

# City Council Memorandum Department of Public Services



**To:** Michael Herring, City Administrator

**From:** Aimee Nassif, Planning and Development Services Director

**Date:** October 27, 2014

**CC Date:** November 3, 2014

**RE:** **P.Z. 12-2013 The Wedge (McGrath Plaza)**: A request for a change of zoning from an existing "C8" Planned Commercial District to a new "PC" Planned Commercial District for 5 tracts of land totaling 5.26 acres located on the north side of Olive Street Road at its intersection with Chesterfield Airport Road. (17W620235, 17W620246, 17W610104, 17W610094, 17W610083)

Energy Marketing, LLC, has submitted a request for a zoning map amendment to rezone five parcels from "C8" Planned Commercial District to "PC" Planned Commercial District for a proposed convenience store with fuel pump stations, a fast food restaurant, and future retail/commercial development.

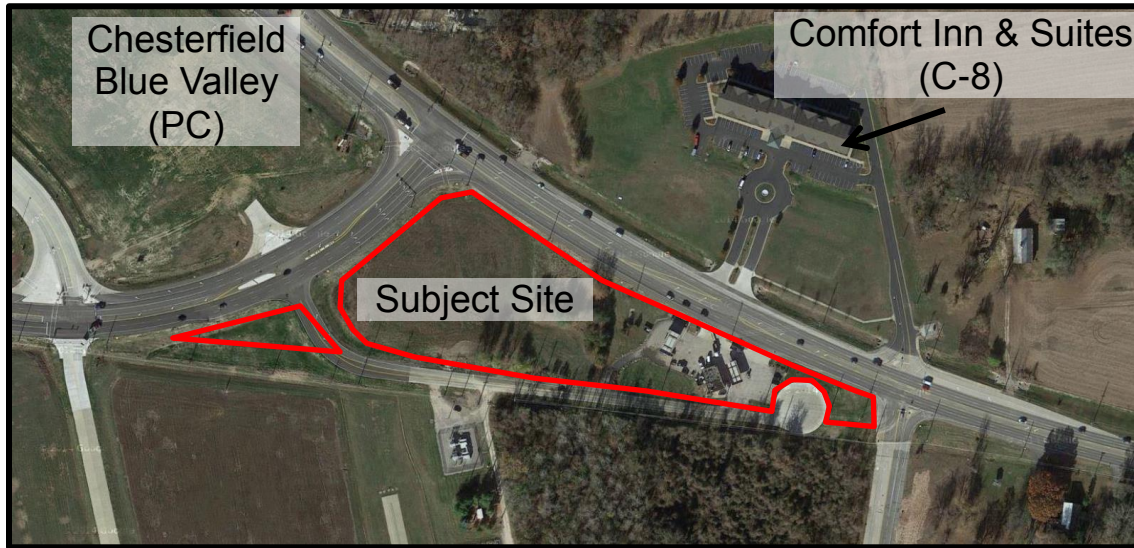
A Public Hearing was held at the October 28, 2013 Planning Commission meeting. At a vote meeting held on August 11, 2014, the Planning Commission recommended approval of the requested by a vote of 9-0.

The project was presented at the August 21, 2014 Planning and Public Works Committee meeting, at which time a motion to hold this project to allow the Petitioner to address the concerns raised and to bring it back to the Committee at the next possible meeting passed by a voice vote of 4 - 0. Subsequently, at the September 18, 2014 Planning and Public Works Committee meeting, the Committee approved seven green sheet amendments to the request. A motion to forward this project to City Council with a recommendation to approve as amended was then passed by a vote of 3-0.

This project was presented at the October 6, 2014 City Council meeting, where Green Sheet Amendments 1-6 were each approved by a vote of 8-0 and Green Sheet Amendment 7 was approved by a vote of 7-1. This project was then placed on the agenda for the October 20, 2014 City Council meeting; however, at the Petitioner's request the City Council voted unanimously to hold the project until the November 3, 2014 meeting.

**Although requested, Staff has not received a Preliminary Plan that is compliant with the Attachment A. Therefore, the Preliminary Plan and Attachment A are in conflict. Specifically, the Preliminary Plan shows the left turn movements out of the development are permitted, although the Attachment A prohibits this. In addition, the required medians to be constructed on Chesterfield Airport Road are not included on the Plan.**

Attached to the legislation, please find a copy of the Attachment A, Preliminary Plan, and Blue Sheet Amendments from City Attorney Rob Heggie that propose minor changes to the language pertaining to required road improvements in Section I. Public/Private Road Improvements, Including Pedestrian Circulation, I. page 4 and J. page 5. of the Attachment A.



BILL NO. 3000

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN EXISTING “C-8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR FIVE TRACTS OF LAND TOTALING 5.26 ACRES AND LOCATED ON THE NORTH SIDE OF OLIVE STREET ROAD AT ITS INTERSECTION WITH CHESTERFIELD AIRPORT ROAD (P.Z. 12-2013 THE WEDGE [MCGRATH PLAZA] – 17W620235, 17W620246, 17W610104, 17W610094, 17W610083).**

**WHEREAS**, the petitioner, Energy Martketing, LLC., has requested a change in zoning from “C-8” Planned Commercial District to “PC” Planned Commercial District for a five tracts of land totaling 5.26 acres and located on the north side of Olive Street Road at its intersection with Chesterfield Airport Road; and,

**WHEREAS**, a Public Hearing was held before the Planning Commission on October 28, 2013; and,

**WHEREAS**, the Planning Commission, having considered said request, recommended approval of the change of zoning; and,

**WHEREAS**, the Planning and Public Works Committee, having considered said request, recommended approval of the change of zoning request with amendments to the permitted uses and restrictions thereto, hours of operation, access and road improvements, and Power of Review.

