



Planning and Development Services Division Issues Report

Meeting Date: January 9, 2017

From: Justin Wyse, Senior Planner

Location: North of North Outer 40 Road and east of the Missouri River

Petition: **P.Z. 08-2016 Breckenridge Materials (17971 N. Outer 40 Rd.)**: A request for a zoning map amendment from a “FPM3” Flood Plain Planned Industrial District to a “PI” Planned Industrial District for a 2.688 acre area of land on a portion of the property at 17971 N. Outer 40 Rd., located on the north side of North Outer 40 Rd., east of the Missouri River (a 2.688 acre portion of 16W240041).

Summary

Breckenridge Materials has submitted a request for a zoning map amendment from a “FPM3” Flood Plain Industrial District to a “PI” Planned Industrial District. The request covers a 2.688 area of land located on a larger parcel along the Missouri River.

A CUP was granted by St. Louis County in 1967 providing approval for the extraction of raw materials from the Missouri River via dredging and the stock piling and outdoor storage of such materials by a conveyor belt system. The proposed “PI” District is proposed on a portion of the property and it is the intent that both operations would occur on the larger parcel.

As required, the applicant has submitted a narrative that indicates the proposed use of the 2.688 acres area would be “Batching Plant.”

An existing sand operation currently exists on the site. The proposed change in zoning does not impact the ability for this use to continue on the site. The sand plant would continue operating, outside of the limits of the “PI” Planned Industrial District as the remainder of the property would be regulated under the existing Conditional Use Permit for the site.

Site History

A CUP was granted by St. Louis County in 1967 providing approval for the extraction of raw materials from the Missouri River via dredging and the stock piling and outdoor storage of such materials by a conveyor belt system. Due to the "FP" Flood Plain designation being a use restrictive overlay, no site specific ordinance exists with regards to the "M3" Planned Industrial District. Both the "FP" and "M3" Districts are inactive. As such, the applicant has requested the change from the current designation to an active district designation.

Approval was granted in 2013 for a temporary concrete batch plant on the site. This approval was due to the Missouri Department of Transportation's I-64 Daniel Boone Bridge Project. The temporary approval expired following completion of MoDOT's project and the activity is no longer permitted as of June 1, 2016.

The site is currently required to have a flood contingency plan on file detailing planned response efforts for the site. A violation was issued to the temporary plant following the flooding events in late December 2015. This resulted in modifications in the contingency plan to address issues that occurred during the flooding event and help ensure future actions to ensure compliance from the plant in future events.

The temporary batching plant was approved in conjunction with the Daniel Boone Bridge project by MoDOT. The approval of the temporary location expired on June 1, 2016 and a violation was issued for continued operation at the site. The Petitioner has submitted the zoning map amendment seeking to allow the use of the property which is no longer allowed on the site.

As the use is no longer permitted on the site, the Zoning Map Amendment is the only available avenue to allow the operation to continue at this location. Both the "FP" overlay and "M-3" District are classified as "Inactive" within the Unified Development Code (UDC). Again, the establishment of a "PI" Planned Industrial District proposed at 17971 N. Outer 40 Rd. would not preclude the existing sand operation from continuing use of the site under the existing Conditional Use Permit.

Surrounding Land Use and Zoning

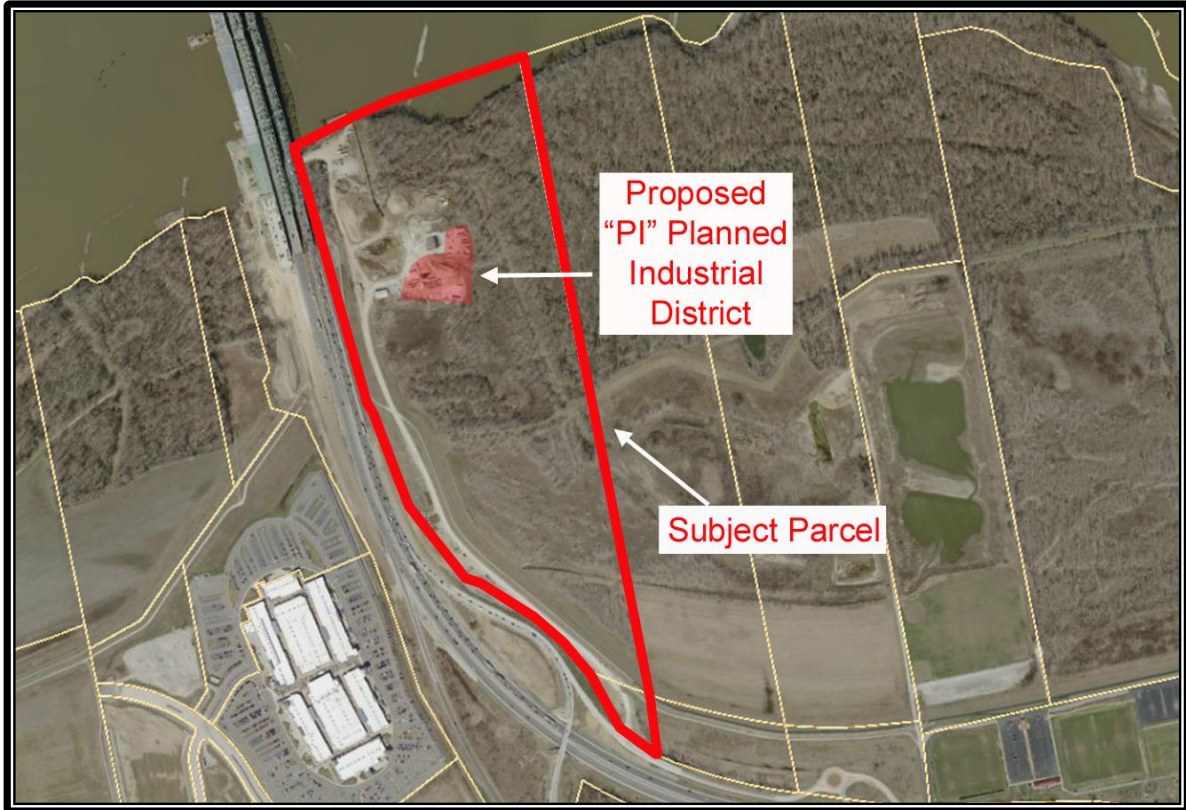
The land use and zoning for the properties surrounding this parcel are as follows:

North: This property forms the northern boundary of the City of Chesterfield and abuts the Missouri River.

