

BILL NO. 2794

ORDINANCE NO.

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2443 AND AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “PC” PLANNED COMMERCIAL DISTRICT AND “NU” NON-URBAN DISTRICT FOR A 137.606 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE STREET ROAD, WEST OF ITS INTERSECTION WITH CHESTERFIELD AIRPORT ROAD. (P.Z. 04-2010 CHESTERFIELD BLUE VALLEY/CHESTERFIELD BLUE VALLEY, LLC)

WHEREAS, Chesterfield Blue Valley has requested a change of zoning from “PC” Planned Commercial District, and “NU” Non-Urban District to a new “PC” Planned Commercial District for a 137.606 acre tract of land located on the north side of Olive Street Road, west of its intersection with Chesterfield Airport Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on May 10, 2010; and,

WHEREAS, the Planning Commission, having considered said request, recommended the change of zoning with a modification to open space requirements; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning 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 Zoning Ordinance and the Official Zoning District Maps, which are a part thereof, are hereby amended by establishing a “PC” Planned Commercial District for a 137.606 acre tract of land located on the north side of Olive Street Road, west of its intersection with Chesterfield Airport Road and described as follows:

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 and part of Lots 1 through 8 of the Partition in the Estate of Conrad Kroenung as said lots were established by Report of Commissioners recorded August 13, 1879 in Book 4 Page 583 of the St. Louis County (now St. Louis City) Records, being located in U.S. Surveys 102, 368 and 371, Township 45 North, Range 3 East of the 5th

Principal Meridian, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at a stone marking the Southwesterly corner of above said Lot 1 of McGrath Plaza, said point being the Southeasterly 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 and being on the Northern line of Olive Street Road; thence North 84 degrees 24 minutes 42 seconds West along said Northern line 1033.93 feet to the intersection of the Western line of the above said Lands of Conrad Kroenung; thence North 13 degrees 19 minutes 42 seconds West along said Western line 2019.43 feet to the center of the Chesterfield-Monarch Levee; thence departing said Western line along said center of the Chesterfield-Monarch Levee the following courses and distances: thence North 59 degrees 12 minutes 14 seconds East 310.56 feet to a point of curvature to the left, said curve having a radius of 100.00 feet; thence along last said curve with a chord which bears North 46 degrees 03 minutes 26 seconds East 45.49 feet, an arc length of 45.89 feet to a point of tangency; thence North 32 degrees 54 minutes 37 seconds East 296.44 feet; thence North 34 degrees 06 minutes 07 seconds East 586.8 feet; thence 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 East 56.93 feet; North 34 degrees 00 minutes 30 seconds East 462.42 feet; and North 35 degrees 05 minutes 58 seconds East 80.82 feet to the Westerly right-of-way line of Missouri State Highway 40 TR as established by instrument recorded in Book 6343, Page 832; thence along last said Westerly right-of-way line the following courses and distances: South 24 degrees 20 minutes 55 seconds East 10.34 feet; South 22 degrees 51 minutes 07 seconds East 602.70 feet; South 21 degrees 36 minutes 20 seconds East 757.94 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 which the radius point bears North 54 degrees 34 minutes 34 seconds East 4016.54 feet; thence along last said curve to the left an arc length of 508.24 feet to a point; thence North 47 degrees 19 minutes 34 seconds East 5.00 feet to a point; thence along a non-tangent curve to the left for which the radius point bears North 47 degrees 19 minutes 34 seconds East 4011.54 feet; thence along last said curve to the left an arc length of 304.56 feet to a point; thence North 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 continuing along last said north line North 84 degrees 12 minutes 42 seconds West, 628.93 feet and North 84 degrees 23 minutes 54 seconds West, a distance of 236.30 feet to the POINT OF BEGINNING, and containing 5,994,164 square feet or 137.606 acres, more or less, according to calculations by Stock and Associates Consulting Engineers on March 16, 2010.

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

Section 3. The City Council, pursuant to the petition filed by Chesterfield Blue Valley, LLC, in P.Z. 04-2010, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 10th day of May, 2010, 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.

