

BILL NO. 2974

ORDINANCE NO. 2794

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2319 TO MODIFY DEVELOPMENT CRITERIA FOR A 26.3 ACRE TRACT OF LAND LOCATED NORTHEAST OF THE INTERSECTION OF INTERSTATE 64/ US HIGHWAY 40 AND OLIVE BOULEVARD (18S240179, 18S240421, 18S520602, 18S240410, 18S240498, 18S331392, 18S240443, 18S240311, 18S240201).

WHEREAS, the petitioner, MiTek USA, Inc., has requested an ordinance amendment to modify development criteria for this 26.3 acre tract of land located northeast of the intersection of Interstate 64/ US Highway 40 and Olive Boulevard; and,

WHEREAS, a Public Hearing was held before the Planning Commission on February-24, 2014; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the ordinance amendment; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the ordinance amendment; and,

WHEREAS, the City Council, having considered said request voted to approve the ordinance amendment request.

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 The City of Chesterfield Ordinance Number 2319 is hereby repealed and those conditions therein are incorporated into the Attachment A, which is attached hereto and made a part hereof for Herman Stemme Office Park.

Legal Description

A tract of land being part of "Herman Stemme Office Park" as recorded in Plat Book 198, Pages 20 and 21, in the St. Louis County Records in U.S. Surveys 415, 2002 and Fractional Section 10 and a tract of land in Fractional Section 10, Township 45 North - Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the Northeast corner of U.S. Survey 2002; thence Southwardly along the East line of said U.S. Survey 2002, South 00 degrees 42 minutes 46 seconds East 143.84 feet to a point in the North line of Conway Road, 40 feet wide; thence Westwardly along said North line of Conway Road, 40 feet wide, North 71 degrees 40 minutes 46 seconds West 288.25 feet to a point in the North line of Missouri Interstate Highway 64 (formerly Missouri State Highway 40) of varying widths; thence

Westwardly along the said North line of Missouri Interstate Highway 64 (formerly Missouri State Highway 40), North 57 degrees 40 minutes 15 seconds West 410.78 feet and North 31 degrees 13 minutes 41 seconds West 62.48 feet to a point in the Southeast line of Olive Street Road relocation of varying widths; thence along said Southeast line of Olive Street Road, the following courses and distances: North 37 degrees 47 minutes 56 seconds East 381.05 feet, North 23 degrees 06 minutes 11 seconds East 284.72 feet, North 37 degrees 22 minutes 17 seconds East 144.07 feet, North 39 degrees 16 minutes 08 seconds East 65.69 feet and North 40 degrees 39 minutes 41 seconds East 153.49 feet to the North line of Lot 2 of said "Herman Stemme Office Park"; thence Eastwardly along the North and East lines of said Lot 2 the following courses and distances: South 54 degrees 18 minutes 17 seconds East 255.44 feet, North 51 degrees 20 minute 16 seconds East 146.17 feet, South 33 degrees 54 minutes 44 seconds East 332.50 feet, North 51 degrees 20 minutes 16 seconds East 230.89 feet to a point in the Southwest line of Chesterfield Parkway (formerly Schoettler Road); thence Southeastwardly along said Southwest line of Chesterfield Parkway (formerly Schoettler Road), South 33 degrees 54 minutes 44 seconds East 543.50 feet to the South line of Swingley Ridge Road, varying width; thence Westwardly along said South line of Swingley Ridge Road, varying width, along a curve to the left, whose radius point bears South 56 degrees 05 minutes 16 seconds West 29.50 feet from the last mentioned point, a distance of 44.91 feet; thence South 58 degrees 51 minutes 10 seconds West 88.13 feet to a point; thence along a curve to the right, whose radius point bears North 31 degrees 08 minutes 50 seconds West 780.91 feet from the last mentioned point, a distance of 78.21 feet to the Northeast corner of Adjusted Lot 3B of the "Boundary Adjustment Plat of Lot 3B and 3C of Herman Stemme Office Park" as recorded in Plat Book 289 Page 29; thence Southwardly along the East line of said Adjusted Lot 3B, South 22 degrees 45 minutes 58 seconds East 270.83 feet, South 67 degrees 14 minutes 02 seconds West 140.00 feet and South 00 degrees 24 minutes 35 seconds West 41.41 feet to the South line of said "Herman Stemme Office Park"; thence Westwardly along said South line South 89 degrees 35 minutes 28 seconds West 704.98 feet to the point of beginning 25.93 acres according to calculations by Volz, Inc. during August, 2006.