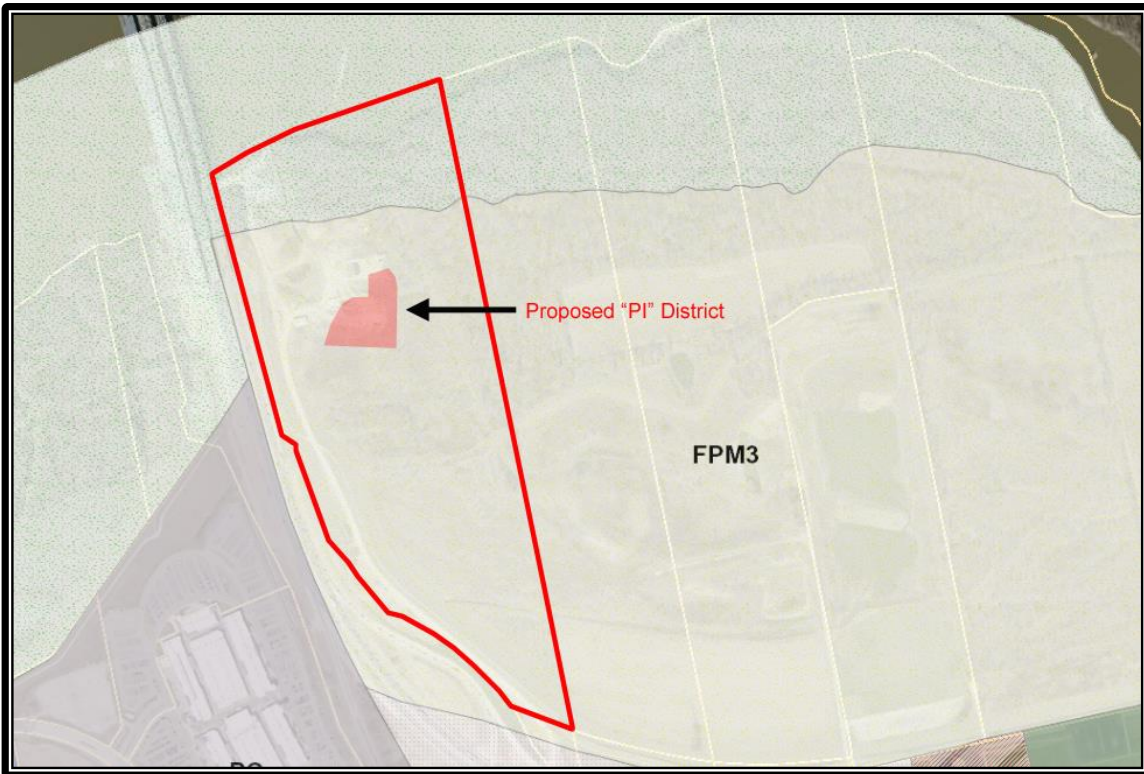
South: The property located immediately to the south is U.S. Highway 40/61 Interstate 64.

East: The adjacent property to the east is an undeveloped tract of land zoned "FP-M3" Flood Plain Planned Industrial District and "FP-NU" Flood Plain Non-Urban District.

West: The properties located to the west are a part of the Chesterfield Blue Valley Development and are zoned "PC" Planned Commercial District and "FP-NU" Flood Plain Non-Urban District.



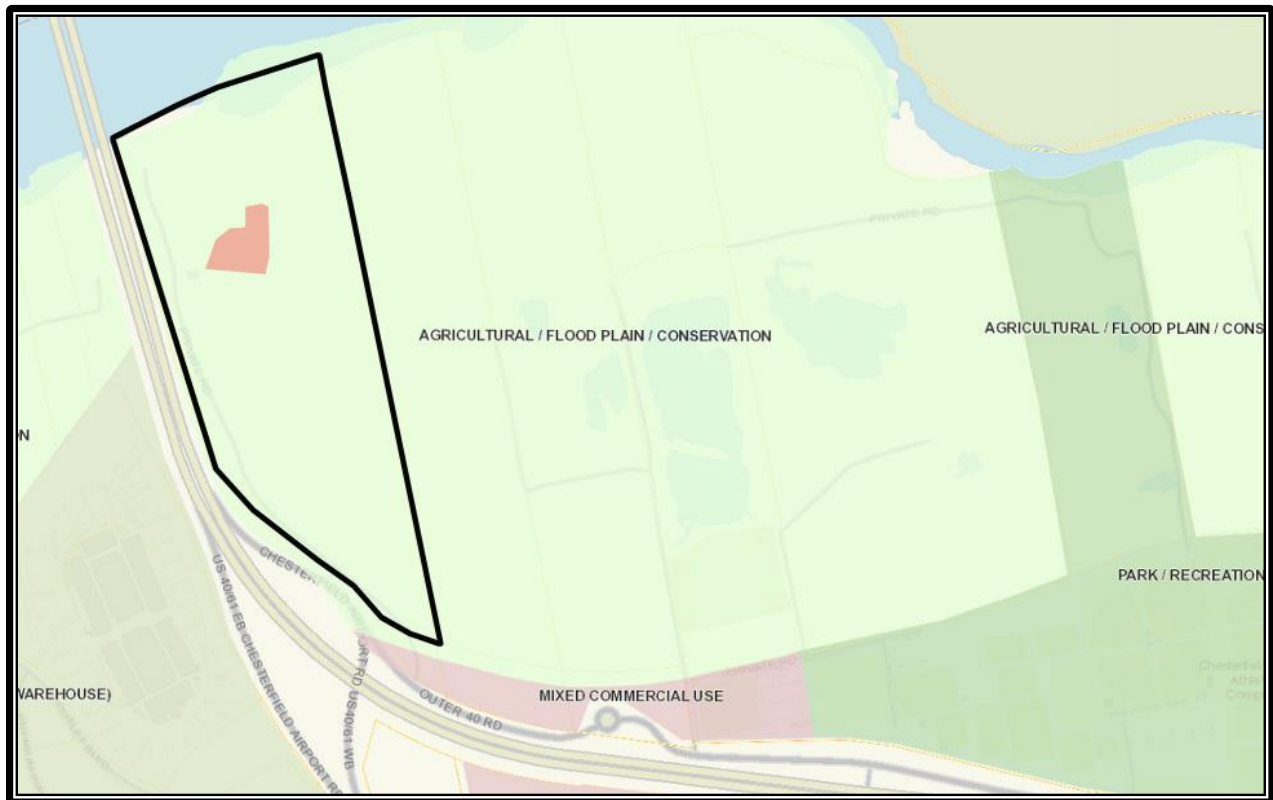
Aerial of Site and Proposed "PI" District



Zoning Map

Comprehensive Plan

The City of Chesterfield Comprehensive Plan Land Use Map delineates this property as Agricultural/Flood Plain/Conservation, which permits agricultural and open space land uses. This designation is defined as a “Conceptual Land Use category for land unprotected from Missouri River floodwaters to the northeast of the Monarch-Chesterfield Levee. This area should be retained for open space, agriculture, or recreation/education activities.” (page 113 of Comprehensive Plan).



Future Land Use Plan

The existing use discussion also talks about land without levee protection (page 55).

