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Planning and Development Services Division Public Hearing Summary Report

P.Z. 17-2014 Steve W. Wallace (H.V. Real Estate Corp): A request for an amendment to Ordinance 1328 to modify development conditions and add uses for a 2.93 acre tract of land, more or less, zoned “C-8” Planned Commercial located southeast of the intersection of Chesterfield Airport Road and Long Road (17U140441, 17U140450, 17U140461, and 17U140472).

Summary

DosterUllom, LLC, on behalf of H.V. Real Estate Corp, has submitted a request for an amendment to Ordinance 1328 to modify development conditions and add uses beyond those originally permitted for this “C-8” Planned Commercial District. Per the submitted written narrative, also attached for the Planning Commission’s review, the applicant only wishes to modify the uses and development conditions in order to redevelop Lot 2 of the subdivision. A total of 33 additional uses are requested in addition to the removal of a size restriction on an Oil Change Facility and the reduction of a parking setback along the south property line from ten (10) feet to three (3) feet.

The City of Chesterfield Unified Development Code (UDC) allows existing “C-8” properties to be amended as long as the zoning district is not expanded to new lots. The purpose of this requirement was to accommodate the number of existing “C-8” properties within the City of Chesterfield and their possible limitations in complying with newer planned districts’ minimum standards without major re-development of those lots. Since this amendment is not a request to expand the “C-8” district, the request would be in accordance by City of Chesterfield’s UDC.

Site History

On May 4, 1997, the City of Chesterfield approved Ordinance Number 1248 which rezoned a 2.03 acre parcel from “NU” Non-Urban District to “C-8” Planned Commercial District. Also included in Ordinance 1248 was .91 acres which was already zoned “C-8” Planned Commercial via St. Louis County Ordinance 5,531. The permitted uses for the site authorize a freestanding co-use convenience store/fast-food restaurant with drive-thru window, under canopy gas dispensing and a freestanding three (3) bay oil/lube operation. On October 6, 1997, Ordinance 1328 was approved by the City of Chesterfield to clarify signage criteria for the site.

Surrounding Land Use and Zoning

The land use and zoning for the properties surrounding this parcel shown in the aerial image in Figure 1 below is as follows:

North: The property to the north across Chesterfield Airport Road is currently zoned “NU” Non-Urban District and “PC” Planned Commercial. These lots are currently vacant.

South: The property is currently zoned “PC” Planned Commercial. The property’s current use is for an auto body/detail shop.

East: The property is currently zoned “PI” Planned Industrial District. The property is currently being used by the St. Louis Family Church.

West: The properties to the west are currently zoned “C-8” Planned Commercial and “M-3” Planned Industrial. Current uses include general retail and a dental office.