Parcel Two

A tract of land being Lot 4 of "Herman Stemme Office Park" as recorded in Plat Book 198, Pages 20 and 21 in the St. Louis County Records, in U.S. Survey 2002 and Fractional Section 10, Township 45 North - Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the East line of said U.S. Survey 2002 with the North line of Missouri Interstate Highway 64 (formerly Missouri State Highway 40) of varying widths; thence Westwardly along the said North line of Missouri Interstate Highway 64 (formerly Missouri State Highway 40), North 71 degrees 10 minutes 00 seconds West 82.82 feet and North 57 degrees 40 minutes 15 seconds West 68.56 feet to a point on the South line of Conway Road, 40 feet wide, thence Eastwardly along the said South

line of Conway Road, 40 feet wide, South 71 degrees 40 minutes 46 seconds East 143.36 feet, South 75 degrees 58 minutes 00 seconds East 431.19 feet and South 81 degrees 11 minutes 00 seconds East 6.09 feet to a point; thence South 05 degrees 42 minutes 09 seconds East 59.83 feet to a point in the aforesaid North line of Missouri Interstate Highway 64 (formerly Missouri State Highway 40); thence Westwardly along said North line of Missouri Interstate Highway 64 (formerly Missouri State Highway 40), North 71 degrees 10 minutes 00 seconds West 454.38 feet to the point of beginning and containing 0.414 acres according to calculations by Volz, Inc. on January 2, 1997.

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 recommendation to the City Council, which are set out in the Attachment "A" and the Outboundary Survey indicated as "Attachment B" which is attached hereto as and made part of.

Section 3. The City Council, pursuant to the petition filed by MiTek USA Inc. in P.Z. 02-2014, requesting the amendment embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 24th day of February 2014, 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 19th day of May, 2014.

Bob Nativity
MAYOR

ATTEST:

Janie Black
CITY CLERK, Deputy

FIRST READING HELD: May 5, 2014

ATTACHMENT A

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

THE FOLLOWING SECTIONS PERTAIN TO ALL OF HERMAN STEMME OFFICE PARK EXCEPT FOR LOT 2C-2B, AS SHOWN ON THE OUTBOUNDARY SURVEY, ATTACHED HERETO AND MARKED AS ATTACHMENT B.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this “C8” Planned Commercial District shall be:
 - a. One hotel/motel not in excess of 350 guest rooms and not in excess of six (6) stories in height; in lieu thereof, one (1) office building not in excess of 120,000 gross square feet, and not in excess of six (6) stories in height to include a drive-in banking facility. Said office building shall not contain retail uses or a restaurant (except for an employee cafeteria).
 - b. One free-standing restaurant not to exceed 10,300 square feet, or a carwash with gas pumping facilities; and
 - c. A maximum of 338,000 gross square feet of office space (not including the above permitted six-story office building) to be contained in not more than nine (9) office buildings.

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

1. HEIGHT

No building fronting Schoettler Road (now known as Chesterfield Parkway East) shall exceed two (2) stories in height, and no other building on the site shall exceed three (3) stories, except the hotel/motel which shall not exceed six (6) stories in height.

2. BUILDING REQUIREMENTS

A minimum of thirty (30) percent Open Space shall be required for this development, unless otherwise approved by the City of Chesterfield.

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 of Schoettler Road (now known as Chesterfield Parkway East).
- b. Twenty five (25) feet from the right-of-way of Olive Boulevard.
- c. Fifty (50) feet from the southern property line east of the Conway Road Extension.
- d. Thirty (30) feet from the southern property line west of the Conway Road Extension.
- e. However, no building shall be located within fifty (50) feet of any property line adjoining developed “R” Residence District zoned property.

2. PARKING SETBACKS

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

- a. Twenty-five (25) feet from the right-of-way of Schoettler Road (now known as Chesterfield Parkway East).
- b. Twenty (20) feet from the right-of-way of Olive Boulevard.
- c. Fifteen (15) feet from all other property lines, including the property lines adjoining undeveloped and developed “R” District zoned property.

D. PARKING AND LOADING REQUIREMENTS

1. Off-street parking spaces shall be provided at not less than the following requirements:
 - a. Three and one-third (3-1/3) parking spaces per 1,000 gross square feet of floor area for each office building.
 - b. One-third (1/3) parking space per seat plus two-thirds (2/3) parking space per employee on the maximum shift for the free-standing restaurant.