The remaining 2,500 acres are located in Chesterfield Valley and are not protected by the Monarch-Chesterfield Levee. Most of the undeveloped land is being used for agriculture.

Issues

A Public Hearing was held on the request at the November 14, 2016 Planning Commission meeting. Several issues were raised at the Public Hearing. Additionally, Staff identified several items related to the proposal that were included with the Planning Commission’s issues and sent to the Petitioner. A summary of the issues is presented below. A formal response from the Petitioner to each of the issues is attached to this report. The Issues Meeting is an opportunity

for the Planning Commission to review the responses from the Petitioner and further discuss the items raised during the Public Hearing.

1. *Provide an update on the effort to comply with regulations pertaining to the regulatory floodplain including Federal requirements and compliance with Article 05: Flood Damage Prevention of the City of Chesterfield Unified Development Code.*

As noted in the Petitioner's response letter, a formal submittal has been made to the City to revise the National Flood Insurance Program (NFIP) map. This submittal is based on a detailed hydraulic analysis of existing and proposed conditions (specifically, the Boone Bridge abutment) which results in a hydraulically ineffective area. The submittal is under review with Staff at this time. Assuming a determination that the changes comply with Article 5: Flood Damage Prevention of the Unified Development Code ("UDC"), the proposal will be forwarded to FEMA for final review and approval of the changes to the maps.

As discussed at the Public Hearing, the Petitioner is proposing to comply with floodplain regulations through a variety of means.

- A portion of the site would be elevated to remove storage of materials that are considered harmful above the base flood elevation.
 - Onsite storage of fuel will not be included. Instead, the Petitioner will have trucks come to the site, as needed, to refuel their equipment.
 - All improvements on the site are required to result in "no rise" in flood elevations in other areas. A formal "No-Rise Certificate" will be required prior to any modifications to the site.
 - Final approval of the plans will result in changes to the floodway and floodplain, as depicted on the maps.
2. *The City of Chesterfield Comprehensive Plan designates the area as Agricultural / Flood Plain / Conservation and cites agricultural and open space land uses as appropriate uses within this designation. More information on the City's Comprehensive Plan is available at <https://www.chesterfield.mo.us/comprehensive-plan.html>. Address the compliance of this request with the City's Comprehensive Plan and Plan Policies.*

The Petitioner's response indicates they are aware the proposed zoning map amendment is not consistent with the future land use map within the Comprehensive Plan. The response cites compatibility between the existing use of the site (sand plant) and the proposed concrete batching plant. The response indicates that the proposed co-location of the two uses provides for reductions in truck traffic as the concrete uses the sand as a primary component of their process. Locating the two functions on the same site reduces the amount of trips necessary to move product from one site to another.

3. *Concern was raised over the definition of batching plant and the desire to restrict manufacturing of asphalt on the site. Address whether the applicant is open to restricting asphalt manufacturing on the site.*

The Petitioner has agreed to restrict the proposed use to prohibit asphalt production on the site. The proposed Attachment 'A' reflects this restriction.

Modifications

Staff identified two areas of the UDC where the proposal would have difficulty in obtaining compliance.

- (a) *Section 04-04-K.1 – Requires that all parking and loading areas, including driveways, be paved.*

The Petitioner has agreed that they are willing to pave the areas within their lease area to comply with this requirement. However, they have requested that up to one year be granted for the completion of the improvements. The timeframe would allow them to use leftover concrete from trucks on the site to complete the paving.

Staff has also advised the Petitioner that the UDC would require the access road, from the access to N. Outer 40 Rd. to the proposed concrete batching plant, to be paved. The image to the right shows the ~2,950 foot length of drive with a blue line.



The existing drive, used by the sand operation, is a legal, non-conforming drive. Improvements complying with current City standards are typically required for expansion or improvements to the site. The introduction of the new use to the site with associate improvements triggers the requirement for a stable, dust-proof surface to be provided. The Petitioner's response indicates that the drive is not within their lease area and the cost of paving is cost prohibitive.

(b) *Section 04-04-K.7 – Requires that all off-street parking, stacking, and loading spaces shall not include spaces located within the floodplain or floodway.*

The Petitioner has requested that this requirement be removed from the requirements for this site as they are not able to raise this area within the confines of their lease area. The Petitioner has indicated trucks would be relocated during flood events and the facility would not be used during those periods.

Staff Analysis

The Issues Meeting is an opportunity to further discuss items from the Public Hearing and Staff review. As required, the Petitioner has included a written response on each of the items discussed at the Public Hearing.

Additionally, the Petitioner has requested modifications that would ultimately be reflected in the planned district ordinance for the site, if approved. These modifications are made pursuant to Section 04-04.I of the UDC which requires that the request, “demonstrates by clear and convincing evidence that the requested modifications are appropriate for the site and do not cause detriment to adjacent properties.”

Request to complete paving of parking / loading / drives on lease area within one (1) year – Staff recommends the following language if the Planning Commission and Staff have no concerns with the approval. Section D.4 on page 2 of 10 of the draft Attachment ‘A’ would be modified to read:

All parking and loading areas, including driveways, shall be paved within one year of the effective date of this ordinance. Failure to complete the work shall result in revocation of the business license and occupancy permit for the site until work is completed in accordance with the Unified Development Code.

This language would allow the one year period requested by the Petitioner but would also provide an enforcement mechanism to ensure that the improvements are completed. Under the requested provision, existing impacts would continue as they currently exist today for one year from the effective date of the approval of the ordinance.

Request to only pave areas on the lease portion of the property – As cited by the applicant, to pave the existing, nearly 3,000 foot long access to the site results in a high price. As cited above, the code states modifications can be granted where they are appropriate for the site and don’t cause detriment to the adjacent properties. The existing gravel drive is a legal, non-conforming improvement on the site and the additional use on the property triggers bringing the improvement into compliance. The existing drive has been in place since the 1960’s (see next page). The biggest concern with gravel drives is the amount of dust that is created by travel on the surface. While the location of the facility does not have immediate neighbors, the dust does impact I-64 and may have an impact on the Chesterfield Blue Valley Development to the west. However, Staff is not aware of any complaints on file from this which may be due to the fact that

the drive has been in the current condition and location for over 50 years. Impacts of the existing gravel drive are most pronounced prior to the drive crossing the levee trail. After crossing the trail, the change in elevation helps minimize the impact.



Aerial Image from 1970

Request to allow required parking within the floodway – The proposed use requires 2.5 spaces / 1,000 square feet of gross floor area. While sufficient detail is not available during the zoning phase of approvals to determine the exact amount of parking that will be required, it can be said that required parking will be minimal for the proposed use. Use of parking at the site will be used for employees. Given the nature of the use, Staff does not have any concern with allowing parking to be located within the floodplain.

