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690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Planning Commission Vote Report

Subject: Ordinance Amendment Vote Report

Meeting Date: January 10, 2011

From: Shawn Seymour, AICP
Senior Planner

Location: East side of Clarkson Rd., south of the Clarkson Rd. and
Chesterfield Pkwy. intersection (19S420415).

Petition: P.Z. 14-2010 Chesterfield Oaks (Capitol Land).

Proposal Summary

Capitol Land is requesting an ordinance amendment to add the Offices, dental land use to a "PC" Planned Commercial District on a 6.494 acre tract of land located on the east side of Clarkson Rd., south of the Clarkson Rd. and Chesterfield Pkwy. intersection.

Site Area History

The Chesterfield Oaks development was zoned "PC" Planned Commercial District by the City of Chesterfield in 2004 by the passage of Ordinance 2132. In 2005, the City of Chesterfield amended the "PC" Planned Commercial District to modify the hours of operation for this development by the passage of Ordinance 2161.

A Site Development Plan for the Chesterfield Oaks development was approved by the City of Chesterfield in 2005. The existing structure was built in 2006.

Zoning Analysis

As stated above the existing property is currently zoned "PC" Planned Commercial District and has been developed per City of Chesterfield Ordinance 2161. If approved, the Ordinance Amendment would permit land use of Offices, dental as well as those land uses already approved through Ordinance 2161. The land uses already approved at the Chesterfield Oaks development as well as the requested additional land use are as follows:

- a. Associated work and storage areas required by a business, firm, or service to carry on business operations.
- b. Barber shops and beauty parlors.
- c. Bookstores.
- d. Financial institutions.
- e. Offices, dental.**
- f. Offices or office buildings.
- g. Restaurants, sit down,
- h. Stores, shops, markets, service facilities and automatic vending machines in which goods or services of any kind, including indoor sale of motor vehicles, are offered for sale or hire to the general public on the premises.

Surrounding Land Use and Zoning

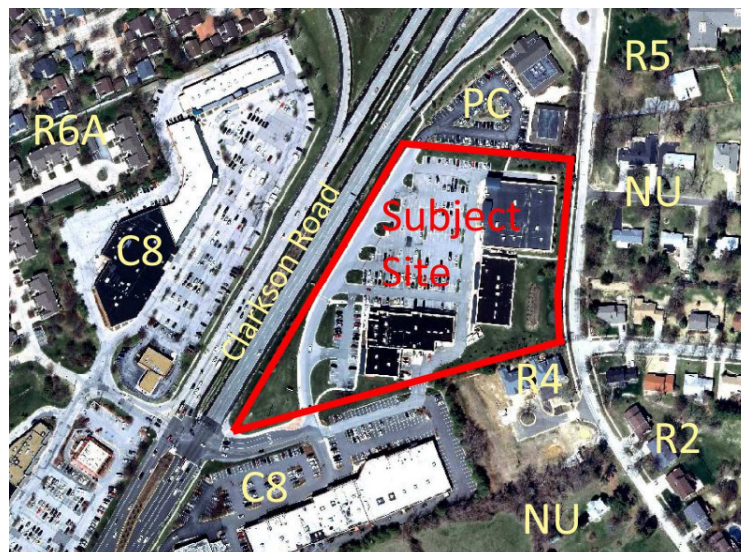
The land use and zoning for the properties surrounding this parcel are as follows:

North: The property to the north is a strip retail development and is zoned "PC" Planned Commercial District.

South: The adjacent property to the south is a strip retail development known as Drew Station and is zoned "C8" Planned Commercial District.

East: The adjacent properties to the east are single-family residential and are zoned "NU" Non-Urban District.

West: The adjacent property located to the west is also a strip retail development known as Chesterfield Crossings and is zoned "C8" Planned Commercial District.