**WHEREAS**, the City Council, having considered said request voted to approve the change of zoning request with amendments to the permitted uses and restrictions thereto, hours of operation, access and road improvements, and Power of Review.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** City of Chesterfield Unified Development Code and the Official Zoning District Map, which are part thereof, are hereby amended by establishing a “PC” Planned Commercial District for a 5.26 acre tract of land located on the north side of Olive Street Road at its intersection with Chesterfield Airport Road and as described as follows:

A tract of land being Lot 2 of McGrath Plaza, a subdivision according to the plat thereof recorded in Plat Book 325, Pages 11 and 12 of the St. Louis County Records, part of Lot 6 of the Subdivision of R. H. Stevens Farm according to the plat thereof recorded in Plat Book 7, Page 37 of the St. Louis County records and part of U. S. Survey 102, Township 45

North - Range 3 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the most Northern corner of said Lot 2 of McGrath Plaza, said point being on the South right-of-way line of Chesterfield Airport Road; thence Eastwardly along said South right-of-way line of Chesterfield Airport Road along a curve to the left having a radius of 4006.54 feet an arc distance of 939.93 feet, a chord which bears S 61° 57' 00" E a chord distance of 937.78 feet to the most Eastern corner of property of Redia T. and Michael F. McGrath, as described in the deed recorded in Book 12001, Page 2440 of the St. Louis County Records; thence S 21° 26' 08" W a distance of 36.37 feet and N 82° 37' 32" W a distance of 47.67 feet along the boundary line of said McGrath property to the Southeast corner of property conveyed to St. Louis County, Missouri as described in the deed recorded in Book 10106, Page 2175 of the St. Louis County Records; thence along said St. Louis County, Missouri boundary, along a curve to the left having a radius of 62.00 feet an arc length of 179.29 feet, a chord which bears N 73° 37' 13" W a chord distance of 123.03 feet and along a curve to the right having a radius of 48.00 feet an arc distance of 22.32 feet, a chord which bears S 36° 51' 37" W a chord distance of 22.12 feet to the South line of the aforesaid McGrath property; thence N 82° 37' 32" W a distance of 346.25 feet to the Southeast corner of property of Redia T. and Michael F. McGrath, as described in the deed recorded in Book 11496, Page 594 of the St. Louis County Records; thence N 83° 08' 57" W a distance of 70.74 feet and N 82° 46' 18" W a distance of 345.44 feet along the South line of said McGrath property to the Southeast corner of the aforesaid Lot 2 of McGrath Plaza; thence along the boundary lines of said Lot 2 the following courses and distances: N 82° 29' 00" W a distance of 65.05 feet, along a curve to the right having a radius of 120.00 feet an arc distance of 116.23 feet, a chord which bears N 54° 44' 05" W a chord distance of 111.74 feet, N 26° 59' 10" W a distance of 57.00 feet, N 18° 00' 50" E a distance of 44.35 feet, along a curve to the left having a radius of 990.78 feet an arc distance of 258.46 feet, a chord which bears N 51° 59' 23" E a chord distance of 257.73 feet, N 44° 30' 59" E a distance of 35.86 feet and N 85° 09' 42" E for a distance of 60.46 feet to the point of beginning and containing 219,558 square feet or 5.04 acres more or less.

#### PROPERTY DESCRIPTION OUT LOT A

A tract of land being Out Lot A of McGrath Plaza, a subdivision according to the plat thereof recorded in Plat Book 325, Pages 11 and 12 of the St. Louis County Records, in U. S. Survey 102, Township 45 North - Range 3

East, St. Louis County, Missouri and being more particularly described as:

Beginning at the most Western corner of said Out Lot A of McGrath Plaza, said point being on the North right-of-way line of Olive Street Road, 60 feet wide; thence along the boundary line of said Out Lot A the following courses and distances: along a curve to the left having a radius of 990.78 feet an arc length of 166.03 feet, a chord which bears N 71° 21' 54" E a chord distance of 165.84 feet, S 71° 59' 10" E a distance of 44.35 feet, S 26° 59' 10" E a distance of 57.00 feet, along a curve to the left having a radius of 180.00 feet an arc length of 22.96 feet, a chord which bears S 30° 38' 24" E a chord distance of 22.94 feet and N 82° 29' 00" W a distance of 238.93 feet to the point of beginning and containing 9,530 square feet or 0.22 acres more or less.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Unified Development Code 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 preliminary plan indicated as "Attachment B" which is attached hereto as and made part of.

**Section 3.** The City Council, pursuant to the petition filed by Energy Marketing, LLC in P.Z. 12-2013, 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 28<sup>th</sup> day of October 2013, 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 Article 8 of the City of Chesterfield Unified Development Code.

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

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

ATTEST:

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CITY CLERK

FIRST READING HELD: \_\_\_10/06/2014\_\_\_

**City Attorney Rob Heggie recommends that the following changes be made to the Attachment A:**

**AMENDMENT 1:**

Section I. Public/Private Road Improvements, Including Pedestrian Circulation, J. page 5. Amend the following language:

5. Construct a barrier median separating the westbound and eastbound lanes of Chesterfield Airport Road to prohibit left turn movements into the development from Chesterfield Airport Road and out of the development onto Chesterfield Airport Road at the permitted right-in/right-out access from Chesterfield Airport Road as directed by the City of Chesterfield and St. Louis County Department of Highways and Traffic.

**AMENDMENT 2:**

Section I. Public/Private Road Improvements, Including Pedestrian Circulation, J. page 5. Amend the following language:

6. Construct a ~~park-chop~~ raised directionally controlled traffic median at the westernmost right-in/right-out access point to the development along Chesterfield Airport Road to prevent all left turn movements into or out of the proposed development.

