the developer/subdivision. In conformance with Section 1005.265 of the Subdivision Ordinance, a disclosure statement shall be provided to all potential buyers. In conformance with Section 1005.180 of the Subdivision Ordinance, signage indicating that the streets are private and owners are responsible for maintenance shall be posted. Said signage shall be posted within thirty (30) days of the placement of the adjacent street pavement and maintained and/or replaced by the developer until such time as the subdivision trustees are residents of the subdivision, at which time the trustees will be responsible for maintenance.

The nearest edge of any drive or intersecting street shall be located at least forty (40) feet from the line of the gate, as directed.

4. Please be advised that Edison Avenue is to be constructed within the sand berm of the Monarch Chesterfield Levee along Bonhomme Creek, by others. The developer shall be required to construct any street intersections, including, but not limited to widenings, striping, and/or turn lanes. Edge of pavement radii shall be a minimum of fifty (50) feet as directed by the City of Chesterfield Department of Public Works.
5. The developer shall provide any additional right of way and construct any improvements to Chesterfield Airport Road and Public Works Drive as required by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works.
6. No construction parking will be permitted on the Chesterfield Airport Road, Edison Avenue, or Public Works Drive rights of way.
7. Sidewalks shall be provided along the east side of Public Works Drive, the south side of Chesterfield Airport Road, and along both sides of the interior road of the development. Necessary crosswalks to connect the sidewalks shall be provided. All sidewalks shall be five (5) foot wide and constructed to St. Louis County ADA standards.
8. Sidewalks shall be provided around the perimeter of the office/warehouse buildings in order to provide pedestrian circulation from parking lots to building entrances, or as provided by the Planning Commission. Sidewalks shall be provided around the

perimeter of the outlot buildings in order to provide pedestrian circulation from parking lots to building entrances, or as approved by the Planning Commission. Interruptions are allowable in instances of conflict with loading areas and landscaping, or as approved by the Planning Commission. All sidewalks shall be five (5) foot wide and constructed to St. Louis County ADA standards.

9. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic of the locations of curb cuts, areas of new dedication, and roadway improvements.

#### **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.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Edison and/or Public Works Drive. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield.

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

1. The developer shall dedicate an underseepage berm easement adjacent to the existing levee, as directed by the Monarch Chesterfield Levee District and the City of Chesterfield's Department of Public Works.
2. Prior to approval of any grading permit or improvement plans for the development, an underseepage study shall be submitted for review/approval as directed by the Monarch Chesterfield Levee District, the U.S. Army Corps. of Engineers and the City of Chesterfield's Department of Public Works.

#### **O. RECREATIONAL EASEMENT**

An easement, for recreational and trail purposes shall be provided for this site as directed by the City of Chesterfield and the Monarch Chesterfield Levee District. The easement is anticipated to be located within or overlying the levee/seepage berm easement. Alternatively, the easement script for the seepage berm easement may permit recreational and trail usage as an allowable activity within the easement.

**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 twenty- four (24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the site plan. The City Council will then take appropriate action relative to the proposal.

**Q. STORMWATER AND SANITARY SEWER**

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system. The adequacy and condition of the existing downstream systems shall be verified and upgraded if necessary.
2. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works.
3. Detention/retention is to be provided in each watershed as required by the City of Chesterfield. Detention of storm water runoff is required by providing 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 to the maximum ponding elevation of a basin shall be three 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 percent (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.
4. 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.

5. Due to the inherent nature of development, the specific size, location, and configuration of the stormwater infrastructure are conceptual in nature. The exact location, size and type of each segment of stormwater infrastructure are to be reviewed and approved in conjunction with the development of specific sites. It is expected that developers will submit alternate plans, proposed alternative geometry, size, and type for these infrastructure improvements, along with supporting hydraulic computations. The routing calculations signed and sealed by a registered professional engineer licensed to practice in the State of Missouri, demonstrating functionally equivalent operation shall be submitted. The calculations shall be performed using identical methods as the initial analysis, AdICPR software. The Public Works Department will review said proposals for functional equivalence. 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 water surface profiles at other locations or adjacent properties.
6. The maintenance of the required stormwater/ditch system shall be the responsibility of the property owner(s).
7. The current Chesterfield Valley Sanitary Sewer Master Plan depicts a public pump station, force main and a series of gravity sewers that will serve the region surrounding this development in the vicinity of this development. A functional equivalence study shall be submitted to the Metropolitan St. Louis Sewer District and the City of Chesterfield's Department of Public Works for review/approval prior to receiving approval of the Improvement Plans for this development.
8. Construct a 12" water main extension of the main in an east-west direction across the southern limit of the property, adjacent to the Levee District Easement. The main shall be constructed of ductile iron pipe and shall connect to the existing 12" main located on the west side of Public Works Drive. A functionally equivalent potable water extension may be submitted to the City of Chesterfield Department of Public Works for review and possible approval.

#### **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. Utilities Easements that cross over Chesterfield Valley Master Stormwater Easements shall be subordinate to the Chesterfield Valley Stormwater Easements.
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. Between the hours of 7:00pm and 7:00 am, all doors shall remain closed except for temporary access.
4. No commercial vehicles shall remain on the premises with idling engines between the hours of 7:00pm and 7:00 am.
5. All deliveries and trash pick-up shall occur between the hours of 7:00am and 7:00pm.
6. All loading docks are to be screened by sound attenuating material.
7. No retail, storage or displays are permitted outside the main building unless one side is attached to said building. Screening for the remaining three (3) sides shall be approved by the Planning Commission as part of the Site Development Plan.
8. Screening for outdoor storage shall be approved by the Planning Commission on the Site Development Plan and shall have the same sight-proof materials as approved on the Site Development Plan as Chesterfield Commons and Valley Crossing.
9. The Planning and Zoning Committee shall review the appropriate Site Development Plan for each of the outparcels.
10. All references herein to the City of Chesterfield Zoning Ordinance or sections thereof shall refer to said Ordinance and amendments thereto as approved by the City of Chesterfield City Council, as of the date the petitioner submits a Site Development Plan for review and approval.

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

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning 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.
- 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**

- A. **Site Development Concept Plan, Site Development Section Plan, Site Development Plans.**
  - 1. Any site development plan shall show all information required on a sketch plan as required in the City of Chesterfield Code.

2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. 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, Spirit of St. Louis Airport and the Missouri Department of Transportation.

**V. 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 St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed on the basis of 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 of gross acreage

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

Credits for roadway improvements required in condition will be awarded as directed by the St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution which 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 St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (SUP) by St. Louis County Highways and Traffic. Funds shall be payable to the Treasurer, St. 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/acre for the total area as approved on the Site Development Plan to be used solely to help

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defray the cost of constructing the primary water line serving the Chesterfield Valley area.

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

#### Stormwater

The stormwater 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 stormwater from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed on the basis of \$2,056.58/acre for the total area as approved on the Site Development Plan.

The stormwater contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (SUP) by St. Louis County 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 contributions within Chesterfield Valley area shall be deposited with the Metropolitan Sewer District as required by the District.

The amount of this required contribution for the roadway, stormwater and primary waterline 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 accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

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

### **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. 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.

## VIII. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Concept Plan and any Site Development Section Plans 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.