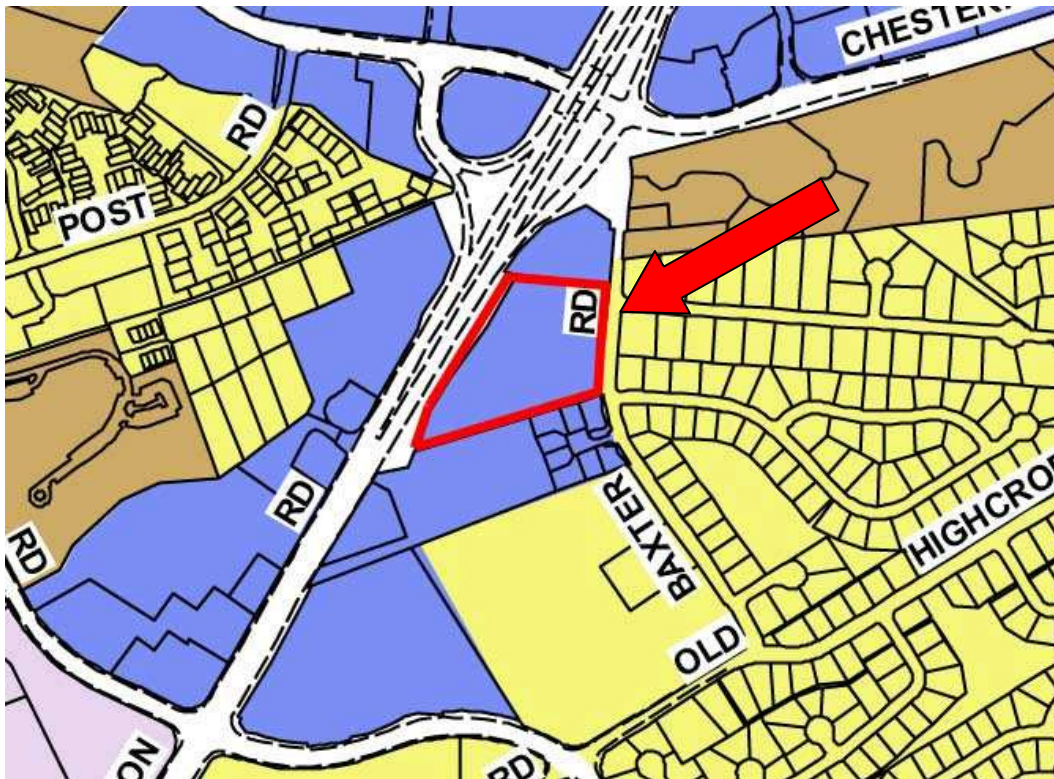
View looking north at the site.



View looking east at the site.

Comprehensive Plan Analysis

The Comprehensive Plan Land Use Map depicts this property as Urban Core and permits high-density residential, retail, and office land uses.



Issues

A Public Hearing was held on January 10, 2011. Staff has no outstanding issues regarding this requested Ordinance Amendment.

Request

Staff has reviewed the requested ordinance amendment by Capitol Land and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield. Staff requests action on P.Z. 14-2010 Chesterfield Oaks (Capitol Land).

Attachments

1. Attachment A
2. Preliminary Plan

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. Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - b. Barber shops and beauty parlors.
 - c. Bookstores.
 - d. Financial institutions.
 - e. Offices, dental.
 - f. Offices or office buildings.
 - g. Restaurants, sit down,
 - h. Stores, shops, markets, service facilities and automatic vending machines in which goods or services of any kind, including indoor sale of motor vehicles, are offered for sale or hire to the general public on the premises.
2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. Restaurants, sit down shall be limited to Buildings A and C and shall be limited in size not to exceed a total of 7,000 square feet.
 - b. Indoor sale of motor vehicles shall be prohibited.
 - c. Stores, shops, markets, service facilities, in which goods or services of any kind are being offered for sale or hire to the general public on the premises shall be limited to "low intensity specialty retail establishments" where uses that are compatible with, and targeted to local residential consumers, and that reduce the hazards of local traffic by limiting the size of the building and restricting uses that need significantly fewer parking spaces than is required by the established retail performance standard. Such stores or services may include clothiers, pharmacies, bakeries, coffee shops, furniture and home décor stores, camera shops, beauty parlors, beauty treatment centers, flower shops, book stores and similar or comparable uses. Drive-in establishments, such as gas stations, fast-food

or drive through restaurants, and high traffic generators such as "outlet retailers," do not meet this definition.

d. A coffee shop shall be allowed as an ancillary use in Building B.

