

# III. C.

## Memorandum Department of Planning & Public Works



**To:** Planning and Public Works Committee

**From:** Jennifer Yackley, Project Planner

**Date:** 2/12/2008

**RE:** **P.Z. 30-2007 Spirit Energy, LLC (13506 Olive):** A request for a change of zoning from a "C2" Commercial District with a Conditional Use Permit to a "PC" Planned Commercial District for a .31 acre tract of land located at 13506 Olive Blvd at the southwest corner of Olive Blvd and Woods Mill Road.

### Summary

Spirit Energy, L.L.C. has submitted an application for a change of zoning from "C-2" Commercial District with a Conditional Use Permit to a "PC" Planned Commercial District located at the southwest corner of Olive Boulevard and Woodsmill Road. The Petitioner's previous petition, P.Z. 17-2006, was withdrawn without prejudice at the February 21, 2007 City Council meeting. The public hearing for this project was held before the Planning Commission on September 10, 2007. At the February 11, 2008 City of Chesterfield Planning Commission meeting, a recommendation for approval failed by a vote of 3-5. After the motion to approve failed, Planning Commission did not entertain a motion regarding the Petitioner's request for a reduction in the required open space. The required open space is 40% for retail uses and 30% for all other uses. The petitioner is requesting a reduction to 16.74%.

Attached please find a copy of Staff's report, the Attachment A and the Preliminary Plan.

Respectfully submitted,

Jennifer Yackley  
Project Planner

Respectfully submitted,

Aimee E. Nassif  
Senior Planner of Zoning  
Administration

Cc: Michael G. Herring, City Administrator  
Rob Heggie, City Attorney  
Michael O. Geisel, Director of Planning and Public Works



VIII.A.

---

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

---

## Planning Commission Staff Report

**Meeting Date:** February 11, 2008

**From:** Jennifer Yackley, Project Planner

**Subject:** Rezoning Vote Report

**Location:** 13506 Olive Boulevard

**Petition:** P.Z. 30-2007 Spirit Energy, LLC (13506 Olive)

### Proposal Summary

Spirit Energy, L.L.C. has submitted an application for a change of zoning from "C-2" Commercial District to a "PC" Planned Commercial District per the regulations of the City of Chesterfield Zoning Ordinance Section 1003.140. The location of this site is the southwest corner of Olive Boulevard and Woodsmill Road.

The petitioner requested the following variances from the Tree Manual:

1. Reduce the thirty (30) foot landscape buffer requirement along arterial and collector roadways to a zero (0) foot landscape buffer.
2. Reduce the fifteen (15) foot landscape setback from existing or proposed rights of way for vehicular areas to a zero (0) foot landscape setback.

Upon review by the Department of Planning and Public Works, a modification was granted to allow a 10 foot landscape buffer along both Olive Boulevard and Woodsmill Road.

The petitioner is also requesting a reduction in the openspace requirement. The required openspace is 40% for retail uses and 30% for all other uses. The petitioner is requesting a reduction to 15%.

Section 1003.140 allows for the open space requirement to be amended if the Petitioner has demonstrated that said amendment would encourage, promote, and reward good architecture and urban planning. A separate two-thirds vote (6) of the Planning Commission would be required.

### Staff Recommendation

The Attachment A for this request meets all of the development requirements of the City of Chesterfield and therefore, Staff requests action on the change of zoning from a "C-2" Commercial District to a "PC" Planned Commercial District.

### Zoning Analysis

A preliminary plan accompanies all rezoning requests when the change of zoning is to a Planned District. When a vote is taken on a rezoning request, the vote is to approve the change of zoning with an Attachment A written by Staff. The vote is not to approve the accompanying preliminary plan which is provided for informational purposes only.

The preliminary plan submitted with this rezoning request currently does not adhere to the City's Access Management Ordinance. Specifically, the length of the driveway throat for the entrance onto Woodsmill Road is too short. The Access Management Ordinance requires a minimum of 45 feet as measured from the edge of the street to the nearest edge of the first drive. The preliminary plan depicts a distance of only 22 feet.

If, during the site plan review phase, the Petitioner desires to bring forward a site development plan which does not meet the Access Management Ordinance, the site development plan will not receive a positive recommendation from Staff.

### 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 Forum Shopping Center and is zoned "C-2" Commercial District.
- South: The property to the south is Four Seasons Shopping Center is zoned "C-2" Commercial District.
- East: Jiffy Lube is located across Woodsmill Road to the east and is zoned "C-2" Commercial District.
- West: The property to the west is Four Seasons Shopping Center is zoned "C-2" Commercial District.