Figure 1: Aerial and Zoning Map

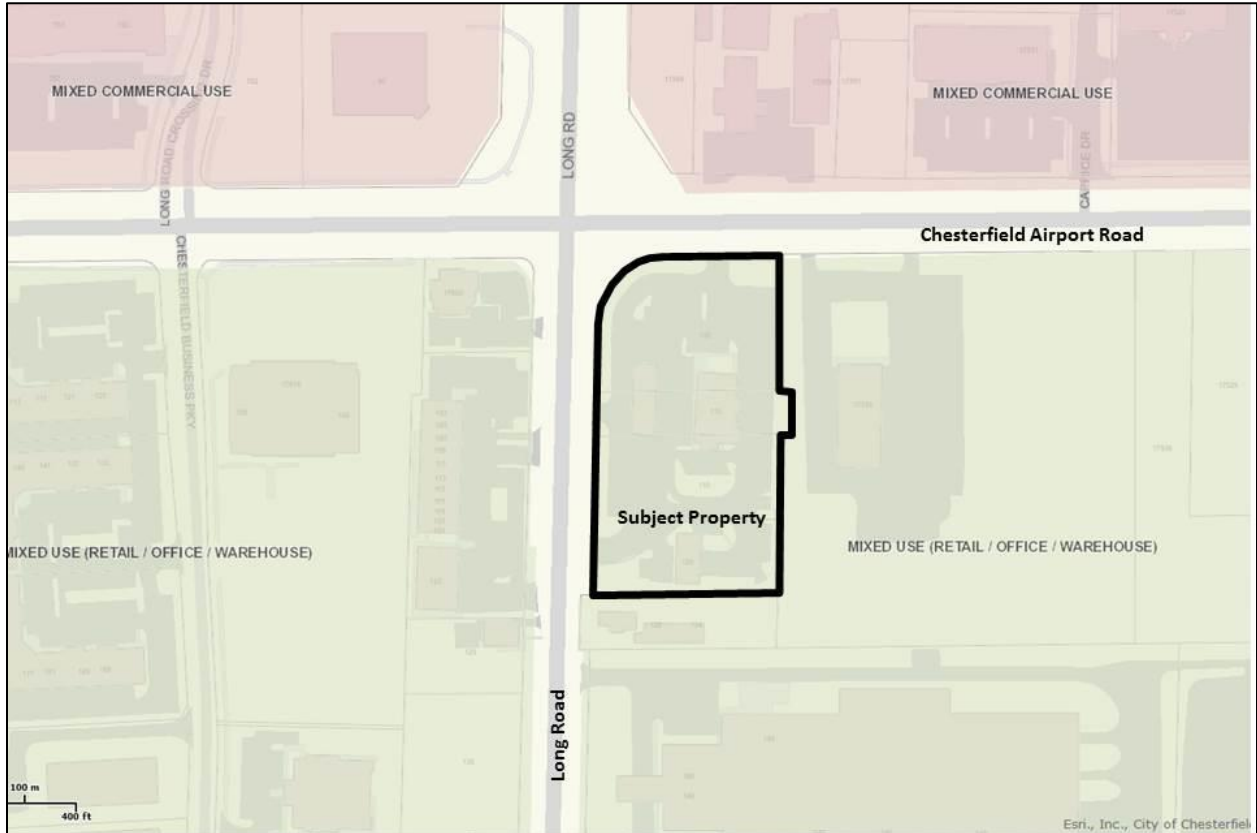


Figure 2: Land Use Map

Comprehensive Plan Analysis

The subject site is located within the Mixed Use (Retail/Office/Warehouse) district. This district would recommend retail, low density office and limited office/warehouse facilities. The proposed uses submitted by the applicant would comply with this designation.

Uses and Development Criteria

As written, Ordinance 1328 limits Lot 2 to only allow an oil change facility as currently developed. Since the other remaining uses are limited in size by ordinance, the ordinance in effect will not allow any other uses besides the oil change facility on Lot 2, unless the current gas station/fast food restaurant/convenience store is demolished. As documented by the narrative statement, these additional uses will allow more flexibility in its uses increasing the marketability of Lot 2. While this list would expand uses on Lot 2, future redevelopment of Lot 1, which is under separate ownership from the applicant but still under Ordinance 1328, would also be able to utilize these requested uses. The applicant wishes to expand to the attached list which includes 33 new uses.

A total of two development conditions are requested to be amended/updated associated with this request; a use restriction and a parking setback. As documented on the Preliminary Plan, the structure on Lot 2 is proposed to double in size. Since the Oil Change Facility land use is to remain as a permitted use, the existing condition under Ordinance 1328 which limits this use to 2,100 square feet needs to either be removed or amended. Currently the applicant is requesting this size restriction be removed; however, this use would still be limited to three (3) bays.

All other use/structure restrictions documented in Ordinance 1328 will remain in effect, which include;

- Permitted uses shall be limited to two (2) single-story buildings;
- The canopy of the convenience store/gas station shall not exceed 5,600 square feet and a total of six (6) fuel pumps;
- The convenience store/fast food restaurant shall not exceed 6,000 square feet in overall size. The fast food restaurant shall not exceed sixty (60) seats.

The parking setback along the south property line is currently restricted at 10 feet. The applicant is proposing to amend this restriction to approximately three (3) feet to allow for a drive lane. This change is documented on the submitted Preliminary Plan. While the current ordinance does not limit open space/greenspace, nor does the C-8 zoning district require such a limitation, the reduction in this parking setback would reduce landscape area of the development. Proposed open space with the parking setback amendment would be at approximately 25%, previous open space was 27.8% per the applicant's engineer. No other setbacks are planned to be amended from the current ordinance.

Preliminary Plan

In addition to the uses and development condition changes proposed, the applicant has submitted a Preliminary Plan which depicts proposed changes to the site. The existing structure on Lot 2, the old oil change facility, is planned to be doubled in size. The current structure is approximately 2,100 square feet. In addition to this change, the paving area south of Lot 2 is also shown to be expanded, as discussed in the Use and Development Conditions section. No changes in access are proposed.

