

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ADDING TO THE "PC" PLANNED COMMERCIAL DISTRICT A 75.063-ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE STREET ROAD WEST OF ITS INTERSECTION WITH CHESTERFIELD AIRPORT ROAD (P.Z. 41-2007 CHESTERFIELD BLUE VALLEY, LLC)**

**WHEREAS**, the Petitioner, Chesterfield Blue Valley, LLC., has requested a change in zoning to "PC" Planned Commercial District for a 75.063 acre tract of land located on the north side of Olive Street Road west of its intersection with Chesterfield Airport Road.

**WHEREAS**, the Planning Commission held a public hearing on August 27, 2007 to consider the matter; and,

**WHEREAS**, P.Z. 41-2007 was considered by the Planning Commission and a recommended for approval failed by a margin of 4-2; and,

**WHEREAS**, the Planning and Public Works Committee, having considered the Petitioner's request, recommended approval of P.Z. 41-2007 subject to changes relative to the building distances to Olive Street Road, height of buildings, the number of drive-thru/drive-up buildings, traffic, provision of a Chesterfield landmark, limitation of the number of filling stations and Power of Review by a margin of 4-0.

**WHEREAS**, the City Council, having considered the request, voted to approve P.Z. 41-2007 Chesterfield Blue Valley, LLC with the recommended changes.

**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 a part thereof, are hereby amended by transferring to the "PC" Planned Commercial District a 75.063 acre tract of land located on the north side of Olive Street Road west of its intersection of Chesterfield Airport Road. A description of the subject site is as follows:

**PROPERTY DESCRIPTIONS**

A TRACT OF LAND BEING PART OF LOT 1 OF MCGRATH PLAZA AS RECORDED IN PLAT BOOK 325, PAGES 11 AND 12 OF THE ST. LOUIS COUNTY RECORDS, BEING LOCATED IN U.S. SURVEYS 102,368 AND 371, TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

BEGINNING AT A STONE MARKING THE SOUTHWESTERLY CORNER OF SAID LOT OF ON MCGRATH PLAZA, SAID POINT BEING THE SOUTHWESTERLY CORNER OF A TRACT OF LAND AS CONVEYED TO JAMES R. ARENDT, ET AL BY DEED BOOK 17113 PAGE 1365 OF THE ABOVE SAID RECORDS, THENCE ALONG SAID COMMON LINE OF SAID MCGRATH PLAZA AND ARENDT TRACT NORTH 13 DEGREES 15 MINUTES 42 SECONDS WEST 3073.04 FEET TO THE APPROXIMATE CENTERLINE OF A LEVEE, THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES AND DSITANCES; NORTH 34 DEGREES 20 MINUTES 48 SECONDS East 2.86 FEET; NORTH 34 DEGREES 07 MINUTES 57 SECONDS EAST 111.64 FEET; NORTH 33 DEGREES 47 MINUTES 33 SECONDS 56.93 FEET; NORTH 34 DEGREES 00 MINUTES 30 SECONDS EAST 462.42 FEET AND NORTH 35 DEGREES 05 MINUTES 58 SECONDS EAST 57.78 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF MISSOURI STATE HIGHWAY 40 TR; THENCE ALONG LAST SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 21 DEGREES 10 MINUTES 10 SECONDS EAST 606.62 FEET; SOUTH 24 DEGREES 27 MINUTES 38 SECONDS EAST 752.51 FEET; SOUTH 20 DEGREES 36 MINUTES 24 SECONDS EAST 457.22 FEET; SOUTH 32 DEGREES 06 MINUTES 57 SECONDS EAST 717.96 FEET; SOUTH 42 DEGREES 52 MINUTES 58 SECONDS EAST 102.58 FEET TO A POINT; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT FOR WITH THE RADIUS POINT BEARS NORTH 54 DEGREES 34 MINUTES 34 SECONDS EAST 4016.54 FEET; THENCE ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 508.24 FEET TO A POINT; THENCE NORTH 47 DEGREES 19 MINUTES 34 SECONDS EAST 5.0 FEET TO A POINT; THENCE ALONG A NON-TANGET CURVE TO THE LEFT FOR WHICH THE RADIUS POINT BEARS NORTH 47 DEGREES 19 MINUTES 34 SECONDS EAST 4011.54 FEET; THENCES ALONG LAST SAID CURVE TO THE LEFT AN ARC LENGTH OF 304.56 FEET TO A POINT; THENCE 42 DEGREES 58 MINUTES 34 SECONDS EAST 5.00 FEET TO A POINT; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT FOR WHICH THE RADIUS POINT BEARS NORTH 42 DEGREES 58 MINUTES 34 SECONDS EAST 4006.54 FEET; THENCE ALONG LAST SAID CURVE AN ARC LENGTH OF 604.81 FEET TO THE NORTHWESTERLY LINE OF RELOCATED OLIVE STREET ROAD (38 FEET WIDE PAPER STREET) AS ESTABLISHED BY ABOVE SAID MCGRATH PLAZA; THENCE ALONG THE LAST SAID NORTHWESTERLY LINE OF RELOCATED OLIVE STREET ROAD THE FOLLOWING COURSES AND DISTANCES; SOUTH 42 DEGREES 47 MINUTES 18 SECONDS WEST 69.46 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 952.78 FEET AN ARC LENGTH OF 641.62 FEET TO THE NORTHERLY LINE OF AFORESAID OLIVE STREET ROAD THENCE ALONG LAST SAID NORTHERLY LINE NORTH 84 DEGREES 12 MINUTES 42 SECONDS WEST 377.14 FEET TO AN IRON PIPE AT THE SOUTHEASTERLY CORNER OF PROPERTY CONVEYED TO WILLIAM F. BRASHER, TRUSTEE BY DEED BOOK 14298, PAGE 1926 OF THE ABOVE SAID RECORDS; THENCE ALONG THE EASTERLY , NORTHERLY AND WESTERLY LINES OF THE ABOVE SAID BRASHER TRACT THE FOLLOWING COURSES AND DISTANCES: NORTH 05 DEGREES 47 MINUTES 18 SECONDS EAST 415.56 FEET; NORTH 84 DEGREES 12 MINUTES 42