3. Hours of Operation.

a. Hours of operation for all uses shall be between 7:00 a.m. and 9:30 p.m. with two exceptions: A.) that hours would be extended to 10:00 p.m. for the operation of a bookstore and B.) that hours would start at 6:00 a.m. for a bakery/coffee shop restaurant located at the west end of building A.

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

The following requirements shall apply to the permitted land uses:

1. The uses permitted within this "PC" Planned Commercial District shall be contained in a maximum of three (3) buildings.

2. The height of all buildings shall be as follows:

a. Book store building height, including the architectural feature, shall not exceed two (2) stories or forty (40) feet, whichever is less, on the front of the building and twenty-four (24) feet in the rear of the building as measured from the average finished floor elevation of the building. The architectural feature on the front of the building shall not extend greater than 38 feet from the front of the building towards Old Baxter Road.

b. Building height of A Retail Shops shall not exceed twenty-four (24) feet with the exception that the architectural element elevations shall not exceed thirty-two (32) feet.

c. Building height of C Retail Shops shall not exceed twenty-four (24) feet with the exception that the architectural element elevations shall not exceed twenty-eight (28) feet.

3. Gross floor area constructed for the three (3) buildings shall not exceed 58,749 square feet. The square footage constructed shall be based on the development's ability to comply with the parking and stormwater regulations of the City of Chesterfield.

C. SETBACKS

1. Structure Setbacks

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

- a. Fifty (50) feet from the current right-of-way of Old Baxter Road.
- b. Thirty (30) feet from the southern boundary of the total tract bearing S 72° 57' 29" W 755.18'.
- c. One-hundred and thirty-five (135) feet from the right-of-way of Clarkson Road (Missouri State Highway 340).
- d. Sixty (60) feet from the northern boundary of the total tract bearing S 84° 12' 17" E 360.24'.
- e. "C" Retail Shops building will be one-hundred and fourteen (114) feet from the current right-of-way of Old Baxter Road.

2. Parking Setbacks

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

- a. Fifty (50) feet from the current right-of-way of Old Baxter Road.
- b. Twenty-five (25) feet from the southern boundary of the total tract bearing S 72° 57' 29" W 755.18'.
- c. Forty (40) feet from the right-of-way of Clarkson Road (Missouri State Highway 340).
- d. Twenty (20) feet from the northern boundary of the total tract bearing S 84° 12' 17" E 360.24'.

D. PARKING AND LOADING REQUIREMENTS

1. Parking requirements shall be a minimum of 4.5 spaces per 1,000 sf. of gross floor area, as directed by the City of Chesterfield.
2. Loading spaces for this development shall be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.
3. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.
4. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. There shall be a densely screened landscape buffer along the eastern edge of the site that shields the proposed building from the existing neighborhoods adjacent to Old Baxter Road. The landscape buffer should include a 3' high berm and preservation of the existing trees with 85% of any additional trees in the landscape buffer area consisting of evergreen species, specifically to include Norway Spruce and White Pine varieties, and shrubbery.
3. Open Space in this development shall be 35.4%, unless Missouri Department of Transportation right-of-way is acquired, in which case it shall be 37.5% as directed by the City of Chesterfield.

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 Missouri Department of Transportation, for sight distance considerations prior to installation or construction.
3. No advertising signs, temporary signs, portable signs, off-site signs, or attention getting devices shall be permitted in this development.
4. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This landscaping shall be as approved by the Planning Commission on the Site Development Plan.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. In order to be compatible with the adjacent property to the north, all light standards within this development shall not exceed a total vertical height of fourteen (14) feet, exclusive of the base.

3. All light standards located on the parking structure, other than those for security purposes, shall be turned off no later than thirty (30) minutes after the latest hour of operation per day within the development.