A public hearing further addressing the request will be held at the January 12, 2015, City of Chesterfield Planning Commission meeting. Attached, please find a copy of the Public Hearing Notice, Ordinance 1328, Applicant Narrative Statement and Requested Uses, and the Preliminary Plan for this petition.

Respectfully submitted,



John Boyer
Senior Planner

Attachments

1. Public Hearing Notice
2. Applicant Narrative Statement and Requested Uses
3. Ordinance 1328
4. Preliminary Plan

cc: Aimee Nassif, Planning and Development Services Director

**NOTICE OF PUBLIC HEARING
CITY OF CHESTERFIELD
PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Chesterfield will hold a Public Hearing on January 12, 2015 at 7:00 p.m. in the City Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:

P.Z. 17-2014 Steve W. Wallace (H.V. Real Estate Corp): A request for an amendment to Ordinance 1328 to modify development conditions and add uses for a 2.93 acre tract of land, more or less, zoned "C-8" Planned Commercial located southeast of the intersection of Chesterfield Airport Road and Long Road (17U140441, 17U140450, 17U140461, and 17U140472).

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available for review in the Department of Public Services at Chesterfield City Hall, 690 Chesterfield Parkway West during weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you should need additional information about this project or for a list of the requested uses, please contact Mr. John Boyer, Senior Planner, by telephone at 636-537-4734 or by email at jboyer@chesterfield.mo.us

CITY OF CHESTERFIELD
Mike Watson, Chair
Chesterfield Planning Commission

PROPERTY DESCRIPTION

A tract of land being part of lot 4 of a subdivision of the west half of U.S. Survey 126, Township 45 North, Range 4 East and being more particularly described as follows;

Commencing at a point on the centerline of Chesterfield Airport Road 100.00 feet wide, said point being distance North 88°13'03" East 302.10 feet from the centerline of Long Road, 60.00 feet wide, and also being the Northeast corner of the property now or formerly of F. William Human Jr. as recorded in Deed Book 7208 Page 2056 of the St. Louis County Records; thence along the east line of said property South 00°02'41" West a distance of 50.02 feet to a point on the south line of said Chesterfield Airport Road; thence continuing along said east line South 00°02'41" West a distance of 188.25 feet to a point in the north line of property conveyed to William and Anna May Gaele as recorded in Deed Book 6413 Page 2610 of the St. Louis County Records and being the true point of beginning of the herein described tract of land; thence along said north line North 88°13'03" East a distance of 19.30 feet to the northeast corner of said Gaele property; thence along the east line of said Gaele property South 00°02'41" West a distance of 62.00 feet to the Southeast corner of said property; thence along the south line of said property South 88°13'03" West a distance of 15.40 feet to the Northeast corner of the property conveyed to Sandra B. Hunsaker as recorded in Deed Book 8603 Page 1511 of the St. Louis County Records; thence along the east line of said property South 00°02'41" West a distance of 220.19 feet to the southeast corner of said property; thence

along the south line South 88°13'03" West a distance of 276.00 feet to the east line of said Long Road; thence along said east line North 00°02'41" East a distance of 371.33 feet to the south line of a tract conveyed to St. Louis County, Missouri by Deed Recorded in Book 9390 Page 1287 of the St. Louis County Records; thence along said south line South 89°57'19" East a distance of 2.99 feet to a point on a curve; thence along a curve to the right having a radius of 120.00 feet, the chord of which bears North 28°42'04" East 115.05 feet, an arc distance of 120.00 feet to a point in the south line of said Chesterfield Airport Road; thence along said south line North 88°13'03" East a distance of 2.20 feet to a point in the west line of said F. William Human Jr. property; thence continuing along said west line South 00°02'41" West a distance of 188.25 feet to a point in the north line of said property conveyed to William and Anna May Gaehle; thence along said north line North 88°13'03" East a distance of 211.70 feet to the point of beginning and containing 88,270 square feet or 2.03 acres more or less.