SECONDS WEST 628.93 FEET AND SOUTH 05 DEGREES 47 MINUTES 18 SECONDS WEST 415.56 FEET TO AN IRON PIPE ON THE NORTHERLY LINE OF AFORESAID OLIVE STREET ROAD; THENCE ALONG SAID NORTHERLY LINE; NORTH 84 DEGREES 23 MINUTES 54 SECONDS WEST 236.30 FEET TO THE POINT OF BEGINNING; AND CONTAINING 3,269,760 SQUARE FEET OR 75.063 ACRES, MORE OR LESS, ACCORDING TO CALCULATIONS BY STOCK AND ASSOCIATES CONSULTING ENGINEERS ON MAY 3, 2007.

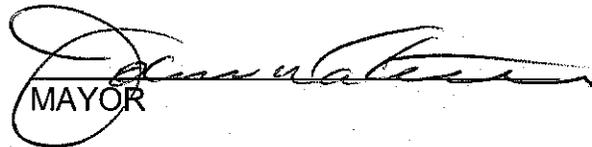
**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council.

**Section 3.** The City Council, pursuant to the petition filed by Chesterfield Blue Valley, LLC in P.Z. 41-2007 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 hearings, held by the Planning Commission on the 27<sup>th</sup> day of August 2007, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

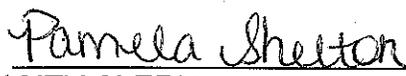
**Section 4.** This ordinance and the requirements thereof are exempt from the warnings and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 23<sup>rd</sup> day of JANUARY, 2008.

  
MAYOR

ATTEST:

  
Deputy CITY CLERK

FIRST READING HELD: 1/7/08

## 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 "PC" Planned Commercial District shall be:
  - a. Animal hospitals, veterinary clinics, and kennels.
  - b. Arenas and stadiums.
  - 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. Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications.
  - h. Child care centers, nursery schools, and day nurseries.
  - i. Colleges and universities.
  - j. Dry cleaning drop-off and pick-up stations.
  - k. Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
  - l. Financial institutions.
  - m. Hospitals.
  - n. Hotels and motels.
  - 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 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.