H. ARCHITECTURAL

1. The architectural style of the permitted buildings and any fencing shall address the adjacent residential neighborhood and commercial development. The style should be comparable in quality, material, construction and scale to the character of adjacent properties.
2. The developer shall submit architectural elevations, building materials, and other items in accordance with the City of Chesterfield Design Guidelines. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission for Site Development Plan approval.
3. The exterior building materials shall be brick, consistent with the adjacent property to the north. The exterior materials on each side may include EFIS materials as may be architecturally appropriate as reviewed by the Architectural Review Board and approved by the Planning Commission. Mechanical equipment will be adequately screened by roofing or other material as approved by the City of Chesterfield.
4. The architectural feature on the front of the B Book Store building shall not extend greater than 38-feet from the front of the building towards Old Baxter Road.
5. The rear of the B Book Store building will have a minimum of seven (7) faux windows.
6. Faux windows may be added to the rear of the C Retail Shops building if determined to be architecturally appropriate as reviewed by the Architectural Review Board and approved by the Planning Commission. The window locations are contingent upon the final placement of required exit doors and utilities.
7. Faux windows will be added to the south side elevation of Building B as reviewed by the Architectural Review Board and approved by the Planning Commission.

Public Art

Reserve an area for the display of work of art so long as the art to be displayed is mutually agreed upon by the City of Chesterfield and the petitioner.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this site is currently provided by a drive owned by the State of Missouri. Said drive connects to the access drive for the Drew Station Shopping Center at the Clarkson Road/Lea Oaks Drive intersection. Cross access easements must be obtained so that the turning movement to the subject tract is located a minimum of 200' east of the Clarkson Road/Lea Oak intersection, at the current terminus of the three lane entrance road to Drew Station. The access drive serving the subject property and the property to the north shall be constructed to City standards for streets and in an alignment as approved by the City of Chesterfield Department of Planning & Public Works.
2. Provide additional right-of-way as needed to provide a minimum of 25' of right-of-way from the center line of Old Baxter Road.
3. No direct access will be allowed to Old Baxter Road except as required for emergency vehicles.
4. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreements guaranteeing permanent access between this site and adjacent properties, including the Voelpel Tract, as directed by the City of Chesterfield.
5. Access management principals to be applied to this development can be found in Chapter 26 of the City Code.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING SIDEWALKS

1. Provide a 5' wide sidewalk along Old Baxter Road. Said sidewalk shall begin at the southern property line and connect to the existing sidewalk at the northern property line.
2. Provide a direct sidewalk access to the parcel to the south from the public sidewalk along the Clarkson Road frontage. A handicap ramp will be required in the northwest quadrant of the intersection of the "Common Access Drive" and the extension of Lea Oak Drive.
3. Provide a sidewalk that allows pedestrian circulation between the bookstore (Building B) and the development to the north.
4. Provide a sidewalk that allows pedestrian access with development to the south.
5. Provide bicycle/pedestrian accommodations as directed by the City of Chesterfield.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield. 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 Mayor or a Councilmember of the Ward in which a development is proposed may request that the Site Development Plan be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the Site Development Plan. The City Council will then take appropriate action relative to the proposal.

M. STORMWATER

1. Detention/retention is to be provided for this site as directed by the City of Chesterfield Department of Planning & Public Works. Detention of storm water runoff is required by providing permanent detention/retention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Planning & Public Works. The detention/retention basin shall be operational prior to paving of any driveways or parking areas. The location and types of detention facilities shall be identified on the Site Development Plan.
2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. No change in watersheds shall be permitted. The adequacy of any existing downstream storm water facilities shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Planning & Public Works. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided. Off-site easements for areas inundated by headwater from on site improvements shall be provided as required by the Department of Planning & Public Works.
3. Detention area(s), lakes(s), pond(s), etc., are located downstream from the proposed development which may, in the opinion of the Department of Planning & Public Works, be impacted by development of subject site. The Detention area(s), lakes(s), pond(s), etc., shall be in the same condition at the completion of development of subject site as pre-development. This

condition is dependent on the ability of the developer to acquire necessary easements/agreements for pre and post condition surveys and restorative activities. Condition of the(se) downstream area(s) shall be determined by a pre-construction survey conducted prior to any clearing, grading or construction on the subject site. A copy of the pre-construction survey of downstream detention areas shall be submitted to the City of Chesterfield, Department of Planning & Public Works prior to any clearing or grading on the site. Within twelve (12) months of the completion of the proposed development or two (2) years from the start of the development, whichever is greater, a post-construction survey shall be made of the same downstream detention area(s), lake(s), pond(s), etc., to determine condition of same. The developer shall be required to return surrounding downstream basins to pre-construction condition. A bond as approved by the Department of Planning & Public Works of the City of Chesterfield shall be posted to assure compliance with this condition.