**AMENDMENT 3:**

Section I. Public/Private Road Improvements, Including Pedestrian Circulation, I. page 4. Amend the following language:

- 1.b ~~Any~~ Left turn movements out of the development, at the easternmost access point along Chesterfield Airport Road, shall be prohibited.

## **ATTACHMENT A**

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

### **I. SPECIFIC CRITERIA**

#### **A. PERMITTED USES**

1. The uses allowed in this “PC” Planned Commercial District shall be:
  - a. Animal grooming service.
  - b. Art studio.
  - c. Automotive retail supply.
  - d. Bakery.
  - e. Bar.
  - f. Barber or beauty shop.
  - g. Brewpub.
  - h. Car wash.
  - i. Coffee shop.
  - j. Coffee shop, drive-thru.
  - k. Commercial service facility.
  - l. Drug store and pharmacy.
  - m. Drug store and pharmacy, drive-thru.
  - n. Dry cleaning establishment.
  - o. Filling station and convenience store with pump stations.
  - p. Financial institution.
  - q. Financial institution, drive-thru.
  - r. Grocery--Community.
  - s. Grocery--Neighborhood.
  - t. Kennel, boarding.
  - u. Office, general.
  - v. Oil change facility.
  - w. Recreation facility.
  - x. Restaurant, fast food.
  - y. Restaurant, outdoor customer dining area.



- z. Restaurant, sit down.
  - aa. Restaurant, take out.
  - bb. Restaurant, with drive-thru window.
  - cc. Retail sales establishment, community.
  - dd. Retail sales establishment, neighborhood.
  - ee. Veterinary clinic.
2. The above uses shall be restricted as follows: use 1.(j) *Coffee Shop, drive-thru* and use 1.(bb) *Restaurant, with drive-thru window* shall only be permitted within the same structure as use 1.(o) *Filling station and convenience store with pump stations*.

### 3. HOURS OF OPERATION

- a. Hours of operation for this “PC” District shall be restricted as follows: Hours of operation for the convenience store and filling station, including any accessory uses within that structure, shall be unrestricted. Hours of operation for all other uses shall be permitted from 7:00 a.m. to 11:00 p.m. only.
- b. Hours of operation for retail uses may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday.

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

### 1. BUILDING REQUIREMENTS

- a. A minimum of thirty-five (35) percent Open Space shall be required for this development, unless otherwise approved by the City of Chesterfield.
- 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, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
- b. Thirty (30) feet from the right-of-way of Relocated Olive Street Road.
- c. Fifteen (15) feet from the right-of-way of Olive Street Road.

2. PARKING SETBACKS

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

- a. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
- b. Thirty (30) feet from the right-of-way of Relocated Olive Street Road.
- c. Fifteen (15) feet from the right-of-way of Olive Street Road.

**D. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
3. Parking lots shall not be used as streets.

**E. LANDSCAPE AND TREE REQUIREMENTS**

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 the City Code.
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. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction shall be reviewed by the Saint Louis County Department of Highways and Traffic for sight distance consideration and approved prior to installation or construction.

**G. LIGHT REQUIREMENTS**

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

**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 development, except for the access to Out Lot A, shall be as shown on the Preliminary Plan, and 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.
  - a. The access to Out Lot A shall be as directed by the City of Chesterfield.
  - b. Any left turn movements out of the development, at the easternmost access point along Chesterfield Airport Road, shall be prohibited.
2. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield and the agency in control of the right of way off which the access is proposed.

3. 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 St. Louis County Department of Highways and Traffic and the City of Chesterfield.

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

1. Provide a 5 foot wide sidewalk, conforming to ADA standards, along the relocated Olive Street Road and Chesterfield Airport Road frontages of the site. The sidewalks shall provide for future connectivity to adjacent developments and/or roadway projects. The sidewalks may be located within right-of-way controlled by another agency, if permitted by that agency or on private property within a 6 foot wide sidewalk, maintenance and utility easement dedicated to the City of Chesterfield.
2. Obtain approvals from the City of Chesterfield and St. Louis County Highways and Traffic and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
3. Additional right-of-way and road improvements shall be provided, as required by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
4. Provide a twelve (12) foot wide right turn lane on Chesterfield Airport Road with six (6) foot shoulders with required tapers and including all storm drainage facilities as directed by the Saint Louis County Department of Highways and Traffic.
5. Construct a barrier median separating the westbound and eastbound lanes of Chesterfield Airport Road to prohibit left turn movements into the development from Chesterfield Airport Road and out of the development onto Chesterfield Airport Road.
6. Construct a pork-chop median at the westernmost access point to the development along Chesterfield Airport Road.
7. 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 Saint Louis County Department of Highways and Traffic.

**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**

The City of Chesterfield City Council shall have automatic power of review of all Site Development Plans for this development. 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**

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. Storm water drainage shall comply with the current version of the Chesterfield Valley Master Storm Water Plan.
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 City of Chesterfield.
3. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.

**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 Code shall be required where applicable.
3. 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, as necessary.
4. 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 Saint 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.
5. The developer is advised that utility companies will require compensation for relocation of their facilities with public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

**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 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 openspace 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, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St. Louis Sewer District (MSD) 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 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.

## **VI. TRUST FUND CONTRIBUTION**

### Road Improvements Assessment

1. The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund (No. 556). This contribution shall not exceed an amount established by multiplying the required parking spaces by the following rate schedule:

<b>Type of Development</b>	<b>Required Contribution</b>
TGA Category	Contribution
Convenience Store	\$12,895.57
General Retail	\$1,934.32
Loading Space	\$3,165.27

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.

2. 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 shall be retained in the appropriate trust fund.

3. Road improvement traffic generation assessment contributions shall be deposited with Saint Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Highways and Traffic or prior to the issuance of building permits in the case where no S.U.P. is required. 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 Assessment

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$777.97 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 prior to 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 Assessment

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 \$2,468.31 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.