- c. One (1) parking area per guest room in the hotel/motel plus one-third (1/3) parking space per every two (2) seats and two-thirds (2/3) parking space per every two (2) employees on the maximum shift for the restaurant within the hotel/motel structure.
2. Off-street loading requirements for office buildings shall be provided according to the following ratio:
 - a. One (1) space for each building containing from 5,000 gross square feet to 24,000 gross square feet of floor area.
 - b. Two (2) spaces for each building containing from 24,000 gross square feet to 60,000 gross square feet of floor area.
3. Construction Parking:
 - a. The petitioner shall be required to provide temporary off-street parking for construction employees. Parking on non-paved surfaces shall be prohibited.
4. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. A landscape buffer shall be provided along a twenty-five (25) foot strip of land adjoining the new right-of-way of Schoettler Road (now known as Chesterfield Parkway East.) This buffer shall contain a combination of deciduous and evergreen trees and an earth berm, in order to buffer the adjoining parcels of land, as approved by the Planning Commission. In addition, setbacks along all other property lines, as well as individual lots, shall be landscaped as deemed necessary by the Planning Commission.
2. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

F. SIGN REQUIREMENTS

1. Sign regulations shall be in accordance with Section 1003.168 of the City of Chesterfield Code, except there shall be no more than one (1) free-standing business sign (ornamental entrance monument) for each lot.
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 (or MoDOT), for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. No on-site light standards shall exceed twenty (20) feet in height and shall be so situated and constructed so that no light is cast directly on adjoining properties or public right-of-way.

H. ARCHITECTURAL

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan or Site Development Section Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to the site shall be through one (1) primary entrance onto Olive Boulevard at a point approved by the Missouri State Highway Department and a secondary access onto Schoettler Road (now known as Chesterfield Parkway East) at a location approved by the Planning Commission. In addition, access shall be provided by an extension of Conway Road from its present terminus, northward into the subject site. The only other entrance into this property shall be a driveway access onto Olive Boulevard for the sole use of the car wash/gas pumping facility. At such time when left turns are prohibited in and out of the car wash/gas pumping facility to and from Olive Boulevard, an access shall be provided through the office park site to accommodate those automobiles traveling southbound on Olive Boulevard.
2. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards. Adequate sight distance shall be provided, as directed by the City of Chesterfield, the Missouri Department of Transportation and St. Louis County Department of Highways and Traffic, as applicable.
3. Cross access shall be provided to adjacent parcels as directed by the City of Chesterfield.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Conway Road will be extended from its present terminus northwardly, past its intersection with the internal street running east and west between Olive Boulevard and Schoettler Road (now known as Chesterfield Parkway East). The portion of Conway Road within the proposed development shall be improved full width to sixty (60) foot right-of-way and twenty-four (24) foot pavement, or if developer improves said extension of Conway Road with curbs and gutters, the right-of-way may be reduced to thirty-one (31) feet, plus (10) foot easements on both sides for roadway maintenance, sidewalk and utility uses.
2. Schoettler Road (now known as Chesterfield Parkway East) shall be improved to one-half of a sixty (60) foot right-of-way and a thirty-eight (38) foot pavement. Additional right-of-way and pavement width required to establish left turn facilities on Schoettler Road (now known as Chesterfield Parkway East) located to serve the street access to the development shall be provided. A sidewalk shall be constructed along Schoettler Road (now known as Chesterfield Parkway East).
3. Submit full sets of detailed plans to the Senior Traffic Specialist at Missouri Department of Transportation prior to construction to determine if there will be any necessary improvements needed to MoDOT's right-of-way due to potential traffic concerns that could be created from a development. MoDOT will determine if a traffic impact study and/or MoDOT permit will be necessary for the developer to perform work within MoDOT right-of-way to mitigate traffic concerns.
4. Roadway improvements must conform to Missouri State Highway Department comments concerning a number of roadway geometrics which may be required to conform to the Master (Road) Plan for the City of Chesterfield.

K. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield and/or Missouri Department of Transportation. 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.

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

M. STORM WATER

Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield and the Metropolitan St. Louis Sewer District. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments. The location and types of storm water management facilities shall be identified on all Site Development Plans.