Looking north, across Olive Blvd.



Looking west across site from  
Woodsmill Rd.



Looking south toward Dierbergs



Intersection of Olive Blvd. and  
Woodsmill Road

### **Comprehensive Plan Analysis**

The subject site is located within Ward 1 of the City of Chesterfield. The Comprehensive Plan calls for this area to be commercial. This subject site is not located in any sub-area identified by the Comprehensive Plan; therefore there are no additional development guidelines for this site.

### **Site Area History**

In January 1966, St. Louis County issued Conditional Use Permit #17 for a filling station with service bays. In March 1984, St. Louis County amended Conditional Use Permit #17 to allow twenty-four (24) hour a day operations on this site.

In 2006 Spirit Energy, LLC submitted a request to rezone the site to a Planned Commercial District with the same uses. The Planning Commission's motion to approve failed by a vote of 2-5. The Planning and Zoning Committee tabled the petition at their February 8, 2007 meeting. On February 21, 2007 the City Council approved the petitioner's request to withdraw the petition without prejudice. In May 2007 the Petitioner submitted a new request to rezone the property. A new public hearing was held on September 10, 2007. There are no significant differences between the current rezoning request and the previously withdrawn request.

**Issues**

A public hearing was held on this request on September 10, 2007. At that time there were two speakers, one neutral and one in favor, on this matter other than the petitioners. At the hearing, several issues were identified. Those issues along with the Petitioner's responses are attached.

**Request**

Staff has reviewed the change of zoning request from a "C2" Commercial District to a "PC" Planned Commercial District and the Attachment A as written adheres to all applicable requirements of the City Code. Staff requests action on P.Z. 30-2007 Spirit Energy LLC (13506 Olive Blvd.)

Staff requests action on the Petitioner's request for a reduction in the openspace requirement to 15%. A separate two-thirds vote (6) of the Planning Commission would be required for approval.

Respectfully submitted,



Jennifer Yackley  
Project Planner

Respectfully submitted,



Aimee Nassif  
Senior Planner of Zoning  
Administration

**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. Filling stations for automobiles.
  - b. Restaurants, fast food, with drive-through service.
  - c. Restaurants, sit down.
  - d. Stores, shops, markets, and service facilities in which goods or services of any kind are offered for sale or hire to the general public on the premises.
  
2. The following uses shall be ancillary uses in the "PC" District:
  - a. Automatic vending facilities for:
    - (i) Ice and solid carbon dioxide (dry ice);
    - (ii) Beverages;
    - (iii) Confections.

#### **B. SETBACKS**

1. **STRUCTURE SETBACKS**

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

  - a. Ten (10) feet from the right-of-way of Olive Boulevard on the northern boundary of the "PC" District.
  - b. Ten (10) feet from the right-of-way of Woodsmill Road on the eastern boundary of the "PC" District.
  - c. Zero (0) feet from the southern boundary of the "PC" District.
  - d. Zero (0) feet from the western boundary of the "PC" District.

**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. Ten (10) feet from the right-of-way of Olive Boulevard on the northern boundary of the "PC" District.
- b. Ten (10) feet from the right-of-way of Woodsmill Road on the eastern boundary of the "PC" District.
- c. Zero (0) feet from the southern boundary of the "PC" District.
- d. Zero (0) feet from the western boundary of the "PC" District.

**C. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
  - a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
  - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
  - c. No construction parking shall be permitted within the Olive Boulevard or State Route 141 (Woodsmill Road) right-of-way.
3. Parking lots shall not be used as streets.

**D. LANDSCAPE AND TREE REQUIREMENTS**

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.

2. The width of the landscape buffer along both Olive Boulevard and Woodsmill Road shall be ten (10) feet.

**E. SIGN REQUIREMENTS**

1. 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.
2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

**F. LIGHT REQUIREMENTS**

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

**G. ARCHITECTURAL**

1. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

**H. ACCESS/ACCESS MANAGEMENT**

1. Access to Olive Boulevard shall be limited to one (1) entrance close to the west property line. The location and geometry of the access shall be as directed by the Department of Planning and Public Works and the Missouri Department of Transportation. The



west edge of the entrance shall be at least ten (10) feet east of the west terminus of the median on Olive Boulevard. It shall be the developer's responsibility to extend the median if necessary and if approved by the Missouri Department of Transportation. Should alternate access and adequate circulation be made available to the site prior to approval of the Site Development Plan, no direct access to Olive Boulevard shall be permitted. Should alternate access be made available after initial development of the site, the access to Olive Boulevard shall be removed at such time as a significant change is made to the building or the site layout as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

2. Access to State Route 141 (Woodsmill Road) shall be limited to one (1) entrance close to the south property line. Should alternate access and adequate circulation be made available to the site prior to approval of the Site Development Plan, no direct access to State Route 141 (Woodsmill Road) shall be permitted. Should alternate access be made available after initial development of the site, the access to State Route 141 (Woodsmill Road) shall be removed at such time as a significant change is made to the building or site layout as directed by the City of Chesterfield and/or the Missouri Department of Transportation. The location and geometry of the access shall be directed by the Department of Planning and Public Works and the Missouri Department of Transportation.
3. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right-of-way will require permit. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.