- s. Medical and dental offices.
- t. Mortuaries.
- u. Offices or office buildings.
- v. 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.
- w. Police, fire, and postal stations.
- x. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, tennis courts, and gymnasiums, and indoor theaters.
- y. Research facilities, professional and scientific laboratories (excluding facilities that generate hazardous, environmental waste, liquid, solid or gaseous waste.)
- z. Restaurants, fast food.
  - aa. Restaurants, sit down.
  - bb. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, boats, as well as associated repairs and necessary outdoor storage of said vehicles. No outdoor storage of inventory vehicles shall be permitted. Outdoor display of up to a maximum of ten vehicles shall be permitted
  - cc. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
  - dd. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
  - ee. Permitted signs (See Section 1003.168 "Sign Regulations").

- ff. Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
  - gg. 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.
  - hh. Vehicle service centers for automobiles.
  - ii. Vehicle washing facilities for automobiles.
  - jj. zoological gardens.
2. Ancillary uses for the above-referenced uses shall be as follows:
- a. Associated work and storage areas required by a business, firm, or service to carry on business operations.
  - b. Automatic vending facilities for:
    - (i) Ice and solid carbon dioxide (dry ice);
    - (ii) Beverages;
    - (iii) Confections.
  - c. Cafeterias for employees and guests only.
  - d. Fishing tackle and bait shops. Open storage and display are prohibited.
3. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
- a. Outdoor sales shall be limited to an area not to exceed 20% to be shown on all Site Plans and must not be visible from roadways exterior to the development.
  - b. A maximum of four (4) drive-thru facilities shall be permitted in the proposed development.
  - c. Review of the impact on traffic and site circulation by assembly-type uses, i.e. "arenas and stadiums," "indoor theaters," "colleges and universities," ect. will be conducted prior to approval of any Site Development or Site Development Section Plan for the site.
  - d. Use "k" shall be limited to one (1) such use in the entire development.

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

1. FLOOR AREA

Total building floor area shall not exceed 830,000 square feet.

2. HEIGHT

- a. The maximum height of buildings in this development shall be four (4) stories or sixty-five (65) feet as measured from existing grade, whichever is less; with the exception that three parcels shall be permitted to maintain a maximum height of six (6) stories or seventy-five (75) feet as measured from existing grade, whichever is less.

3. BUILDING REQUIREMENTS

- a. A minimum of thirty percent (30%) openspace is required for this development.

C. 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. Fifty (50) feet from the right-of-way Olive Street Road on the southern boundary of the "PC" Planned Commercial District.
- b. Zero (0) feet from the western boundary of the "PC" Planned Commercial District on the condition of common ownership with the adjacent parcel. In the instance of non-common ownership, the structure setback shall be thirty (30) feet.
- c. One hundred (100) feet from northern outboundary N34°00'30"E.
- d. Thirty (30) feet from the eastern boundary of the "PC" Planned Commercial District.
- e. Twenty (20) feet from any interior road.
- f. Structures exceeding thirty (30) feet in height which adjoin "NU" Non-Urban, "PS" Park and Scenic or any "R" Residence District shall be set back an additional one (1) foot for every two (2) feet in height above thirty (30) feet.

- g. Six story buildings shall be no closer than 300 feet from the right of way of Olive Street Road on the southern boundary of the "PC" Planned Commercial District.

## 2. PARKING SETBACKS

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

- a. Twenty (20) feet from the right-of-way of Olive Street Road on the southern boundary of the "PC" Planned Commercial District.
- b. Twenty (20) feet from the western boundary of the "PC" Planned Commercial District.
- c. Twenty (20) feet from the eastern boundary of the "PC" Planned Commercial District.
- d. Twenty (20) feet from northern feet northern outboundary N34°00'30"E.
- e. Ten (10) from the internal lot lines with the exception of shared driveways, which shall maintain a zero (0) foot setback.
- f. Ten (10) from the principal internal street.

## D. 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.
3. Parking lots shall not be used as streets.
4. No construction related parking shall be permitted within the Olive Street Road right of way.

#### **E. LANDSCAPE AND TREE REQUIREMENTS**

The developer shall adhere to the Tree Manual of the City of Chesterfield Code.

#### **F. 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.
3. A landmark designating entrance into the City of Chesterfield will be required and included in the sign package for approval.