N. SANITARY SEWER

Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

O. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, the developer shall provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the City of Chesterfield. 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.

P. MISCELLANEOUS

1. All utilities will be installed underground.
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. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If

development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the St. Louis County Department of Highways and Traffic. 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.

4. 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 out boundaries 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, as necessary.
5. Formal MSD plan review, approval, and construction permits for this project will be required prior to construction of site improvements.
6. Treatment for water quality is required in accordance with MSD region's MS4 permit. For sites with an existing imperviousness less than twenty (20) percent, post construction Best Management Practices (BMPs) shall be implemented such that the developed site mimics its preconstruction runoff condition. Channel Protection may also be required.
7. Detention for the two (2) year and one hundred (100) year – 24 hour events will be satisfied via the Chesterfield Village – Northwest Quadrant Stormwater Management Plan if the property is developed within the impervious area parameters of the plan.
8. Extension of public storm and sanitary sewers, along with necessary easements may be required.
9. The site is not located within any surcharge or recoupment areas.

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.** A Site Development 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, the City Council may extend the period to submit a Site Development Concept Plan or Site Development Plan for eighteen (18) months.

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 City Council may extend the period to commence construction for two (2) additional years.

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 St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
5. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

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 openspace 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 a 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, lot dimensions, lot area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. Depict existing and proposed improvements within one hundred and fifty (150) feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features 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 one hundred and 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, Monarch Levee District, Spirit of St. Louis Airport, St. Louis Department of Highways and Traffic, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.
21. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. GRADING AND IMPROVEMENT PLAN REQUIREMENTS

- A.** If development phasing is anticipated, the petitioner shall furnish a bond or place into a three (3) year City approved escrow, the monies necessary to ensure the construction of improvements as necessary to each phase of development within this complex.

VI. TRUST FUND CONTRIBUTION

- A.** The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Road Trust Fund (Trust Fund No. 554). This contribution shall not exceed an amount established by multiplying the ordinance-required parking space by the following rate schedule:

Type of Development	Required Contribution
Recreational Use	\$ 445.56/Parking Space
General Office	\$ 644.74/Parking Space
Medical Office	\$ 1,934.32/Parking Space
Loading Space	\$ 3,165.27/Space

(Parking Space as required by the site-specific ordinance or by section 1003.165 of the St. Louis County Zoning Ordinance.)

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

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

Allowable credits for required roadway improvements will be awarded as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

- B.** As this development is located within a trust fund area established by St. Louis County any portion of the traffic generation assessment contribution, which remains, following completion of road improvements required by the development, shall be retained in the appropriate trust fund.
- C.** The amount of the required contribution, if not approved for construction by January 1, 2015, 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.
- D.** In addition, we request the following general conditions be met:

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.

VII. 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.

VIII. VERIFICATION PRIOR TO OCCUPANCY PERMITS

Prior to issuance of any occupancy permit, all required road improvements and right-of-way dedication shall be completed.

IX. GENERAL DEVELOPMENT CONDITIONS

If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, a fast germinating annual such as rye grasses and sudan grasses shall be utilized to retard erosions.

X. ENFORCEMENT

- A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the 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.

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

THE FOLLOWING SECTIONS PERTAIN TO LOT 2C-2B OF HERMAN STEMME OFFICE PARK ONLY, AS SHOWN ON THE OUTBOUNDARY SURVEY, ATTACHED HERETO AND MARKED AS ATTACHMENT B.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this “C8” Planned Commercial District shall be:
 - a. Medical office

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

1. FLOOR AREA

Total building floor area shall not exceed 20,000 square feet.

2. HEIGHT

The maximum height of the building, exclusive of roof screening, shall not exceed seventy (70) feet.

3. BUILDING REQUIREMENTS

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

A minimum of forty percent (40%) 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 0.55.

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. Sixty (60) feet from the right-of-way of Chesterfield Parkway East.
- b. One hundred and sixty-five (165) feet from the northwest boundary of the “C-8” Planned Commercial District.
- c. One hundred (100) feet from the right-of-way of Swingley Ridge Road.
- d. Ten (10) feet from the southwest boundary of Lot 2C-2B.
- e. The setback for the canopy shall be seventy-five (75) feet from the right-of-way of Swingley Ridge Road and fifty (50) feet from Chesterfield Parkway East.