And

A tract of land being part of lot 4 of a subdivision of the west half of U.S. Survey 126, Township 45 North, Range 4 East and being more particularly described as follows;

Commencing at a point pm the centerline of Chesterfield Airport Road, 100.00 feet wide, said property being distance North 88°13'03" East 302.10 feet from the centerline of Long Road, 60.00 feet wide, and also being the northeast corner of the property now or formerly of F. William Human Jr. as recorded in Deed Book 7208 Page 2056 of the St. Louis County Records; thence along the east line of said property South 00°02'41" West a distance of 50.02 feet to a point on the south line of said Chesterfield Airport Road and being the true point of beginning of the herein described tract of land; thence continuing along said east line South 00°02'41" West a distance of 188.25 feet to a point in the north line of property conveyed to William and Anna May Gaehle as recorded in Deed Book 6413 Page 2610 of the St. Louis County Records; thence along said north line South 88°13'03" West a distance of 211.70 feet; thence North 00°02'41" East a distance of 188.25 feet to a point in the south line of said Chesterfield Airport Road; thence along said south line North 88°13'03" East a distance of 211.70 feet to the point of beginning and containing 39,853 square feet or 0.9 acres more or less.



NARRATIVE STATEMENT

The subject property, 120 Long Road, (the "Property") is lot 2 of a two (2) lot subdivision. The Property is the Southern lot which is improved with a building that is now vacant. The building was used for an oil and lube operation until vacated by the original operator. The Northern lot (Lot 1) is improved with a service station, convenience store and a McDonald's fast food/drive through restaurant. Both lots are subject to Ordinance No. 1328 (the "Ordinance"). The amendments to the Ordinance requested by the Application affect only the Property.

The only approved use for the Property in the Ordinance is Oil/Lube Operation. This severely limits the marketability of the Property and limits the possible upgrading of the Property to uses that may be more desirable than the current approved use. The Application requests a change in the permitted uses in the Ordinance, and the list of requested uses attached to the Application is from the City's current use terminology. The list of requested uses attached to the Application is in addition to the existing approved uses in the Ordinance.

The Preliminary Plan shows that the Applicant intends to expand the building footprint utilizing the existing building and an expansion of that building. This is proposed so that more desirable uses can be attracted to the site. This expansion requires an elimination of the maximum square feet condition in the Ordinance. The parking is proposed to be reconfigured, and a driveway on the South side of the building is proposed. The placement of the driveway on the South side of the building requires a reduction of the setback from the South line to three (3) feet. That change in setback is also requested in the Application.

The proposal is compatible with the surrounding uses.

No exceptions or variations from the City's Zoning Ordinance or regulations are requested.

Other than the requested amendments, the Preliminary Plan complies with the development conditions and standards in the Ordinance.

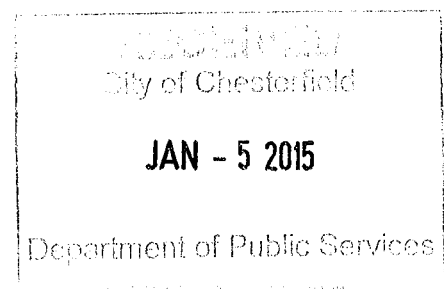
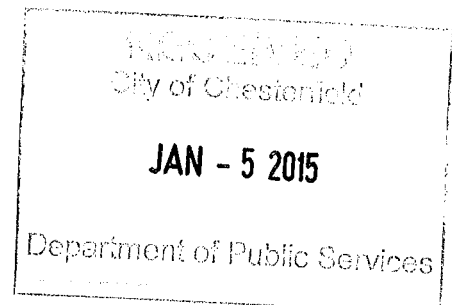


Exhibit III

120 Long Road Development

Uses

Administrative office for educational or religious facility
Animal grooming service
Art gallery
Art studio
Automotive retail supply
Bakery
Barber or beauty shop
Brewpub
Coffee shop
Coffee shop, drive-thru
Commercial service facility
Community center
Day care center
Drug store and pharmacy
Drug store and pharmacy, drive-thru
Dry cleaning establishment, drive-thru
Financial institution
Financial institution, drive-thru
Kennel, boarding
Office, dental
Office, general
Office, medical
Oil change facility
Professional and technical service facility
Restaurant, fast food
Restaurant, sit down
Restaurant, take out
Retail sales establishment, community
Retail sales establishment, neighborhood
Vehicle repair and services facility
Veterinary clinic



BILL NO. 1457

ORDINANCE NO. 1328

AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NUMBER 1248 FOR A NEW AMENDED ORDINANCE RELATING TO A "C-8" PLANNED COMMERCIAL DISTRICT LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF LONG ROAD AND CHESTERFIELD AIRPORT ROAD (P.Z. 30-96 McDONALDS CORPORATION).