### Traffic Generation Assessment Rates

The amount of all required contributions for roadway, storm water and primary water line improvements, if not submitted by January 1, 2015, 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, St. Louis County asks that the following general conditions be met:

1. Prior to Special Use Permit issuance by the Saint Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, shall be established with the Saint Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.
2. 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.

## **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.

## **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.



# Preliminary Development Plan

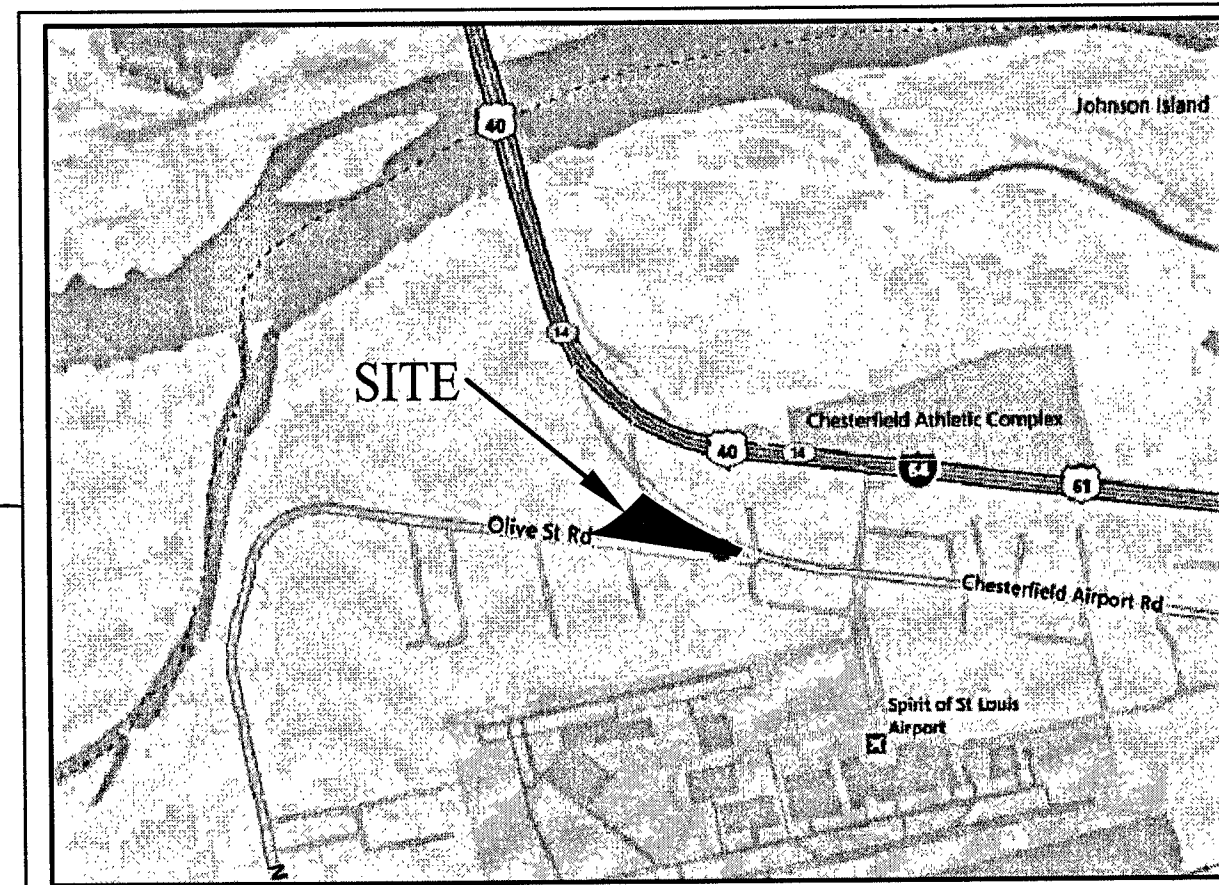
## Energy Marketing 709 LLC

### OWNER & CONSULTANT CONTACTS

PROPERTY OWNER:  
 ENERGY MARKETING 1877 LLC  
 2130 KIENLEN AVENUE  
 ST. LOUIS, MO 63121  
 PHONE: (314) 383-3700

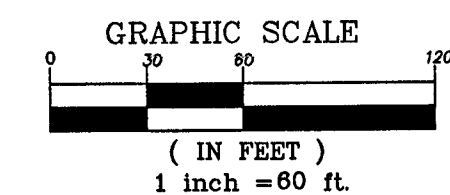
CIVIL ENGINEER:  
 PICKETT, RAY & SILVER  
 MO LICENSE #000325  
 22 RICHMOND CENTER COURT  
 ST. PETERS, MO 63376  
 PHONE: (636) 397-1211