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

1. Provide any additional right-of-way and construct any improvements to Olive Boulevard and State Route 141 (Woodsmill Road), as required by the Missouri Department of Transportation.
2. All roadways and any related improvements shall be completed prior to final paving of the parking lot for the development.
3. Provide a five (5) foot sidewalk, conforming to ADA standards, along the Olive Boulevard and the State Route 141 (Woodsmill Road) frontage of the site. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of

Transportation, or within a six (6) foot wide sidewalk, maintenance and utility easement.

**J. TRAFFIC STUDY**

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.

**K. POWER OF REVIEW**

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the site plan. The City Council will then take appropriate action relative to the proposal.

**L. 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 developments or issuance of building permits exceeding sixty percent (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.
3. The developer shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right-of-way.
4. Drainage detention storage facilities should be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.

**M. SANITARY SEWER**

Private sanitary sewer laterals may not cross property lines.

**N. GEOTECHNICAL REPORT**

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. MISCELLANEOUS**

1. All utilities will be installed underground.
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.
3. A grease trap and sampling manhole are required at all restaurants.

**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, and significant natural features, such as wooded areas and rock formations, 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 two (2) feet, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

22. Compliance with Sky Exposure Plane.

**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. ENFORCEMENT**

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development 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.

**SPIRIT ENERGY, L.L.C.**  
**50 S. Bemiston**  
**St. Louis, MO 63105**  
**314 725-4321**

---

October 29, 2007

Jennifer Yackley  
Project Planner  
City of Chesterfield

RE: P.Z. 30-2007 Spirit Energy, L.L.C. (13506 Olive)

This letter is in response to your issue's letter dated September 14, 2007.

1. Provide comments from the Missouri Department of Transportation. The Missouri Dept. of Transportation will be responding to the site plan. They have already responded once, and changes are being made per their request.
2. Please explain how traffic along Olive Blvd. and Woods Mill Road will be affected by this development. Traffic will be minimally affected per a traffic study by Crawford, Bunte, and Brammeier which was completed and turned into the City in December of 2006.
3. The intersection of Olive Blvd. and Woods Mill Road is a significant intersection within the City of Chesterfield. Please explain how this development will impact the intersection. Other than making it a more attractive intersection, the impact will be negligible.
4. Will an outdoor seating area be provided? Yes there may be a small seating area outside. It will conform to the seating and parking requirements in connection with the total seating allowed for the site.
5. Is the petitioner willing to restrict the proposed uses to specifically exclude "ice cream shops" as a permitted use? No.
6. Has the issue of cross access with the abutting property been resolved since the previous petition in 2006? We have been denied the cross access and as the owner of the adjoining parcel explained to the commission they are unable to grant it without legal ramifications from their tenant.
7. Is the petitioner willing to provide a curb along the western and southern boundaries of the site? Yes.
8. Please explain how customers will be able to safely enter and exit the site. The site is currently limited to right in and right out only. To ensure added safety we have moved the two entrances as far from the intersection as the property will allow.
9. Please be advised that the proposed plan does not meet the open space requirements in the City Code—40% for Planned Commercial retail uses and 30% for other Planned Commercial uses. We are advised.