WHEREAS, a portion of the tract had previously been rezoned to the "C-8" Planned Commercial District by St. Louis County in response to P.C. 78-70 Lisitano's Restaurant Lounge, Inc., via Ordinance Number 5,531 on July 2, 1970, for the operation of a restaurant; and,

WHEREAS, in response to P.Z. 30-96, the City Council approved Ordinance Number 1248 on May 5, 1997, which authorized the development of a freestanding co-use convenience store/fast food restaurant facility with drive-thru window, under canopy gas dispensing, and a freestanding three (3) bay oil/lube operation; and,

WHEREAS, the conditions attached to Ordinance Number 1248 contained errors relative to signage and entrances; and,

WHEREAS, the Department of Planning submits a corrected copy of the conditions for approval by the City Council.

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 Ordinance Number 1248, authorizing a "C-8" Planned Commercial District development for a tract of land located at the southeast corner of the intersection of Long Road and Chesterfield Airport Road, is hereby amended as outlined in Attachment A. The approved terms and conditions of City of Chesterfield Ordinance Number 1248 shall be as approved on the new attachment "A" which is attached hereto and made a part hereof as if fully set out herein.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as set out in the original approval of City of Chesterfield Ordinance Number 1248, as amended by this action, which is incorporated herein.

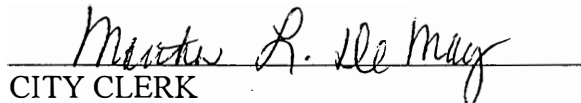
Section 3. The City Council, pursuant to the recommendation from the Department of Planning, requesting the amendment as approved and with the changes as embodied in this ordinance, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 6TH day of OCTOBER, 1997.


MAYOR

ATTEST:


CITY CLERK

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P.Z. 30-96 McDonald's Corporation
City Council
May 5, 1997

ATTACHMENT A

1. PERMITTED USES

The uses authorized by this "C-8" Planned Commercial District shall be limited to a freestanding co-use convenience store/fast food restaurant facility with drive-thru window, under canopy gas dispensing, and a freestanding three (3) bay oil/lube operation.

2. BUILDING AND HEIGHT REQUIREMENTS

- a. The uses permitted in this "C-8" Planned Commercial District shall be contained in a total of two (2) single story buildings
- b. The canopy structure shall not exceed 5,600 square feet in area and contain a total of six (6) fuel pumps.
- c. Building elevations shall be as approved by the Planning Commission in conjunction with the Site Development Plan.
- d. The convenience store/fast food restaurant shall not exceed 6,000 square feet in overall size. The fast food restaurant shall not exceed sixty (60) seats.
- e. The three (3) bay oil/lube operation shall not exceed 2,100 square feet in overall size.

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building permit, the petitioner shall submit to the Planning Commission for its review and approval a Site Development Concept Plan. Within eighteen (18) months of the Site Development Concept Plan approval date, the developer shall submit the first Site Development Section Plan to the Planning Commission for review and approval. Where due cause is shown by the developer, this time interval may be extended by the Planning Commission in accordance with requirements of Section 1003.145 of the City of Chesterfield Zoning Ordinance.

- a. The Site Development Plan shall include the following:
 - (1) Outboundary plat and legal description of the property.
 - (2) A graphic scale.

- (3) The location and size of all right-of-way dedications and the pavement widths of all roadway improvements and internal drives.
- (4) The location and size of all freestanding signs, lighting, fences, sidewalks, handicap ramps and other above-ground structures.
- (5) Provide existing and proposed contours at vertical intervals of one (1) foot extending 150 feet beyond the limits of the site.
- (6) Indicate the location of proposed sanitary sewer and connection to the existing system.
- (7) Indicate proposed stormwater sewer facilities.
- (8) Parking calculations.
- (9) Zoning district lines.
- (10) Building and parking setbacks.
- (11) A landscape plan including, but not limited to, the location, minimum size and general type of all plant materials to be used.
- (12) Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Building Setbacks

- a. No building or structure, other than boundary walls, retaining walls, signs, light standards, flag poles, fences, or trash enclosures shall be located within the following setbacks:
 - (1) Ninety (90) feet from the northern (Chesterfield Airport Road) property limits of this "C-8" District development.
 - (2) Twenty (20) feet from the eastern property limits of this "C-8" District development.
 - (3) Fifteen (15) feet from the southern property limits of this "C-8" District development.
 - (4) Forty (40) feet from the western (Long Road) property limits of this "C-8" District development..