Passed and approved this _____ day of _____, 2010.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

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. Administrative office for educational or religious facility
 - b. Amusement park
 - c. Animal grooming service
 - d. Arena and stadium
 - e. Art gallery
 - f. Art studio
 - g. Auditorium
 - h. Automatic vending facility
 - i. Automobile sales, new
 - j. Automobile sales, used
 - k. Automotive retail supply
 - l. Bakery
 - m. Bar
 - n. Barber or beauty shop
 - o. Botanical garden
 - p. Bowling center
 - q. Brewpub
 - r. Broadcasting studio
 - s. Cafeteria for employees and guests only
 - t. Car wash
 - u. Car wash, self service
 - v. Cemetery
 - w. Check cashing facility

- x. Church and other place of worship
- y. Club
- z. Coffee shop
- aa. Coffee shop, drive-thru
- bb. Commercial service facility
- cc. Community center
- dd. Day care center, adult
- ee. Day care center, child
- ff. Device for energy generation
- gg. Donation collection bin
- hh. Drug store and pharmacy
- ii. Drug store and pharmacy, drive- thru
- jj. Dry cleaning establishment
- kk. Dry cleaning establishment, drive-thru
- ll. Dwelling, employee
- mm. Education facility- specialized private schools
- nn. Education facility- vocational school
- oo. Educational facility- college/university
- pp. Educational facility- kindergarten or nursery school
- qq. Fairground
- rr. Farmers market
- ss. Filling station and convenience store with pump stations
- tt. Film drop-off and pick-up station
- uu. Film processing plant
- vv. Financial institution
- ww. Financial institution, drive-thru
- xx. Golf course
- yy. Grocery- community
- zz. Grocery- neighborhood
- aaa. Grocery- Supercenter
- bbb. Gymnasium

ccc.	Heliport- public and private
ddd.	Hospice
eee.	Hospital
fff.	Hotel and motel
ggg.	Hotel and motel, extended stay
hhh.	Individual sewage treatment facility
iii.	Kennel, boarding
jjj.	Laundromat
kkk.	Library
lll.	Local public utility facility- over 60 feet in height
mmm.	Lodge
nnn.	Mortuary
ooo.	Museum
ppp.	Newspaper stand
qqq.	Nursing home
rrr.	Office, dental
sss.	Office, general
ttt.	Office, medical
uuu.	Oil change facility
vvv.	Park
www.	Parking area, including garages, for automobiles
xxx.	Professional and technical service facility
yyy.	Public safety facility
zzz.	Reading room
aaaa.	Recreation facility
bbbb.	Research facility
cccc.	Restaurant, fast food
dddd.	Restaurant, outdoor customer dining area
eeee.	Restaurant, sit down
ffff.	Restaurant, take out
gggg.	Restaurant, with drive-thru window

- hhhh. Retail sales establishment, community
- iiii. Retail sales establishment, neighborhood
- jjjj. Retail sales establishment, regional
- kkkk. Retail sales, outdoor
- llll. Riding stable
- mmmm. Sales yard operated by a church, school, or other not for profit organization
- nnnn. Satellite dish
- oooo. Tackle and bait shop
- pppp. Tattoo parlor / body piercing studio
- qqqq. Telecommunications structure
- rrrr. Telecommunications tower or facility
- ssss. Theater, indoor
- tttt. Theater, outdoor
- uuuu. Transit transfer station
- vvvv. Union halls and hiring halls
- wwww. Vehicle repair and services facility
- xxxx. Veterinary clinic
- yyyy. Zoological garden
- zzzz. Light Industrial Type Uses: Laboratory—Professional, scientific.

2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. Outdoor sales shall be limited to an aggregate area not to exceed twenty percent (20%) of the total development to be shown on all Site Plans and must not be visible from roadways exterior to the development.
 - b. A maximum of seven (7) drive-thru or drive-up facilities shall be permitted for this development with a maximum of two (2) such uses per building.
 - c. Review of the impact on traffic and site circulation by assembly-type uses, i.e. uses d., g., oo., and ssss., will be conducted prior to approval of any Site Development Plan or Site Development Section Plan for the site.
 - d. A maximum of two (2) lots in the development shall be developed with use ss.

3. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.
4. Ancillary uses for the above referenced permitted 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.
5. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City of Chesterfield Telecommunications Ordinance Number 2391.

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

1. Floor Area
 - a. Total building floor area shall not exceed 1,267,550 square feet.
2. Height
 - a. The maximum height of the 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%) open space is required for this development.

The developer shall construct a one half acre (1/2) acre park which shall be maintained and operated by the land developer. Said park is to be located in the southern portion of the site along Olive Street Road and shall include the forty seven (47) inch Pecan Tree as shown on the Tree Stand Delineation. Specifics regarding the park design shall be provided during site development plan review.