#### **G. LIGHT REQUIREMENTS**

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

#### **H. ARCHITECTURAL**

1. The developer shall submit an overall design package for the development, including, but not limited to 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. The proposed package should give consideration to creating a visually-appealing development pattern, particularly from I-64/US 4), achieved by retaining open spaces and creating consistency in the location and massing of structures on the site.
3. 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.
4. Trash enclosures: The location, material, 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. An opportunity for recycling will be provided.
5. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

#### **I. ACCESS/ACCESS MANAGEMENT**

1. Access to this development from Olive Street Road shall be as determined in the approved Traffic Impact Study. Any entrances approved as part of this proposal shall be located to provide required sight distance and constructed to St. Louis County standards as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
2. 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 City of Chesterfield and the St. Louis County Departments of Highways and Traffic.
3. Ingress and egress within State rights-of-way must conform to the Missouri Department of Highways and traffic's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right-of-way will require permit. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.

4. If required sight distance can not be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide adequate sight distance as directed by the City of Chesterfield and St. Louis County Department of Highways and Traffic.
5. Access to internal streets shall conform to the City of Chesterfield's Access Management standards, Ordinance #2103.
6. Provide cross-access easements or other appropriate legal instruments or agreements guaranteeing permanent access between proposed adjacent lots and abutting developments as approved by the Department of Planning and Public Works. The City of Chesterfield desires to encourage the smooth flow vehicular traffic and minimize points of conflict by controlling and minimizing the number and location of direct access onto streets within the development.

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

1. Provide additional or new right-of-way as required by the Missouri Department of Transportation, the St. Louis County Department of Highways and Traffic and the City of Chesterfield, for planned and conceptual improvements as referenced in the Traffic study performed by Crawford, Bunte, Brammeier dated November 12, 2007 at no cost.
2. Provide street connections to the adjoining property to the west from the internal roadway system serving this development, as directed by the Department of Planning and Public Works. Stub street signage, in conformance with Section 1005.180 of the Subdivision Ordinance, shall be posted within 30 days of the street pavement being placed.
3. Completion of the required road improvements is required as soon as it is reasonably possible in the opinion of the City of Chesterfield considering the conditions of this tie and the impact of the development in the Zoning District.
4. Timing of the roadway improvements, shall be as directed by St. Louis County Department of Highways and Traffic and the

Department of Planning and Public Works. The City reserves the right to withhold building or occupancy permits at any time, as necessary to insure timely completion of the required road improvements and to prevent degradation of the traffic conditions as they may be associated with the proposed development.

5. Provide a sidewalk conforming to St. Louis County ADA standards adjacent to Olive Road within a sidewalk easement to the City of Chesterfield as directed by the City of Chesterfield.
6. As portions of these roadway improvements may require the acquisition of additional right-of-way and easements from private property, the normal sequence of design, right-of-way acquisition and construction shall commence immediately upon approval of the requested rezoning. If the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owners involved, St. Louis County will acquire it through eminent domain proceedings. The cost of appraisals, negotiations, administrations, court proceedings and all associated costs incurred by County proceedings shall be paid by the developer.
7. If any public roads are proposed within this development, they must be built above the 100-year flood elevation with proper freeboard or protected from flood damage by an approved levee. Any roads and/or drives proposed below this elevation, not protected by an approved levee, are to be private and remain private forever.
8. Based on the preliminary plan, improvements to Olive Road must be completed prior to issuance of the building permits in excess of sixty percent (60%) of the total. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
9. Dedicate all necessary rights-of-way and construct the Road Improvements as described in the Traffic Study performed by Crawford, Bunte, Brammeier dated November 12, 2007.
10. Provide all necessary rights-of-way and easements for the conceptual access improvements as described by Exhibits #10 and #11 of the Traffic study performed by Crawford, Bunte, Brammeier dated November 12, 2007.

11. Provide all necessary rights-of-way and easements and construct a multi-lane internal Boulevard, generally oriented in a north-south direction parallel to the Highway 40/64 right-of-way, starting at Olive Street Road and proceeding northwesterly and curving in a westerly direction as it approaches the Monarch-Chesterfield Levee, and continuing generally parallel to the Levee to the western extent of this district, for a minimum planned width of four lanes and necessary shoulders with additional width for center medians and turn lanes, as directed by the Director of Planning and Public Works.
12. Provide all necessary rights-of-way and easements and construct a multi-lane roadway, generally oriented in an East-West direction beginning at an intersection with the Internal Boulevard as referenced in the preceding paragraph, generally at the location of the Conceptual improvements as described as described by Exhibits #10 and #11 of the Traffic study performed by Crawford, Bunte, Brammeier dated November 12, 2007 and proceeding westerly towards an intersection with Olive Street Road for a minimum planned width of four lanes and necessary shoulders with additional width for turn lanes.