Parking Setbacks

- b. No parking stall, loading /storage areas, internal drive (excluding points of ingress and egress or other access as approved on the Site Development Plan) shall be located within the following setbacks:
- (1) Twenty (20) feet from the northern (Chesterfield Airport Road) property limits of this "C-8" District development.
 - (2) Five (5) feet from the eastern limits of this "C-8" District development.
 - (3) Ten (10) feet from the southern limits of this "C-8" District development.
 - (4) Fifteen (15) feet from the western (Long Road) property limits of this "C-8" District development.

Parking Requirements

- c. Minimum parking requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Road Improvements, Access and Sidewalks

- d. Provide a traffic study for review, and approval, by the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic.
- e. Access to the site shall be provided by two (2) curb cuts on Long Road, one (1) curb cut on Chesterfield Airport Road. The centerline of the second Long Road entrance shall be located a minimum of three hundred and fifty (350) feet from Chesterfield Airport Road. The centerline of the Chesterfield Airport Road entrance shall be a minimum of one hundred ninety (190) feet from Long Road, as measured from the eastern most edge of the existing through lane pavement. The above distances are minimum and may be greater, as directed by the St. Louis County Department of Highways and Traffic.
- f. Provide cross access agreement 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 City of Chesterfield and the St. Louis County Department of Highways and Traffic. Cross access should have maximum offset from Chesterfield Airport Road. Cross access shall be coordinated with proposed development of adjacent tracts.
- g. Improve Long Road to one-half (1/2) of a ninety-four (94) foot right-of-way, and one (1/2) of a five (5) lane cross section with ten (10) foot stabilized shoulders. Actual

width of pavement to provide will vary as dictated by intersection geometrics. St. Louis County Department of Highways and Traffic will provide the typical cross section of Long Road at this intersection. The existing median should be extended to a length of approximately three hundred and fifty (350) feet. Additional drainage easement dedication along Long Road will be required by the St. Louis County Department of Highways and Traffic.

- h. Coordination with St. Louis County Department of Highways and Traffic will be required to establish the right-of-way dedication necessary at the southeast corner of the intersection of Long Road and Chesterfield Airport Road. Pavement improvements including all storm drainage facilities shall be as directed by the St. Louis County Department of Highways and Traffic.
- i. Provide a five (5) foot wide sidewalk, conforming to St. Louis County ADA standards, adjacent to Chesterfield Airport Road and Long Road, as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works. The sidewalks shall be constructed within public right-of-way, or easement, which provide sufficient width, as directed by the Department of Public Works.

Landscape Requirements - General

- j. Either as part of the Site Development Plan or on a separate drawing to be reviewed as part of said plan, the developer shall submit a landscape plan.
- k. All new landscaping materials shall meet the following criteria:
 - (1) Deciduous trees shall be a minimum three (3) inches in caliper.
 - (2) Evergreen trees shall be a minimum seven (7) feet in height.
 - (3) Shrubs shall have a minimum diameter of eighteen (18) to twenty-four (24) inches.
 - (4) Flowering trees shall be a minimum of two and one-half (2 1/2) inches in caliper.
- l. All peripheral areas shall be heavily landscaped with deciduous and coniferous trees and shrubs as approved by the Planning Commission on the Site Development Plan. Street trees and other landscaping shall be provided as required in the City of Chesterfield Subdivision Ordinance.
- m. All access points and drives shall be landscaped (except within the sight distance

triangle), as approved by the Planning Commission on the Site Development Plan.

- n. Planting islands located on both side of major on-site accessways into and through parking lots, and/or at the ends of parking rows, shall be landscaped with at least one (1) deciduous tree per planting island. The planting islands shall contain adequate ground cover. The planting islands shall not be paved or contain sidewalks, except as approved for safe pedestrian circulation by the Planning Commission on the Site Development Plan. The placement of parking islands shall be as approved by the Planning Commission on the Site Development Plan.
- o. Existing mature vegetation located along the southern limits of this "C-8" District development shall be retained, insofar as practical, and denoted on the Site Development Plan, as approved by the Planning Commission on the Site Development Plan. Said vegetation shall be marked, flagged, or staked for preservation prior to tree clearance, grubbing and grading. The owner/developer shall be responsible for contacting the Department of Planning prior to such work.
- p. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds an estimated cost of one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping. Prior to release of the landscape escrow or bond, a two (2) year Landscape Maintenance Bond or Escrow, sufficient in amount to guarantee the replacement of landscaping, shall be furnished. Said bond shall be based on costs determined by a plant nursery and approved by the Department of Planning.