N/F DOWNTOWN PARTNERS LLC  
 17736/2065



LOCATION MAP

**Attachment B**



- Item 1 - 7 Standard Exceptions
- Item 8 Restrictions, Conditions and easements, contained in Instrument(s) recorded in: Plat Book 325 Page 11. (EASEMENTS SHOWN, SUBJECT TO RESTRICTIONS AND CONDITIONS)
- Item 9 Easement granted to Union Electric Company recorded in Book 1132 page 49. (SHOWN)
- Item 10 Covenants, conditions and restrictions according to Instruments recorded in Book 10 page 494, Book 11 page 247, Book 3951 Page 581 and in Book 9305 page 1047. (SUBJECT TO)
- Item 11 Oil and Gas Lease granted by instrument recorded in Book 524 page 86 and assigned to Mobil Oil Corporation. (SUBJECT TO)
- Item 12 Easement granted to Southwestern Bell Telephone Company recorded in Book 8509 page 390, (SHOWN) Book 7383 page 1263 (DOES NOT AFFECT).
- Item 13 Reservation of a perpetual easement for the installation, use, enjoyment, operation, maintenance, repair, replacement, relocation and removal of any and all utility systems and/or parts thereof, lines and related facilities for sanitary and storm sewer, water, electrical, gas, lighting, and telephone, etc., as contained in instrument recorded in Book 9305 page 1047 (SHOWN) and in Book 10210 page 1431.
- Item 14 Reservation of a Perpetual Access Easement as contained in instrument recorded in Book 9305 page 1047 and in Book 10210 page 1431. (SHOWN)
- Item 15 Easement granted to Laclede Gas Company recorded in Book 9820 page 2469. (SHOWN)
- Item 16 Terms and provisions of the Development Plan recorded in Plat Book 284 pages 48 thru 51, Plat Book 325 page 40 and Plat Book 332 page 8. (SUBJECT TO)
- Item 17 Permanent Roadway Improvement, Maintenance Utility Sewer and Sidewalk Easement granted to St. Louis County, Missouri by instrument recorded in Book 10106 page 2178. (SHOWN)
- Item 18 Terms and provisions of Ordinance No. 854 of the City of Chesterfield, a certified copy of which is recorded in Book 10148 page 1935, as amended by Ordinance No. 959 of the City of Chesterfield, a certified copy of which is recorded in Book 10379 page 2059. (SUBJECT TO)
- Item 19 Right of way of roadways over any portion of the herein described property embraced therein.
- Item 20 Not Survey Related Item.
- Item 21 Easement granted Monarch Chesterfield Levee District according to the instrument recorded in Book 10611 Page 2052, Book 11723 page 316, Book 11723 page 321 and Book 17962 page 4033. (DOES NOT AFFECT)
- Item 22-28 Not Survey Related Items.

GENERAL NOTES

- The easements shown on this survey were plotted from items furnished Pickett, Ray & Silver by Commonwealth Land Title Insurance Company File No: 11644798, Revision 1, Effective Date: April 28, 2009. Other easements not shown may encumber this site.
- The bearings shown hereon are based upon State Plane Coordinates. The following information was used in determining the State Plane Coordinates as shown hereon:  
 Station Name SL-40, ELEVATION = 486.82  
 Missouri Coordinate System (NAD 1983)  
 Missouri Coordinates (meters), North 315379.803, East 237342.881  
 Zone Central, Convergence: Negative 00'05"27"  
 Grid Factor: 0.9999169  
 The relative positional tolerance of said State Plane Coordinates are ±0.03 meters.
- Class of property - Urban.
- (R1) Record bearing per Plat Book 325 Pages 11 & 12.  
 (R2) Record bearing per Deed Book 12001 Page 2440.
- This property lies within Zone AH (flood depths of 1 to 3 feet usually areas of ponding, base flood elevations determined) per the Flood Insurance Rate Map, Community Panel No. 29189C0120 H, Panel 120 of 420, effective date August 2, 1995.
- This survey has been executed in accordance with the Current Minimum Standards for Property Boundary Surveys, 20 CSR 2030-16, and the results are shown hereon.