Request

As discussed at the Public Hearing, the proposed area currently lines within the floodway. A submittal has been received by Staff to more accurately draw the floodway limits and initial comments have been provided on the submittal. After all City comments are addressed, the request will be forwarded to FEMA for final review / approval. As this item is still open, this project is not ready for a final vote.

This project is being brought before the Planning Commission for discussion of issues. No vote is requested for this item at this time. A draft Attachment 'A' has been prepared for review by the Planning Commission. Please note, the requested modifications are not included in the Attachment 'A' at this time and Staff is requesting direction on finalizing the Attachment 'A' that will be presented at a future meeting for a formal recommendation on the zoning map amendment and planned district ordinance.

Respectfully submitted,



Justin Wyse, AICP
Senior Planner

Attachments

1. Petitioner's Response to Issues Letter
2. Preliminary Plan

cc: Aimee Nassif, Planning and Development Services Director

ATTACHMENT A

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

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "PI" Planned Industrial District shall be:
 - a. Batching plant.
2. The above uses in the "PI" Planned Industrial District shall be restricted as follows:
 - a. Manufacture of asphalt and storage of materials incident to such manufacturing is prohibited.
3. Hours of Operation.
 - a. Hours of operation for this "PI" District shall not be restricted.
4. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City Code.

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

1. Height
 - a. The maximum height of the building, exclusive of roof screening, shall not exceed sixty-five (65) feet.
2. Building Requirements
 - a. A minimum of thirty-five percent (35%) openspace is required for each lot within this development.

C. SETBACKS

1. Structure and Parking setbacks shall be zero (0) feet.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.

2. Parking lots shall not be used as streets.
3. Required off-street parking, stacking, and loading spaces shall not include spaces located within the floodplain or floodway.
4. All parking and loading areas, including driveways shall be paved.

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. 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.

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.

I. ACCESS/ACCESS MANAGEMENT

1. Provide cross access easement(s) or other appropriate legal instruments guaranteeing permanent access to the adjacent properties as directed by the City of Chesterfield.
2. Access to the I-64 west ramp shall be as directed by the Missouri Department of Transportation and the City of Chesterfield.

3. The access drive from North Outer Forty that provides access to the site shall be improved to a stable dust free surface.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Obtain approvals from the City of Chesterfield and the Missouri Department of Transportation and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
2. Additional right-of-way and road improvements shall be provided, as required by Missouri Department of Transportation and the City of Chesterfield.
3. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the Missouri Department of Transportation. No gate installation will be permitted on public right-of-way.
4. If a gate is installed on a street in this development, the streets within the development, or that portion of the development that is gated, shall be private and remain private forever.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or the 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.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto N. Outer 40 Rd. If adequate sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate

action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

M. STORM WATER

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 channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities 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(s).
3. 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.
4. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.
5. Provide MSD a copy of either a current operating permit from the Missouri Department of Natural Resources (MDNR) for stormwater discharges to the Missouri River, or, correspondence from MDNR indicating that an operating permit is not necessary. This is in lieu of providing post construction water quality BMPs.

N. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.
2. Provide MSD a copy of either a current operating permit from the Missouri Department of Natural Resources (MDNR) for wastewater management or, correspondence from MDNR indicating that an operating permit is not necessary. This is in lieu of sanitary sewer service to the site.

O. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri,

as directed by the Department of Public Services. 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.
2. 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 City of Chesterfield and the Missouri Department of Transportation. Delays due to utility relocation and adjustments 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. 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, 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 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.

V. TRUST FUND CONTRIBUTION

A. ROADS

The developer shall be required to 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:

1. 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	\$741.06 / parking space
General Retail	\$2,223.29 / parking space
Mini Warehouse	\$0.49 / parking space
Loading Space	\$3,638.14 / parking space

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

If types of development proposed differ from those listed, rates shall be provided by the Saint Louis County Department of Transportation.

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 Transportation 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 Transportation. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Transportation or prior to the issuance of building permits by the Saint Louis County Department of Public Works in the case where no Special Use Permit is required. If development phasing is anticipated, the developer shall provide the Traffic Generation Assessment contribution prior to the issuance of building permits for each phase of development. Funds shall be payable to Treasurer, Saint Louis County.

B. WATER MAIN

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$894.19 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 Transportation. The deposit shall be made before Saint Louis County approval of the Site Development Plan unless otherwise directed by

the Saint Louis County Department of Transportation. Funds shall be payable to Treasurer, Saint Louis County.

C. 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 \$2,837.06 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 Transportation. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Transportation or prior to the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to Treasurer, Saint Louis County.

D. 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 Saint Louis Sewer District as required by the District.

E. 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, 2017, 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 Transportation.

VI. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

VII. 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.



2833 BRECKENRIDGE INDUSTRIAL COURT
P.O. BOX 440459
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November 22, 2016

Justin Wyse, AICP, PTP
City of Chesterfield
690 Chesterfield Parkway W
Chesterfield, MO 63017-0760

RE: Response to November 16 PZ Issues letter

Mr. Wyse,

Allow this letter to serve as our responses to the three issues raised at the November 14th public hearing. We hope you will find our responses to adequately address the concerns you have identified. Additionally, in response to Staff comments provided in your letter dated November 16th, we are requesting variances from Sections 04-04.K.1 and 04-04.K.7 of the Unified Development Code as outlined in detail as items four and five below.

1. We have made substantial progress in complying with regulations pertaining to the regulatory floodway and floodplain. Several components of our LOMR submittal were sent to you for review and feedback on November 19. We are prepared to finalize and submit for formal review upon receipt of your comments and concerns.

Our current path forward to compliance consists of two main components:

- A. Submittal of a request to DHS-FEMA to officially revise the current NFIP map. The revision would reflect the fact that our site is in an area which is hydraulically ineffective due to its location in respect to the adjacent Highway 40 bridge abutment.
- B. Removal of the storage of deleterious materials from the 100-year floodplain. This would be accomplished through raising the elevation of a portion of the site. Our current submittal provides background and hydraulic modeling results which document no rise in the flood levels due to this project.

2. The City of Chesterfield Comprehensive Plan designates the area as Agricultural / Flood Plain / Conservation and cites agricultural and open space land uses as appropriate uses within this designation. Our plan to continue operation of our existing concrete plant at this site does not match the City's comprehensive plan as indicated in the land use map dated May 29, 2009. Our request is to rezone the leased portion of land as Planned Industrial. This designation is more consistent with the current and foreseeable future use of the property. We are proposing permanent residence within the



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(314) 962-1234 • FAX (314) 962-1540

existing sand plant, an industrial site since the 1960's, which would remain industrial use even in our absence.