- b. This development shall have a maximum F.A.R. of 0.55.

C. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:

- a. Fifty (50) feet from the right-of-way of Olive Street Road on the southern boundary of the "PC" Planned Commercial District.
- b. Structures which are six-stories in height shall be no closer than 300 feet from the right-of-way of Olive Street Road.
- c. One hundred (100) feet from the northern boundary of the "PC" District N34°00'30"E.
- d. Thirty (30) feet from the eastern boundary of the "PC" 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 an "R" Residence District shall be set back an additional one (1) foot for every two (2) feet in height above thirty (30) feet.
- g. Structures which are six-stories in height shall be no closer than 150 feet from the paved portion of I-64.

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" District.
- c. Twenty (20) feet from the eastern boundary of the "PC" District.
- d. Twenty (20) feet from the northern boundary of the "PC" District N34°00'30"E.
- e. Ten (10) feet from the internal lot lines with the exception of shared driveways, which shall maintain a zero (0) foot setback.

- f. Ten (10) feet 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 Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are 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 (or MoDOT), for sight distance considerations prior to installation or construction.
3. A landmark designating entrance into the City of Chesterfield will be required. If a Sign Package is submitted to the City of Chesterfield, the landmark designating entrance into the City of Chesterfield shall be included in that submittal.

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, colored renderings and building materials. This package shall be in conformity with the City of Chesterfield Architecture Review Design Standards.
2. The proposed package should give consideration to creating a visually-appealing development pattern, particularly from I-64/US 40 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 complemented 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.
6. Architectural elevations shall adhere to the requirements of the City of Chesterfield Architectural Design Standards.

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 Transportation'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 of 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 site 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 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.
13. Conform to the requirements and/or recommendations of the Missouri Department of Transportation regarding Interstate 64 in the area.
14. Road improvements will be determined after review and approval of a traffic study as directed by the St. Louis County Department of Highways and Traffic.
15. The developer shall submit a Traffic Impact Study, addressing the traffic generated by the proposed development, to the Department of Highways and Traffic for review and approval. Prior to preparation of this study, the developer's traffic engineer shall meet with representatives of the department to determine the study scope. The developer's additional road improvement obligation shall be as determined by the approved study.
16. 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.
17. 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.

18. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the Departments of Planning and Highways and Traffic.
19. If required sight distance cannot 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 St. Louis County Department of Highways and Traffic.
20. 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.
21. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction shall be reviewed by the St. Louis County Department of Highways and Traffic for sight distance consideration and approved prior to installation or construction.
22. The developer is advised that utility companies will require compensation for relocation of their facilities within 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.

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 and 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 and 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/HOWARD BEND LEVEE DISTRICT

1. The developer shall dedicate an underseepage berm easement adjacent to the existing levee, as directed by the Monarch Chesterfield Levee District and the City of Chesterfield.
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 Council shall review and provide final approval of the Site Development Plan for the proposed development subsequent to Planning Commission review.

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 percent (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. We request that 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 Planning and 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 within 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 reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners.
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.
5. 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.

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 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 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, significant natural features, such as wooded areas and rock formations, and other karst features 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.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

C. 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, lot dimensions, lot 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, 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 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, St. Louis Department of Highways and Traffic, 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. TRUST FUND CONTRIBUTION

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>
General Office	\$583.67
General Retail	\$1,757.08
Loading Space	\$2,865.43

If types of development proposed differ from those listed, rates shall be provided by the Saint 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 Saint Louis County Department of Highways and Traffic and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

1. As this development is located within a trust fund area established by Saint Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development should be retained in the appropriate trust fund.

2. Traffic generation assessment contributions shall be deposited with Saint 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. Funds shall be payable to Treasurer, Saint Louis County.

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$704.26 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

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

Storm water

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by Saint Louis County and the Metropolitan Saint Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,234.49 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Highways and Traffic or before the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to the Treasurer, Saint Louis County.

Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek impact fee.

The sanitary sewer contribution within Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2011, 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.

Additional Conditions

In addition to the conditions listed above, we ask that the following general conditions be met:

1. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
2. 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.
3. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
4. 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.
5. 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.
6. Prior to Special Use Permit issuance by the St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with the St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.

VI. 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.

VII. 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.