2. PARKING SETBACKS

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

- a. Twenty-five (25) feet from the right-of-way of Chesterfield Parkway East.
- b. Thirty-five (35) feet from the northwest boundary of the “C-8” Planned Commercial District.
- c. Twenty-five (25) feet from the right-of-way of Swingley Ridge Road.
- d. Zero (0) feet from the northwest boundary of the “C-8” Planned Commercial District, due to the extensive greenspace on the adjoining lot.

3. LOADING SPACE SETBACKS

No loading space will be located within the following setbacks:

- a. Ten (10) feet from the western boundary of Lot 2C-2B.

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.
 - 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.

E. 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. A landscape buffer of twenty-five (25) feet shall be required along Chesterfield Parkway East.
3. A landscape buffer of twenty-five (25) feet shall be required along Swingley Ridge Road.
4. Landscaping in the right of way, if proposed, shall be reviewed by the City of Chesterfield Department of Public Services, and/or the St. Louis County Department of Highways and Traffic.

F. 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. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. No on-site light standards shall exceed twenty (20) feet in height and shall be so situated and constructed so that no light is cast directly on adjoining properties or public right-of-way.

H. 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 enclosure 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 complemented 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.

I. 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. Any secondary entrance onto Swingley Ridge Road shall be at least one hundred and thirty-five (135) feet from the back of the curb on Chesterfield Parkway East and shall align with the existing entrance on the opposite side of Swingley Ridge Road.
3. Cross access shall be provided to adjacent parcels as directed by the City of Chesterfield.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a five (5) foot wide sidewalk along Chesterfield Parkway East and Swingley Ridge Road as directed by the City of Chesterfield. The sidewalk shall be constructed within the landscape buffer.
2. Pedestrian circulation shall be encouraged to adjacent parcels within the Herman Stemme Office Park.
3. Address Pathway on the Parkway Specifications as directed by the City of Chesterfield.

K. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

L. 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 channel protection measures are to be provided in each watershed as required by the City of Chesterfield and the Metropolitan St. Louis Sewer District. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments. The location and types of storm water management facilities shall be identified on all Site Development Plans.
4. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

M. GEOTECHNICAL REPORT.

Prior to Site Development Plan approval, the developer shall provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the City of Chesterfield. 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.

N. MISCELLANEOUS

1. All utilities will be installed underground. The developer 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. 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 out boundaries 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, as necessary.

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 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 eighteen (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 City Council may extend the period to commence construction for two (2) additional years.

IV. GENERAL CRITERIA

A. 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 a 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 and fifty (150) feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
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 one hundred and 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, Monarch Levee District, Spirit of St. Louis Airport, St. Louis Department of Highways and Traffic, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.

21. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.
22. Prior to site development section plan approval, provide verification that the thirty five (35) foot setback deed restriction has been relieved.

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 Services. 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 Services, 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 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.

VI. TRUST FUND CONTRIBUTION

- A.** The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Road Trust Fund (Trust Fund No. 554). This contribution shall not exceed an amount established by multiplying the ordinance-required parking space by the following rate schedule:

Type of Development	Required Contribution
Recreational Use	\$ 445.56/Parking Space
General Office	\$ 644.74/Parking Space
Medical Office	\$ 1,934.32/Parking Space
Loading Space	\$ 3,165.27/Space

(Parking Space as required by the site-specific ordinance or by section 1003.165 of the St. Louis County Zoning Ordinance.)

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

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

Allowable credits for required roadway improvements will be awarded as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

- B.** As this development is located within a trust fund area established by St. Louis County any portion of the traffic generation assessment contribution, which remains, following completion of road improvements required by the development, shall be retained in the appropriate trust fund.
- C.** The amount of the required contribution, if not approved for construction by January 1, 2015, 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.

- D.** In addition, we request the following general conditions be met:

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.

VII. 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.

VIII. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

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

IX. VERIFICATION PRIOR TO 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.** Prior to the issuance of foundation or building permits, all approvals from all applicable agencies and the Public Works Division, as applicable, must be received by the City of Chesterfield Planning and Development Services Division.
- C.** Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the Missouri Department of Transportation, St. Louis County Department of Highways and Traffic and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

X. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A.** 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.

- B.** 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.

XI. 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.** 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.
- C.** 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.
- D.** 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.*

- E.** 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.

- F.** 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.
- G.** 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.
- H.** This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one or more acres.

XII. ENFORCEMENT

- A.** City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development 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.