# SPIRIT ENERGY, L.L.C.

50 S. Bemiston

St. Louis, MO 63105

314 725-4321

---

10. Please be advised that the development does not meet the 30 foot landscape buffer along collector and arterial roadways as required by the Tree Manual. We are advised.
11. Please be advised that the development does not meet the 15 foot landscape setback from existing or proposed rights of way for vehicular areas. We are advised.
12. The preliminary plan still depicts a potential traffic conflict at the entrance onto Route 141. In addition, the pavement widening actually reduces the driveway throat length and brings the traffic conflict closer to the roadway pavement than previously submitted plans. This is being worked on with the advice of MoDot.
13. Consideration should be given to possibly isolating the drive thru lane such that the vehicles are required to exit onto State Route 141. It has been considered, but that would only allow our customers the choice of driving in one direction when they exit the property and would negatively impact the value of the property.
14. The Preliminary Plan indicates that the vehicles that will be using the drive thru lane will not be able to stay within the limits of the drive thru lane. Even a passenger car will encroach on the adjacent travel lane which will likely impede traffic flow within the site and increase the possibility of traffic conflicts on the adjacent roadways. The drive thru lane will be adequately wide enough to allow a vehicle to stay within its limits.
15. A single unit truck can not traverse through this site. In addition, if a single unit truck, such as a trash truck comes onto the site from Olive Boulevard and then exits via State Route 141, the truck will not be able to exit without driving over the curb. In addition, the single unit truck can not enter the site from State Route 141 and successfully negotiate the necessary turns to reach the trash enclosure or the loading space provided on the western parcel line. A trash truck will be able to exit onto hwy 141 in the same manner it does from adjoining properties. They will enter the lot from Olive Blvd.
16. The plan indicates that the curb along Olive Boulevard will be replaced with a mountable curb directly adjacent to the proposed five (5) foot wide sidewalk. The curbing in this area will need to provide a barrier between pedestrian and vehicular traffic. We will discuss this with the City of Chesterfield and MoDot to resolve the issue. We are under the impression that MoDot would prefer not to have a sidewalk, as there are no sidewalk's currently at this intersection.
17. Please be advised that the proposed no entrance sign located near the entrance at Olive Boulevard will need to be relocated such that it properly directs and informs drivers of on site traffic flow direction. The plan appears to inform drivers that they can not enter the site from Olive Boulevard. The sign can be relocated.
18. MSD has submitted the following comments:
  - a. Private sanitary sewer laterals may not cross property lines.
  - b. A grease trap and a sampling manhole are required at all restaurants.
  - c. Easements may be required.



**SPIRIT ENERGY, L.L.C.**

**50 S. Bemiston**

**St. Louis, MO 63105**

**314 725-4321**

---

Sincerely,

A handwritten signature in cursive script that reads "Jay Chambers".

Jay Chambers

Real Estate and Construction Coordinator

314-898-9239

# SPIRIT ENERGY, LLC 13506 OLIVE BLVD.

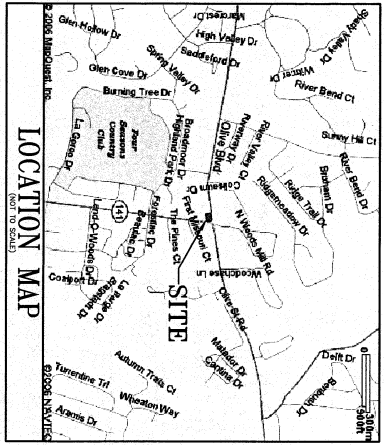
A TRACT OF LAND IN PART OF LOT 2 IN SHARE NO. 1 OF THE  
 PARTITION OF MISSOURI STEVENS ESTATE IN U.S. SURVEY 207  
 TOWNSHIP 46 NORTH, RANGE 5 EAST  
 CITY OF CHESTERFIELD  
 ST. LOUIS COUNTY, MISSOURI

STATE OF MISSOURI  
 COUNTY OF ST. LOUIS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing petition, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Notary Public in and for the State of Missouri



STATE OF MISSOURI  
 COUNTY OF ST. LOUIS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing petition, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Notary Public in and for the State of Missouri

### PARKING CALCULATIONS

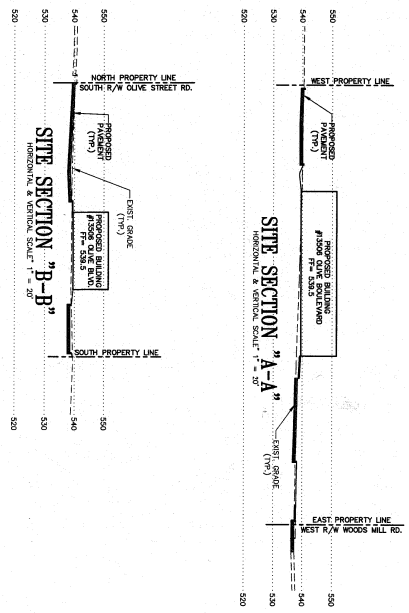
1 SPACE FOR EVERY 2 SEATS (4 SEATS) ..... 14 SPACES TOTAL = 7 PARKING SPACES  
 2 SPACES FOR EVERY 3 EMPLOYEES ON THE HUMAN SHIFT ..... 3 PARKING SPACES TOTAL  
 3 PARKING SPACES TOTAL  
 9 PARKING SPACES TOTAL (MINIMUM REQUIRED)