Signage Requirements

- q. The location of all signs shall be as approved by the Planning Commission of the Site Development Plan.
- r. No more than two (2) freestanding project identification monument signs shall be permitted within the limits of this "C-8" District development. The height of one (1) such sign shall not exceed twelve (12) feet with a maximum of one hundred (100) square feet, and the height of the other sign shall not exceed eight (8) feet with a maximum of fifty (50) square feet, for a total of one hundred and fifty (150) square feet, as approved by the Planning Commission on the Site Development Plan. A third sign for pricing is permitted and shall be no larger than twenty (20) square feet. The pricing sign may be included in the monument identification sign not to exceed one hundred (100) square feet, or be used as part of two completely separate signs, one at eighty (80) square feet and one at twenty (20) square feet, for a total of one

hundred and fifty (150) square feet for the three (3) uses, including twenty (20) square feet for the permitted price signage.

- s. No advertising signs, or temporary signs (including balloons, banners, festoons of lights, strings of pennants, clusters of flags, twirlers or propellers, flares, spot lights and other similar devices of carnival nature) shall be permitted in this development.

Lighting Requirements

- t. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. Lighting shall be required in compliance with the City of Chesterfield Subdivision Ordinance.
- u. Required street lighting and sidewalks within the development shall be depicted on the Site Development Plan, and escrows shall be established for these improvements.

Miscellaneous Conditions

- v. A six (6) foot in height ornamental site-proof fence and/or brick/stone wall shall be erected along the southern property limits of this "C-8" District development, beginning at a point eighty (80) feet east of the existing eastern right-of-way line at Long Road.
- w. All dumpster and/or trash receptacles shall be enclosed in a six (6) foot in height solid wall enclosure constructed of the same material as its principal building and/or use.
- x. Parking, circulation, and other applicable site design features shall comply with Chapter 110, Section 512.4 "Physically Handicapped and Aged" of the S.L.C.R.O. 1974, as amended.
- y. All mechanical equipment shall be adequately screened by roofing or other screening, as approved by the Planning Commission on the Site Development Plan.
- z. Interior pedestrian walkways, pavement markings, striping and directional signage shall be as approved by the Planning Commission on the Site Development Plan.
- aa. There shall be no outdoor display and/or selling of merchandise within the limits of this "C-8" District development.
- bb. The existing structure located within the southern property limits shall be removed prior to issuance of a building permit and have the written consent of the abutting

property owner.

5. TRUST FUND CONTRIBUTIONS

- a. The developer shall contribute to the Chesterfield Valley Road Trust Fund. This fund was created for roadway improvements, stormwater improvements, sanitary sewer facilities and water main improvements in the Chesterfield Valley area.

As a portion of this development may be exempt from trust fund contributions, road improvement fees shall be determined considering land use of the remaining parcels of the proposed development, as indicated below:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$ 1.47/square feet
Parking	\$ 3,539.91/acre

(Parking space(s) as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance.)

If types of development proposed differ from those listed, rates shall be provided by the St. Louis County Department of Highways and Traffic. When more than one land use type is proposed and each land use type constitutes thirty-five (35) percent, or more, of the gross building area, the applicable road improvement contribution shall be determined considering each land use exceeding thirty-five (35) percent, as approved on the Site Development Plan.

Credits for roadway improvements, as required above, will be rewarded, as directed by the St. Louis County Department of Highways and Traffic. Any portion of the roadway improvement contribution which remains following completion of road improvements required by the developer shall be retained in the trust fund.

The roadway improvement contributions shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit by the St. Louis County Department of Highways and Traffic. Funds shall be payable to "Treasurer, St. Louis County".

- b. The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$467.27 per acre for the total area, as approved on the Site Development Plan, and to be used solely to help defray the cost

of constructing the primary water line serving the Chesterfield Valley area.

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

- c. The stormwater 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 stormwater from the Chesterfield Valley in accordance with Master Plan on file with, and jointly approved by, St. Louis County and the St. Louis Metropolitan Sewer District. The amount of stormwater contribution will be computed on basis of \$1,474.53 per acre for the total area, as approved on the Site Development Plan.