PROPERTY DESCRIPTION

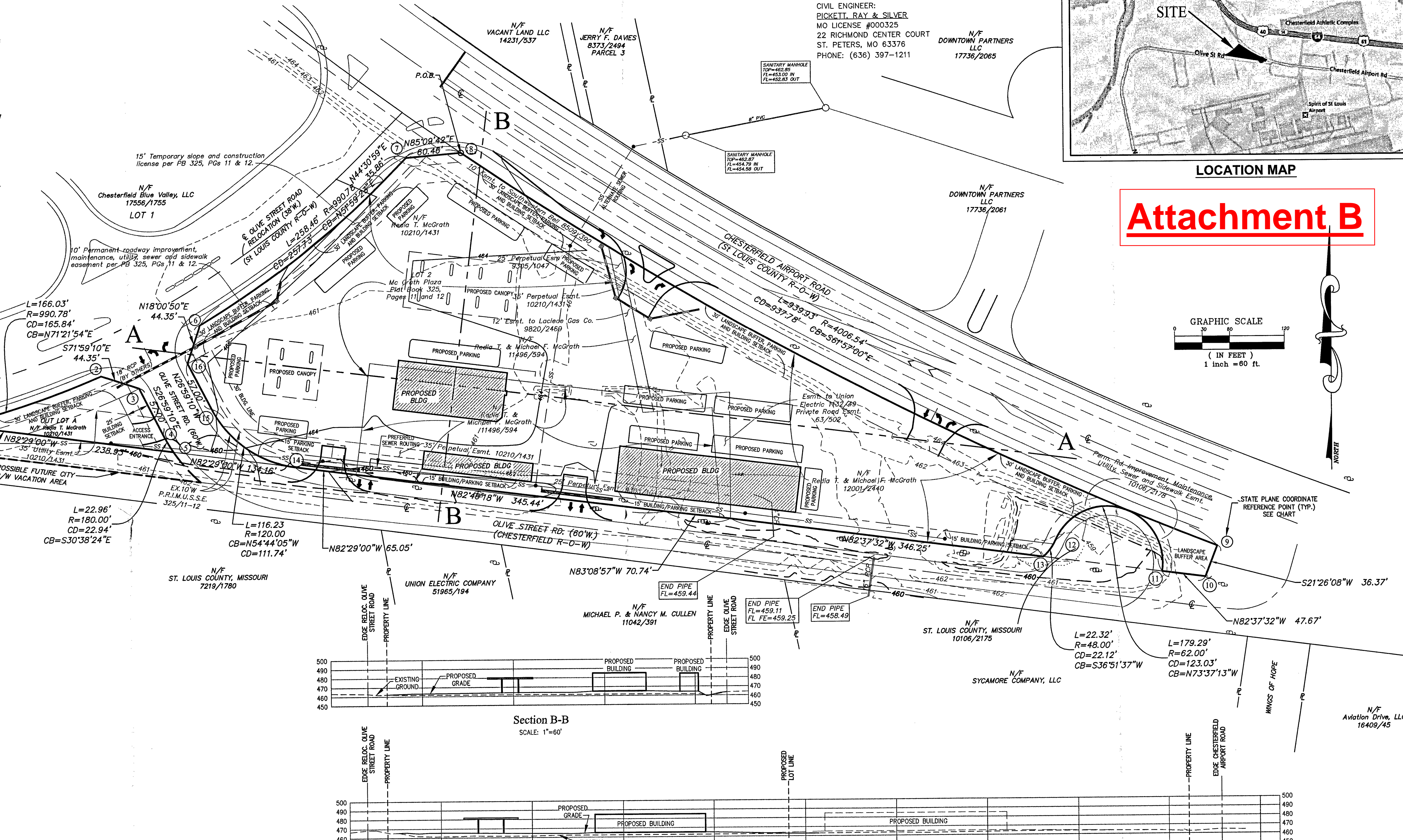
A tract of land being Lot 2 of McGrath Plaza, a subdivision according to the plat thereof recorded in Plat Book 325, Pages 11 and 12 of the St. Louis County Records, part of Lot 6 of the Subdivision of R. H. Stevens Farm according to the plat thereof recorded in Plat Book 7, Page 37 of the St. Louis County records and part of U. S. Survey 102, Township 45 North - Range 3 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the most Northern corner of said Lot 2 of McGrath Plaza, said point being on the South right-of-way line of Chesterfield Airport Road, thence Eastwardly along said South right-of-way line of Chesterfield Airport Road along a curve to the left having a radius of 4006.54 feet an arc distance of 939.93 feet, a chord which bears S 61° 57' 00" E a chord distance of 937.78 feet to the most Eastern corner of property of Redia T. and Michael F. McGrath, as described in the deed recorded in Book 12001, Page 2440 of the St. Louis County Records; thence S 21° 26' 08" W a distance of 36.37 feet and N 82° 37' 32" W a distance of 47.67 feet along the boundary line of said McGrath property to the Southeast corner of property conveyed to St. Louis County, Missouri as described in the deed recorded in Book 10106, Page 2178 of the St. Louis County Records; thence along said St. Louis County, Missouri boundary, along a curve to the left having a radius of 82.00 feet an arc length of 179.29 feet, a chord which bears N 73° 37' 13" W a chord distance of 123.03 feet and along a curve to the right having a radius of 48.00 feet an arc distance of 22.32 feet, a chord which bears S 36° 51' 37" W a chord distance of 22.12 feet to the South line of the aforesaid McGrath property; thence N 82° 37' 32" W a distance of 346.25 feet to the Southeast corner of property of Redia T. and Michael F. McGrath, as described in the deed recorded in Book 11496, Page 594 of the St. Louis County Records; thence N 83° 08' 17" W a distance of 70.74 feet and N 82° 40' 18" W a distance of 345.44 feet along the South line of said McGrath property to the Southeast corner of the aforesaid Lot 2 of McGrath Plaza; thence along the boundary lines of said Lot 2 the following courses and distances: N 82° 29' 00" W a distance of 65.05 feet, along a curve to the right having a radius of 120.00 feet an arc distance of 116.23 feet, a chord which bears N 54° 44' 05" W a chord distance of 111.74 feet, N 26° 59' 10" W a distance of 57.00 feet, N 18° 00' 50" E a distance of 44.35 feet, along a curve to the left having a radius of 990.78 feet an arc distance of 257.73 feet, a chord which bears N 51° 59' 23" E a chord distance of 257.73 feet, N 44° 30' 59" E a distance of 35.86 feet and N 85° 09' 42" E for a distance of 60.46 feet to the point of beginning and containing 219,558 square feet or 5.04 acres more or less.

PROPERTY DESCRIPTION OUT LOT A

A tract of land being Out Lot A of McGrath Plaza, a subdivision according to the plat thereof recorded in Plat Book 325, Pages 11 and 12 of the St. Louis County Records, in U. S. Survey 102, Township 45 North - Range 3 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the most Western corner of said Out Lot A of McGrath Plaza, said point being on the North right-of-way line of Olive Street Road, 60 feet wide; thence along the boundary line of said Out Lot A the following courses and distances: along a curve to the left having a radius of 990.78 feet an arc length of 166.03 feet, a chord which bears N 71° 21' 54" E a chord distance of 165.84 feet, S 71° 59' 10" E a distance of 44.35 feet, S 26° 59' 10" E a distance of 57.00 feet, along a curve to the left having a radius of 180.00 feet an arc length of 22.96 feet, a chord which bears S 30° 38' 24" E a distance of 22.94 feet and N 82° 29' 00" W a distance of 238.93 feet to the point of beginning and containing 9,530 square feet or 0.22 acres more or less.



Section B-B SCALE: 1"=60'

Section A-A SCALE: 1"=60'

STATE PLANE COORDINATE REFERENCE POINT CHART

POINT #	COORDINATE IN FEET	COORDINATE IN METERS
1	1033394.0303	775643.4539
2	1033447.0177	775800.5852
3	1033433.3040	775842.7569
4	1033382.5146	775868.6200
5	1033362.7775	775880.3111
6	1033302.7008	775909.9384
7	1033686.9662	776138.1212
8	1033692.0653	776198.3607
9	1033251.1221	777025.9157
10	1033217.2707	777012.6252
11	1033223.8991	776965.3512
12	1033258.0212	77697.3206
13	1033240.3826	776834.0505
14	1033345.2284	776013.3112
15	1033409.7389	775922.0825
16	1033460.5283	775896.2195
17	314979.1307	236416.5978
18	314995.2813	236464.4915
19	314991.1014	236471.3455
20	314975.6207	236485.2886
21	314969.6048	236488.7920
22	315012.2535	236497.8209
23	315068.4178	236567.3727
24	315069.9720	236585.7338
25	314935.5722	236837.9730
26	314925.2543	236833.9221
27	314921.1192	236819.5129
28	314937.6936	236783.5371
29	314932.2988	236779.4924
30	314964.2559	236529.3306
31	314983.9187	236501.5240
32	314999.3993	236493.6409