4. If significant siltation during the course of the project has a severe negative impact on Century Lake, as determined by the City of Chesterfield Department of Planning & Public Works, the developer will be required to take immediate corrective actions to restore the lake to pre-construction conditions.

N. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Planning and Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

O. GRADING AND IMPROVEMENT PLANS

1. A clearing/grading permit or improvement plan approval is required prior to any clearing or grading on the site. Be advised, the Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and grading permit.
2. Interim storm water drainage control in the form of siltation control and/or siltation basins is required. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Planning & Public Works prior to any clearing, grading, and/or improvement plan approval. The SWPPP covers required erosion control practices specific to site conditions

- and maintenance and implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.
3. Temporary settlement basins, as required by the City of Chesterfield Department of Planning & Public Works, shall be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
 4. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the Director of Public Works/City Engineer.
 5. Provide adequate temporary off-street parking for construction employees and a vehicle wash down/cleaning area shall be provided during construction. Parking on non-surfaced areas is 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. The contractor shall keep the road clear of mud and debris at all times. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. No construction parking shall be allowed within/along Old Baxter Road, Baxter Lane, Century Lake Drive, or Highway 340 ROW.
 6. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
 7. Prior to issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Department of Planning & Public Works in cases of undue hardship because of unfavorable ground conditions

8. Prior to improvement plan approval, provide comments/approvals from the Metropolitan St. Louis Sewer District and the appropriate Fire District.
9. Prior to improvement plan approval, copies of recorded easements/right-of-way dedications for off-site work, including book and page information, shall be provided.

P. MISCELLANEOUS

1. Trash enclosures: The location and elevation of any trash enclosures shall be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas shall be enclosed with a six (6) foot high sight-proof enclosure of similar materials to the buildings and complemented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
2. Mechanical equipment shall be adequately screened by roofing or other material as approved by the Planning Commission.
3. All newly installed utilities shall be installed underground. The existing feeder lines along Clarkson Road and Old Baxter Road will not be buried. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
4. Sleeves for future telecommunication services shall be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site

Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.

- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.

11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, and Spirit of St. Louis Airport.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. RECORDING

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

VI. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan shall be recorded with the St. Louis County Recorder of Deeds. Failure to record the plan within sixty (60) days of approval shall deem the plan void.

VII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to Improvement Plan approval, provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.

VIII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements shall be met:

A. Notification of Department of Planning & Public Works

Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Department of Planning & Public Works, as applicable, must be received by the City of Chesterfield.

B. Notification of St. Louis County Department of Public Works

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the Department of Highways and Traffic and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

C. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

IX. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. Prior to the issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates as defined in the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Department of Planning & Public Works in cases of undue hardship because of unfavorable ground conditions.
- B. Prior to final occupancy of any building the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

X. FINAL RELEASE OF ESCROW

Prior to the release of final escrow, the developer shall provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XI. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the appropriate development plan and prior to issuance of any building permit, the following requirements shall be met:

A. Sanitary Sewers

Provide verification to the St. Louis County Department of Public Works and the City of Chesterfield of provision of adequate sanitary services.

B. Notification of City of Chesterfield

Prior to issuance of zoning approvals for foundation or building permits, the City of Chesterfield must receive approvals from the Missouri Department of Transportation and the Metropolitan St. Louis Sewer District.

XII. SUPPLEMENTARY DEVELOPMENT CONDITIONS

Supplementary development conditions relating to the operation of this development are as follows:

- A. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Pubic Land Survey located within, or which define or lie upon, the

outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.

- B. Prior to final occupancy of any building, the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XIII. 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.