The stormwater contribution to the trust fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit by St. Louis County Department of Highways and Traffic. Funds shall be payable to "Treasurer, St. Louis County".

- d. The sanitary sewer contribution to the trust fund shall be deposited with the St. Louis Metropolitan Sewer District, as required by the District.

In those instances where the developer has built an on-site treatment plant, or has been authorized to extend a sewer line (not including laterals) off of the site to connect with another authorized off-site sewer line, any pumping station, or on-site treatment plant, shall be credited against the above sum, as directed by the Metropolitan Sewer District.

The amount of this required contribution for the roadway, stormwater and primary water line improvements, if not submitted by January 1, 1997, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index, as determined by the St. Louis County Department of Highways and Traffic.

6. VERIFICATIONS PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the developer shall provide the following:

Stormwater

- a. Submit to the Planning Commission a preliminary engineering plan approved by MoDOT, MSD, the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.
- (1) The developer is required to provide adequate stormwater systems in accordance with St. Louis County Department of Highways and Traffic and MSD standards and in accordance with the Master Plan for Management of Stormwater within Chesterfield Valley.
 - (2) All stormwaters shall be discharged at an adequate natural discharge point by means of bleeder ditches and/or construction of portions of the main channel, as outlined in the Chesterfield Valley Master Drainage Plan, or by other means that may be approved by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. This may require extensive off-site storm sewer ditch work and appropriate easements.
 - (3) Prior to issuance of foundation or building permits, all approvals from the St. Louis County Department of Highways and Traffic and MSD must be received by the City of Chesterfield.
 - (4) This development will require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five (5) or more acres. A copy of the permit application must be submitted to the Department of Public Works prior to issuance of a grading permit or approval of the improvement plans.

Roadway Improvements and Curb Cuts

- b. Provide certification of approval by the St. Louis County Department of Highways and Traffic and MoDOT of the location of proposed curb cuts, areas of new dedication, and roadway improvements.
- c. Road improvements shall be completed prior to the issuance of an occupancy permit. 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.

Geotechnical Report

- d. Provide a geotechnical report, as directed by the City of Chesterfield Department of Public Works, prepared by a Professional Engineer, licensed to practice in the State of Missouri. Said Report shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, shall be included on the Site Development Plans and the Improvement Plans. This report shall address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and

recommendations for treatment.

Sanitary Sewers

- e. Provide verification of approval by M.S.D. for adequate handling of sanitary sewage.
- f. Sanitary sewer connection to existing sewers on-site shall be required, as approved by M.S.D.

Miscellaneous

- g. Provide verification of comments from appropriate Fire District.
- h. The petitioner shall be responsible for obtaining all necessary permits from the Department of Natural Resources Clean Water Commission as they relate to the development of this tract, as directed by the City of Chesterfield.
- i. Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit must be established with this Department to guarantee completion of the required roadway improvements.
- j. Prior to Special Use Permit issuance by the St. Louis County Department of Highways and Traffic, right-of-way and roadway easement dedication shall be completed and submitted to the St. Louis County Department of Highways and Traffic.

7. RECORDING

Within sixty (60) days of approval of the Site Development Plan by the Planning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

8. VERIFICATION PRIOR TO BUILDING PERMITS

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

Development Phasing

- a. The developer shall furnish a bond or place into escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the developer shall provide the necessary funds

- for each plat or phase of development.
- b. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication and access requirements commensurate with each phase of development as required by the St. Louis County Department of Highways and Traffic and the City of Chesterfield and MoDOT.

Notification of Department of Planning

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

Certification of Plans

- d. 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.

9. GENERAL DEVELOPMENT CONDITIONS

- a. Within two (2) years of the date of approval of the Site Development Plan by the Planning Commission, construction shall commence. Said time may be extended one (1) additional, year on approval by the Planning Commission.
- b. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required. Construct temporary settlement basins during construction to allow for settling of sediment, prior to stormwater discharge from this site.
- c. 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.
- d. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other

conditions not apparent at this time.

- e. 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.
- f. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.
- g. The Zoning Enforcement Inspector of the City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accordance with Site Development Plans approved by the Planning Commission and the Department of Planning.
- h. The developer is advised that utility companies will require compensation for relocation cost shall not be considered as an allowable credit against the petitioner's roadway improvement 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.

[PC30-96A.505]