The location of our proposed facility does comply with Plan Policy 6.1 in limiting industrial activity to the Chesterfield Valley. We believe that the isolated nature of our proposed facility helps to preserve the quality of life in Chesterfield. The large amount of property surrounding our facility, which will continue to be zoned Agriculture/Flood Plain/Conservation, provides a desired buffer between the existing and proposed industrial activity and any current/future residential or commercial development. With the immediate interstate access and co-location with our existing supplier facility, our proposal offers to reduce heavy-truck traffic from local roads and eliminate further congestion in commercial areas.

3. We do not object to prohibiting the manufacturing of asphalt or asphalt-related products on site.

4. Section 04-04.K.1 of the UDC requires that all parking and loading areas, including driveways, be paved. Our loading area is already currently paved. We do not object to paving the driveways or parking areas within our leased property boundary. We are requesting a one-year deadline for the completion of the required paving. This will allow us to use excess concrete returned by our customers to complete the paving. Allowing us to use the returned concrete will reduce the overall cost of the project and eliminate a significant amount of otherwise wasted concrete from being unnecessarily disposed.

Staff comments indicate that we would also be required to pave the 3,000 linear feet of access driveway between the sand plant and North Outer Forty. This driveway does not belong to us and is not within the boundaries of our lease. We believe that the improvement and paving of this lengthy drive would be cost-prohibitive. Additionally it would result in a major construction project on a property that we do not own or lease and would lead to long term maintenance primarily benefiting the customers of the neighboring sand plant.

5. Section 04-04.K.7 of the UDC requires that all off-street parking, stacking, and loading spaces shall not include spaces located within the floodplain or floodway. Upon the approval of our LOMAR application, the site will no longer be within the regulatory floodway. Technically speaking, it would not be possible to raise the elevation of the proposed parking lot while maintaining erosion-free slopes and keeping the project within our property lines. We believe that there is no hazard to allowing our parking lot to remain within the flood plain. During flooding events, our trucks would be relocated to another plant and the plant would remain closed until the flood waters receded. We are requesting variance from this requirement as it pertains to our designated parking area.



2833 BRECKENRIDGE INDUSTRIAL COURT
P.O. BOX 440459
ST. LOUIS, MO 63144
(314) 962-1234 • FAX (314) 962-1540

If you have any questions, feel free to contact me directly at ryan.ruckel@breckenridgematerial.com or via phone at (314) 496-9157.

Respectfully,

A handwritten signature in black ink, appearing to read "Ryan H. Ruckel, Sr.", written in a cursive style.