RECEIVED  
 City of Chesterfield  
 SEP 25 2014  
 Department of Public Services

ENGINEERS AUTHENTICATION

The responsibility for professional engineering liability on this project is hereby limited to the set of plans authenticated by the seal, signature, and date hereunder attached. Responsibility is disclaimed for all other engineering plans involved in this project and specifically excludes revisions after this date unless REAUTHENTICATED.

PICKETT, RAY & SILVER, INC.  
 MO LICENSE # 000325  
 NUMBER E-23345  
 DOUGLAS S. TIEMANN, PROFESSIONAL ENGINEER  
 LICENSE # E-23345  
 ST. PETERS, MISSOURI

**PICKETT, RAY & SILVER, INC.**  
 CIVIL ENGINEERING, LAND SURVEYING,  
 AND NATURAL RESOURCES SERVICES  
 Branson, Missouri  
 110 W. Adams, Suite 201  
 Branson, Mo 64616  
 Phone (636) 397-1211 Fax (636) 397-1104  
 www.prs.com 1-800-708-3918

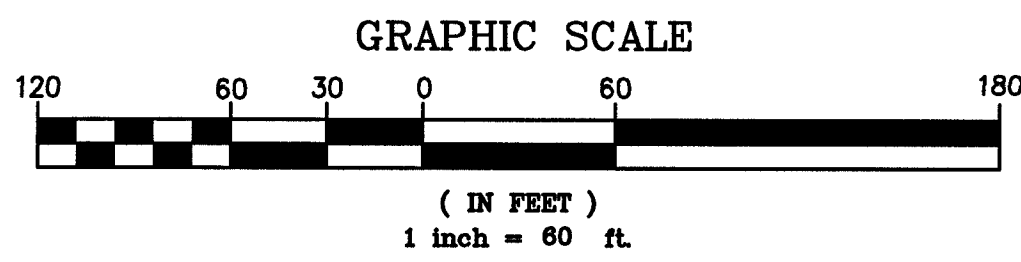
**Preliminary Development Plan**  
 A tract of land being Lot 2 and Outlot A of McGrath Plaza, part of Lot 6 of the Subdivision of R. H. Stevens Farm and part of U. S. Survey 102, Township 45 North - Range 3 East, St. Louis County, Missouri  
 Prepared For:  
**Energy Marketing 709 LLC**  
 Mr. Steve Madras  
 2130 Kienlen Avenue  
 St. Louis, MO 63121-5905  
 314-383-3700

REVISIONS NO.	DATE	DESCRIPTION
1	09/05/13	REVISED PER CITY COMMENTS DATED 8/30/13
2	10/09/13	REVISED PER CITY COMMENTS
3	11/25/13	REVISED PER CITY COMMENTS
4	04/16/14	REVISED PER CITY COMMENTS
5	06/10/14	REVISED PER CITY COMMENTS
6	09/19/14	REVISED 15' PARKING SETBACK OLD OLIVE - FAR TABLE
7	07/15/14	REVISED PER CLIENT
8	07/15/14	REVISED PER CLIENT
9	07/30/14	REVISED PER COMMENTS FROM CITY
10	09/24/14	REVISED PER COMMENTS FROM CITY

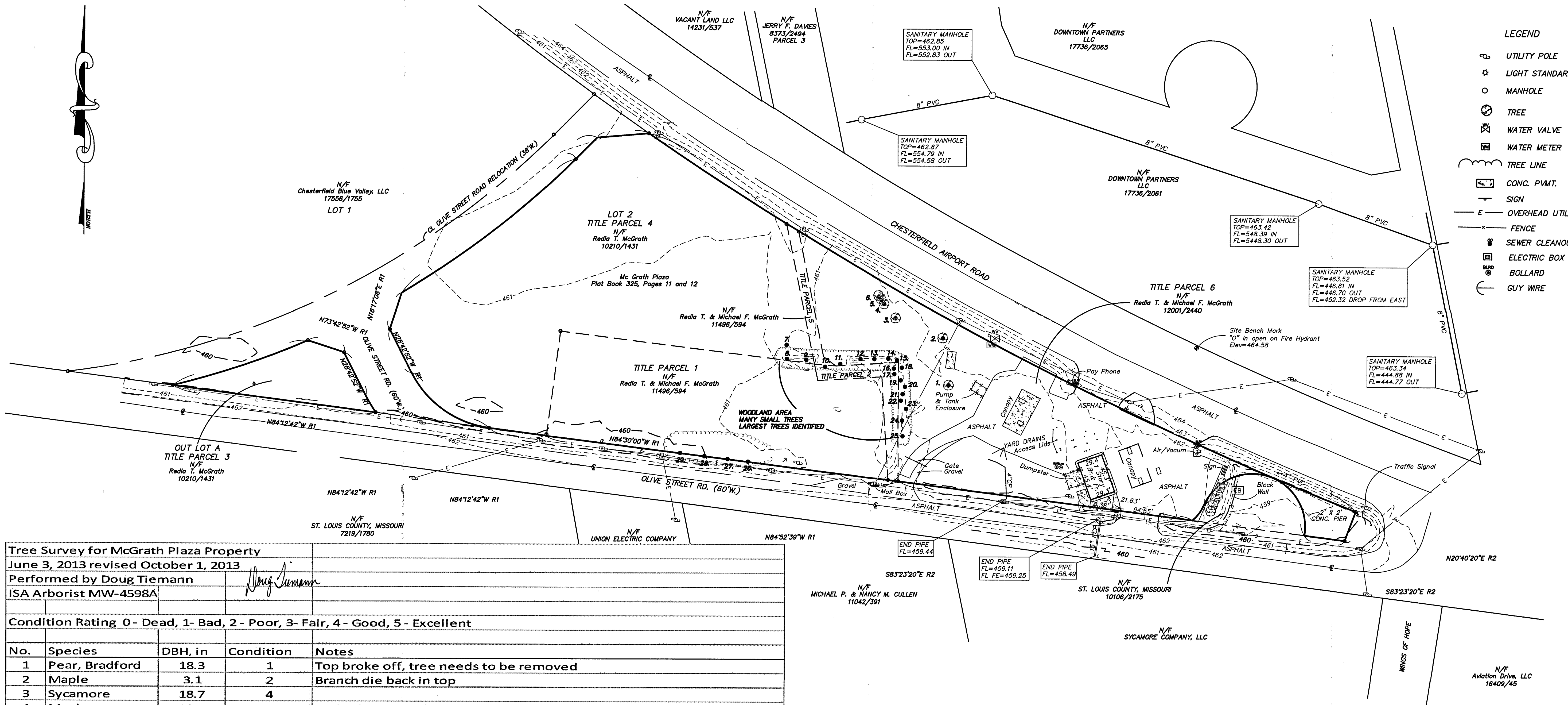
DRAWN: RGA-DWD DATE: 05-29-13  
 CHECKED: DFS DATE: 05-29-13  
 PROJECT # 09056.EMKT.005  
 TASK # 1 FIELD BOOK 1287