#### **K. TRAFFIC STUDY**

Provide a traffic study as directed by the Department of Planning and Public Works and/or the 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 Department of Planning and Public Works.

Prior to the preparation of this study, the developer's traffic engineer shall meet with representatives of the City of Chesterfield, St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation. Road improvements additional to those as listed above shall be determined after review and approval of said study as directed by the Department of Planning and Public Works, the St. Louis County Department of Highways and Traffic and the Missouri Department of Transportation. The developer's additional road improvement obligation shall be determined by the approved study.

**L. MONARCH-CHESTERFIELD 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.
2. Prior to approval of any grading permit or improvement plans for the development, an underseepage study may be required for review/approval as directed by the Monarch Chesterfield Levee District, the U.S. Army Corps of Engineers and the City of Chesterfield.

**M. RECREATIONAL EASEMENT**

Provide all necessary temporary and permanent easements granting access to and along the crest of the Monarch-Chesterfield Levee on this property for recreational and trail purposes, as directed by the Department of Planning and Public Works.

**N. POWER OF REVIEW**

The City of Chesterfield City Council will have automatic power of review of the Site Development Plans for this proposed development.

**O. STORMWATER**

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. 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.
3. The Chesterfield Valley Master Storm Water Plan indicates a 10 foot wide flat bottom ditch with 4:1 side slopes shall be constructed along the east property line of this site and a 15 foot wide flat

bottom ditch with 4:1 side slopes be constructed in such a manner as to bisect the site from east to west. The drainage from this site shall be directed to the west to a future reservoir/pump station. 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 guarantee of future construction of 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 Planning and 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 analysis performed if any of the other criteria regarding functional equivalence will not be 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.

4. Provide a Chesterfield Valley Storm Water Easement covering all master plan drainage improvements to be constructed as part of this project and depict the features on the Site Development Plan and improvement plans. Maintenance of the required improvements shall be the responsibility of the property owner.
5. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.
6. Certification will be required from the City of Chesterfield that stormwater will be controlled as required by the Chesterfield Valley Master Facility Plan.
7. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MODOT right of way.
8. All drainage detention storage facilities be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right-of-way line, whichever is greater.
9. A portion of this tract is located in Zone "AE" of FEMA's Flood Insurance Rate Map. An approved flood plain study will be required prior to approval of the Final Development Plan

**P. SANITARY SEWER**

1. Treatment for water quality, in accordance with MSD regulations dated February 2006, shall be required.
2. Construction of offsite pumping stations and extension of offsite sanitary sewers will be required to serve this site.

**Q. GEOTECHNICAL REPORT.**

Prior to Site Development Plan approval, 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.

## **R. MISCELLANEOUS**

1. All utilities will be installed underground. 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
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.
3. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the re-establishment, 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.
4. 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.

## **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 additional year.

### **IV. GENERAL CRITERIA**

#### **A. Site Development Concept Plan.**

1. Any site development concept plan shall show all information required on a preliminary plat 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.

**A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

The Site Development Plan shall include, but not be limited 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 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 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 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 the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.

**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 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 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 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, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.

## V. TRUST FUND CONTRIBUTION

- A. The developer shall be required to contribute to a Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund established by ordinance Number 556. Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

### 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 based on the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$2.07/sq.ft. of building space
Office	\$1.44/sq.ft. of building space

Industrial

\$4,986.59/acre

(Parking spaces as required by the City of Chesterfield Code.)

If types of development differ from those listed, St. Louis County Department of Highways and Traffic will provide rates.

Credits for roadway improvements required will be awarded as directed by St. 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 appropriate Trust Fund.

The roadway improvement contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance any a Special Use Permit (SUP) by St. Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, St. Louis County."

If this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development, will be retained in the appropriate trust fund.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2008 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

### **Water Main**

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$654.66 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of construction the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan by the St. Louis Department of Highways and Traffic. Funds shall be payable to the "Treasure, St. Louis County".

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 Saint Louis Sewer District. The amount of the stormwater contribution will be computed based on \$2,077.15 per 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 before the issuance of a Special Use Permit (S.U.P.) by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasure, St. Louis County".

### **Stormwater**

This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750 per acre.

### **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, stormwater and primary water line improvements, if not submitted by January 1, 2008 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the 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.

## **VII. 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.

## **VIII. 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.