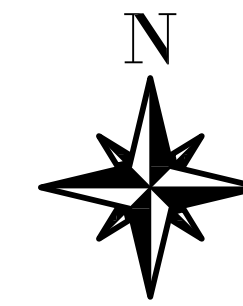
Ryan H. Ruckel, Sr.
ESH Manager

BRECKENRIDGE MATERIALS

PLANT 15 - ZONING

17971 N OUTER FORTY
CHESTERFIELD, 63005

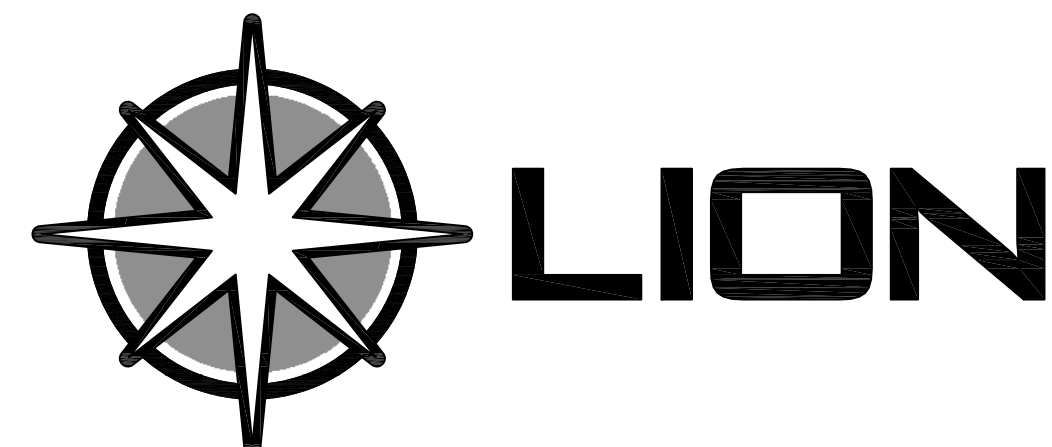
OCTOBER 4, 2016



DRAWING LIST

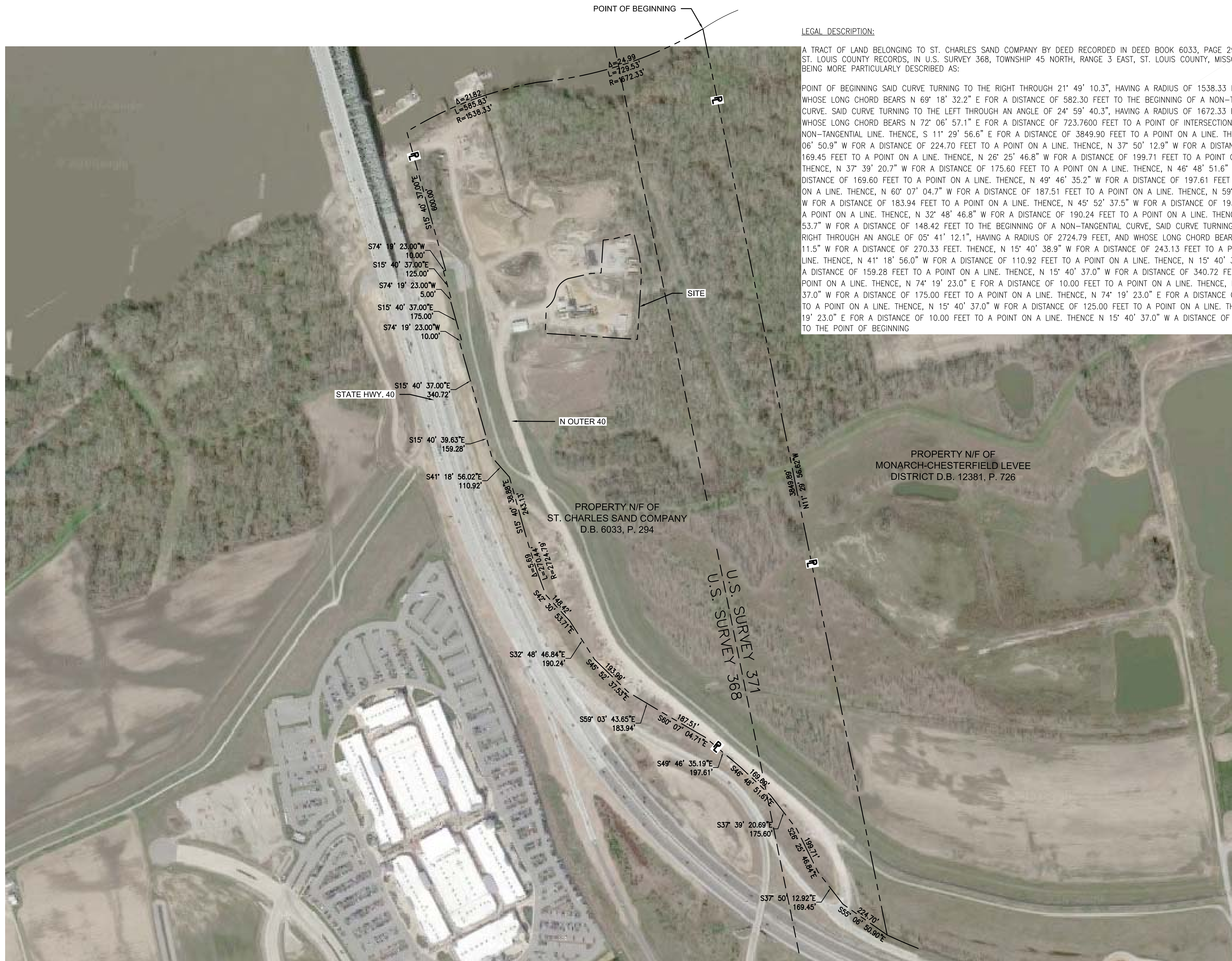
COVER

C-001	CIVIL
C-002	LOCATION PLAN
C-003	PRELIMINARY PLAN
	SECTIONS



Lion CSG LLC
915 Olive St., Suite 902
Saint Louis, Missouri, 63101
314.409.7081

PLOT DATE: 11/01/16 at 5:31pm LOCATION: E:\Dropbox\Projects\Breckenridge\ZONING.dwg (TAB=C-001) BY: Chris



LEGAL DESCRIPTION:

A TRACT OF LAND BELONGING TO ST. CHARLES SAND COMPANY BY DEED RECORDED IN DEED BOOK 6033, PAGE 294 OF THE ST. LOUIS COUNTY RECORDS, IN U.S. SURVEY 368, TOWNSHIP 45 NORTH, RANGE 3 EAST, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS:

POINT OF BEGINNING SAID CURVE TURNING TO THE RIGHT THROUGH 21° 49' 10.3", HAVING A RADIUS OF 1538.33 FEET, AND WHOSE LONG CHORD BEARS N 69° 18' 32.2" E FOR A DISTANCE OF 582.30 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE. SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 24° 59' 40.3", HAVING A RADIUS OF 1672.33 FEET, AND WHOSE LONG CHORD BEARS N 72° 06' 57.1" E FOR A DISTANCE OF 723.7600 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE. THENCE, S 11° 29' 56.6" E FOR A DISTANCE OF 3849.90 FEET TO A POINT ON A LINE. THENCE, N 55° 06' 50.9" W FOR A DISTANCE OF 224.70 FEET TO A POINT ON A LINE. THENCE, N 37° 50' 12.9" W FOR A DISTANCE OF 169.45 FEET TO A POINT ON A LINE. THENCE, N 26° 25' 46.8" W FOR A DISTANCE OF 199.71 FEET TO A POINT ON A LINE. THENCE, N 37° 39' 20.7" W FOR A DISTANCE OF 175.60 FEET TO A POINT ON A LINE. THENCE, N 46° 48' 51.6" W FOR A DISTANCE OF 169.60 FEET TO A POINT ON A LINE. THENCE, N 49° 46' 35.2" W FOR A DISTANCE OF 197.61 FEET TO A POINT ON A LINE. THENCE, N 60° 07' 04.7" W FOR A DISTANCE OF 187.51 FEET TO A POINT ON A LINE. THENCE, N 59° 03' 43.7" W FOR A DISTANCE OF 183.94 FEET TO A POINT ON A LINE. THENCE, N 45° 52' 37.5" W FOR A DISTANCE OF 193.99 FEET TO A POINT ON A LINE. THENCE, N 32° 48' 46.8" W FOR A DISTANCE OF 190.24 FEET TO A POINT ON A LINE. THENCE, N 42° 30' 53.7" W FOR A DISTANCE OF 148.42 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 05° 41' 12.1", HAVING A RADIUS OF 2724.79 FEET, AND WHOSE LONG CHORD BEARS N 18° 31' 11.5" W FOR A DISTANCE OF 270.33 FEET. THENCE, N 15° 40' 38.9" W FOR A DISTANCE OF 243.13 FEET TO A POINT ON A LINE. THENCE, N 41° 18' 56.0" W FOR A DISTANCE OF 110.92 FEET TO A POINT ON A LINE. THENCE, N 15° 40' 39.6" W FOR A DISTANCE OF 159.28 FEET TO A POINT ON A LINE. THENCE, N 15° 40' 37.0" W FOR A DISTANCE OF 340.72 FEET TO A POINT ON A LINE. THENCE, N 74° 19' 23.0" E FOR A DISTANCE OF 10.00 FEET TO A POINT ON A LINE. THENCE, N 15° 40' 37.0" W FOR A DISTANCE OF 175.00 FEET TO A POINT ON A LINE. THENCE, N 74° 19' 23.0" E FOR A DISTANCE OF 5.00 FEET TO A POINT ON A LINE. THENCE, N 15° 40' 37.0" W FOR A DISTANCE OF 125.00 FEET TO A POINT ON A LINE. THENCE, N 74° 19' 23.0" E FOR A DISTANCE OF 10.00 FEET TO A POINT ON A LINE. THENCE N 15° 40' 37.0" W A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING



REV.	DATE	DESCRIPTION
0	07/11/2016	---



**BRECKENRIDGE MATERIALS
PLANT 15
SITE PLAN**

DATE	7/11/16	SEAL
DESIGNED	NAY	
DRAWN	CSR	
CHECKED	NAY	

LOCATION PLAN

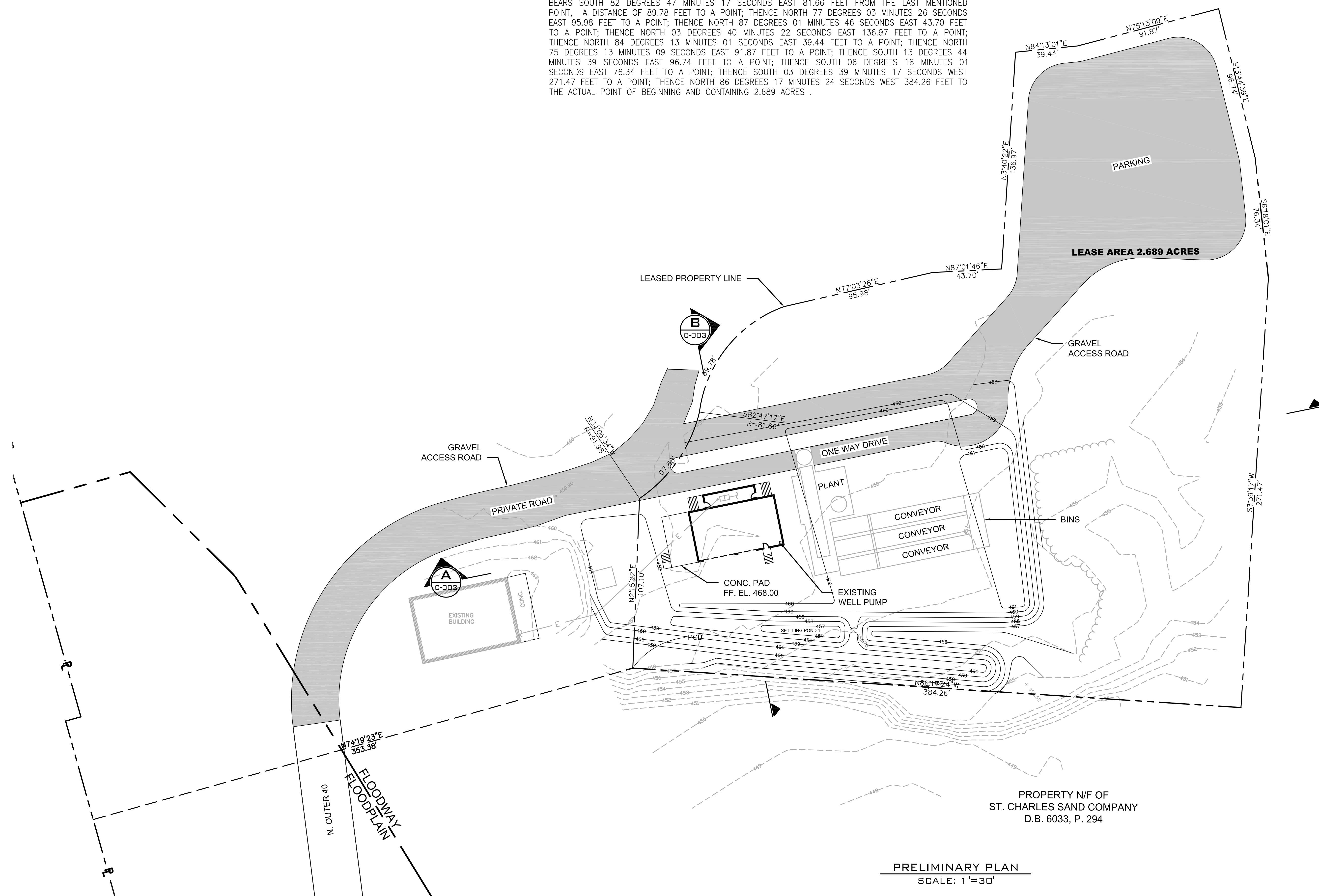
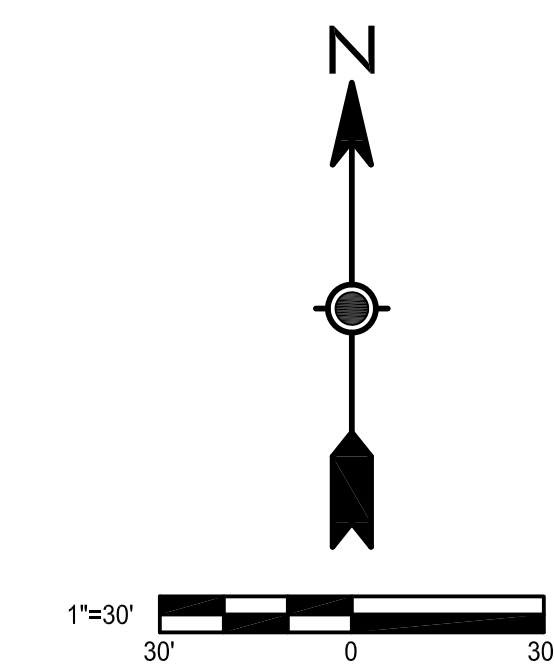
DISCIPLINE	C	001
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**LOCATION PLAN
NOT TO SCALE**

LEGAL DESCRIPTION:

A TRACT OF LAND BEING PART OF PROPERTY CONVEYED TO ST. CHARLES SAND COMPANY BY DEED RECORDED IN DEED BOOK 6033, PAGE 294 OF THE ST. LOUIS COUNTY RECORDS, IN U.S. SURVEY 368, TOWNSHIP 45 NORTH, RANGE 3 EAST, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT POINT ON THE EAST LINE OF MISSOURI STATE HIGHWAY 40 TR, BEING 183.000 FEET EAST OF CENTERLINE P.C. STATION 43+40.72; THENCE NORTHWARDLY ALONG SAID EAST LINE OF MISSOURI STATE HIGHWAY 40 TR NORTH 15 DEGREES 40 MINUTES 37 SECONDS WEST 276.24 FEET TO A POINT; THENCE LEAVING SAID ROAD LINE NORTH 74 DEGREES 19 MINUTES 23 SECONDS EAST 353.38 FEET TO THE ACTUAL POINT OF BEGINNING; THENCE NORTH 2 DEGREES 15 MINUTES 22 SECONDS EAST 107.10 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS NORTH 34 DEGREES 06 MINUTES 34 SECONDS WEST 91.98 FEET FROM THE LAST MENTIONED POINT, A DISTANCE OF 67.80 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS SOUTH 82 DEGREES 47 MINUTES 17 SECONDS EAST 81.66 FEET FROM THE LAST MENTIONED POINT, A DISTANCE OF 89.78 FEET TO A POINT; THENCE NORTH 77 DEGREES 03 MINUTES 26 SECONDS EAST 95.98 FEET TO A POINT; THENCE NORTH 87 DEGREES 01 MINUTES 46 SECONDS EAST 43.70 FEET TO A POINT; THENCE NORTH 03 DEGREES 40 MINUTES 22 SECONDS EAST 136.97 FEET TO A POINT; THENCE NORTH 84 DEGREES 13 MINUTES 01 SECONDS EAST 39.44 FEET TO A POINT; THENCE NORTH 75 DEGREES 13 MINUTES 09 SECONDS EAST 91.87 FEET TO A POINT; THENCE SOUTH 13 DEGREES 44 MINUTES 39 SECONDS EAST 96.74 FEET TO A POINT; THENCE SOUTH 06 DEGREES 18 MINUTES 01 SECONDS EAST 76.34 FEET TO A POINT; THENCE SOUTH 03 DEGREES 39 MINUTES 17 SECONDS WEST 271.47 FEET TO A POINT; THENCE NORTH 86 DEGREES 17 MINUTES 24 SECONDS WEST 384.26 FEET TO THE ACTUAL POINT OF BEGINNING AND CONTAINING 2.689 ACRES .