PRELIMINARY DEVELOPMENT PLAN  
 18423 OLIVE ST. RD.  
 SHEET 1 OF 1  
 Copyright 2013 by Pickett, Ray & Silver Inc.





# Tree Stand Delineation



- LEGEND**
- ⊕ UTILITY POLE
  - ☆ LIGHT STANDARD
  - MANHOLE
  - 🌳 TREE
  - ⊗ WATER VALVE
  - ⊕ WATER METER
  - TREE LINE
  - ▭ CONC. PVMT.
  - SIGN
  - OVERHEAD UTILITY
  - FENCE
  - ⊗ SEWER CLEANOUT
  - ⊕ ELECTRIC BOX
  - ⊕ BOLLARD
  - GUY WIRE

**Tree Survey for McGrath Plaza Property**  
 June 3, 2013 revised October 1, 2013  
 Performed by Doug Tiemann  
 ISA Arborist MW-4598A

Condition Rating 0 - Dead, 1 - Bad, 2 - Poor, 3 - Fair, 4 - Good, 5 - Excellent

No.	Species	DBH, in	Condition	Notes
1	Pear, Bradford	18.3	1	Top broke off, tree needs to be removed
2	Maple	3.1	2	Branch die back in top
3	Sycamore	18.7	4	
4	Maple	12.6	3	Multiple Stems - largest stem measured
5	Pine, Austrian	4.8	3	
6	Pine, Austrian	3.8	3	
7	Elm	6.1	3	
8	Elm	7.0	3	Multiple Stems - 5", 6" & 7"
9	Maple, Silver	14.5	3	
10	Elm	5.0	3	
11	Pine, Austrian	3.4	2	
12	Maple, Silver	8.0	3	
13	Pine, Austrian	8.8	3	
14	Pine, Austrian	12.0	3	
15	Pine, Austrian	18.7	2	Bottom portion dead
16	Elm, Siberian	8.8	3	
17	Elm, Siberian	8.4	3	
18	Pine, Austrian	12.2	2	
19	Elm	5.0	3	
20	Pine, Austrian	11.5	2	Bottom portion dead
21	Pine, Austrian	11.8	3	
22	Pear, Bradford	4.6	3	
23	Elm, Siberian	8.8	3	
24	Elm, Siberian	8.0	3	
25	Pear, Bradford	4.2	3	
26	Maple, Silver	35	1	Heavily trimmed on south side for power lines - Approximate diameter
27	Maple, Silver	46	1	Heavily trimmed on south side for power lines - Approximate diameter
28	Maple, Silver	32	1	Heavily trimmed on south side for power lines - Approximate diameter
29	Maple, Silver	44	1	Heavily trimmed on south side for power lines - Approximate diameter

**PICKETT, RAY & SILVER INC.**  
 CIVIL ENGINEERING, LAND SURVEYING,  
 AND NATURAL RESOURCES SERVICES  
 St. Peters  
 333 Mid Rivers Mall Drive  
 St. Peters, MO 63376  
 Phone (636) 397-1211 Fax (636) 397-1104  
 www.prs3.com 1-800-708-3918

**Tree Survey**  
 A tract of land being Lot 2 and Outlot A of McGrath Plaza, part of Lot 6 of the Subdivision of R. H. Stevens Farm and part of U. S. Survey 102, Township 45 North - Range 3 East, St. Louis County, Missouri  
 Prepared For:  
**Energy Marketing 709 LLC**  
 2130 Kishwaukee Avenue  
 St. Louis, MO 63121-5505  
 314-383-3700

REVISIONS NO.	DATE	DESCRIPTION
1	11-06-2013	CHANGED NAME FOR DRAWING

DRAWN	DWD	DATE	06-03-13
CHECKED	DST	DATE	06-03-13
PROJECT #	09056.EMKT.00S		
TASK #	1	FIELD BOOK	1287

TREE STAND DELINEATION  
 18423 OLIVE ST. RD.  
 SHEET 1 OF 1  
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RECEIVED  
 City of Chesterfield  
 SEP 25 2014  
 Department of Public Services