REV.	DATE	DESCRIPTION
0	07/11/2016	---



**BRECKENRIDGE MATERIALS
PLANT 15
SITE PLAN**

DATE	7/11/16	SEAL
DESIGNED	NAY	
DRAWN	CSR	
CHECKED	NAY	

PRELIMINARY PLAN

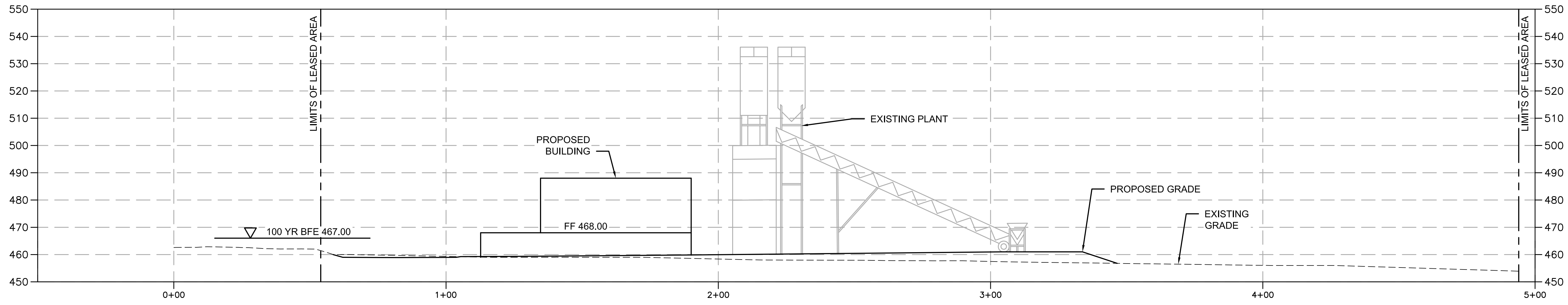
DISCIPLINE	C	002
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PLOT DATE: 11/01/16 at 5:31pm LOCATION: E:\Dropbox\Projects\Breckenridge\ZONING.dwg (TAB=C-002) BY: Chris

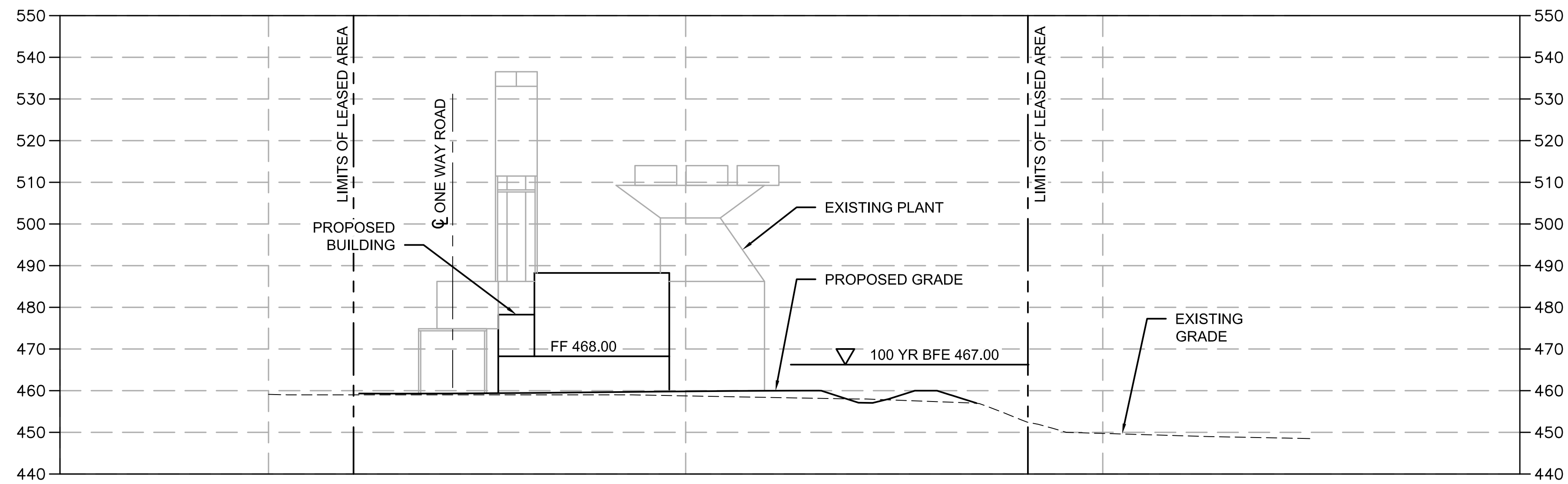
PRELIMINARY PLAN
SCALE: 1"=30'

PROPERTY N/F OF
ST. CHARLES SAND COMPANY
D.B. 6033, P. 294

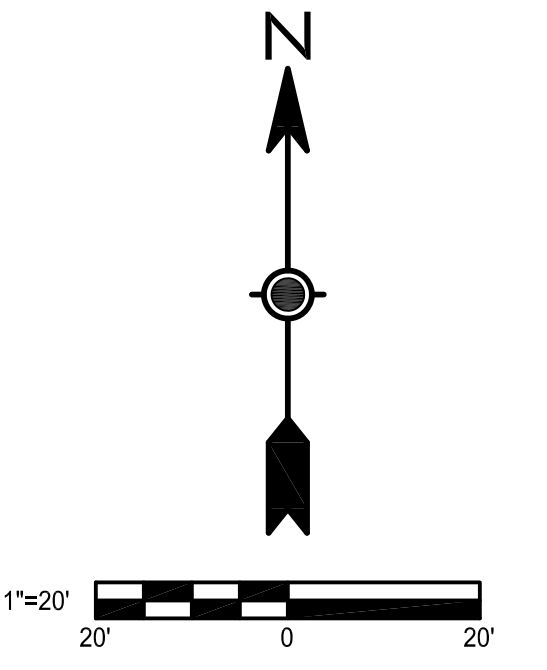
PLOT DATE: 11/01/16 at 5:31pm LOCATION: E:\Dropbox\Projects\Breckenridge\ZONING.dwg (TAB=C-003) BY: Chris



A SECTION
 C-002 SCALE: 1"=20' HORIZ.
 SCALE: 1"=20' VERT.



B SECTION
 C-002 SCALE: 1"=20' HORIZ.
 SCALE: 1"=20' VERT.



REV.	DATE	DESCRIPTION
0	07/11/2016	---



**BRECKENRIDGE MATERIALS
 PLANT 15
 SITE PLAN**

DATE	7/11/16	SEAL
DESIGNED	NAY	
DRAWN	CSR	
CHECKED	NAY	

**ZONING
 SECTIONS**

DISCIPLINE	C	003
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