### FLOOR AREA RATIO (F.A.R.) CALCULATIONS

BUILDING SQ. FT. = 1530 SQ. FT.  
 TOTAL AREA OF SITE = 13250 SQ. FT. = 0.1153 F.A.R.  
 (PER CITY OF CHESTERFIELD CODE, 17.01)

### OPEN SPACE CALCULATIONS

ALL GREEN & LANDSCAPED AREAS + EXISTING ACCESSWAYS  
 (PER CITY OF CHESTERFIELD CODE, NO. 17.02)  
 TOTAL AREA OF SITE  
 1493 SQ. FT. + 385 SQ. FT. = 0.1674 OR 16.74% OPEN SPACE  
 13250 SQ. FT.



- NOTES:
- 1) CROSS SITE AREA: 13260 SQUARE FEET, MORE OR LESS, OR 0.31 ACRES, MORE OR LESS.
  - 2) IMPROVED USE OF BUILDING: OFFICE BLDG WITH ONE THROUGH WALKWAY.
  - 3) PROPOSED CONSTRUCTION TYPE:
  - 4) PROPOSED FLOOR AREA: 1,530 SQ. FT.
  - 5) PROPOSED BUILDING HEIGHT: 27 FEET, 2.5 FEET AT CORNER LEVEL.
  - 6) BUILDING SET BACK: NONE FOUND.
  - 7) NEAREST EXISTING SCHOOL: RIVER BEND HIGH SCHOOL, CHESTERFIELD, MISSOURI.
  - 8) DISTRICT ZONES: "C-2" SHOPPING DISTRICT.
  - 9) PRE DISTRICT: UNIMPROVED PRE PROTECTION DISTRICT.
  - 10) WATER DISTRICT: MISSOURI AMERICAN WATER COMPANY.
  - 11) SEWER DISTRICT: METROPOLITAN ST. LOUIS SEWER DISTRICT.
  - 12) ELECTRIC DISTRICT: AMENUE.
  - 13) SCHOOL DISTRICT: PARKWAY.
  - 14) SOUNDBANK: ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS & PUBLIC RECREATION, #R-178 - ROAD AT THE INTERSECTION OF RIVER VALLEY DRIVE AND OLIVE STREET.
  - 15) SOURCE OF TITLE: FIRST AMERICAN TITLE INSURANCE COMPANY - THE NO. 02-42001, DATED 1/17/06, SHOWS THE BOUNDARIES OF THE TRACT OF LAND HEREIN DESCRIBED AS SHOWN HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UTILITIES AND STRUCTURES SHOWN ON THIS PLAN AND TO OBTAIN ALL NECESSARY PERMITS FROM ALL AFFECTED AGENCIES AND AGENCIES WITHIN THE CITY OF CHESTERFIELD, MISSOURI.
  - 16) SOURCE OF SEAS: COMPACTED FROM PLAY BOOK 341, PAGE 58 OF THE ST. LOUIS COUNTY RECORD BOOK 11717, PAGE 153 OF THE ST. LOUIS COUNTY RECORDS.
  - 17) SOURCE OF SEAS: COMPACTED TO EQUAL INTERPRETS, L.L.C. IN DEED BOOK 11717, PAGE 153 OF THE ST. LOUIS COUNTY RECORDS.
  - 18) LOCATION NO.: 18033-0902, ST. LOUIS COUNTY, MISSOURI.
  - 19) THE LOCATION OF EXISTING UTILITIES AND UTILITIES HAVE BEEN OBTAINED FROM THE CITY OF CHESTERFIELD, MISSOURI. THEREFORE, THESE LOCATIONS MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UTILITIES AND STRUCTURES SHOWN ON THIS PLAN AND TO OBTAIN ALL NECESSARY PERMITS FROM ALL AFFECTED AGENCIES AND AGENCIES WITHIN THE CITY OF CHESTERFIELD, MISSOURI.
  - 20) PRESENT OWNERS: SPIRIT ENERGY, LLC  
 CLAYTON, MISSOURI 63103  
 (314) 726-8575
  - 21) DEVELOPER: SPIRIT ENERGY, LLC  
 50 S. BEMISTON AVE.  
 ST. LOUIS, MO 63105  
 (314) 386-2339 FAX: (314) 726-8575
  - 22) SURVEYOR: JAMES ENGINEERING & SURVEYING COMPANY, INC.  
 10811 Big Bend Boulevard  
 Kirkwood, MO 63122  
 Phone: (314) 822-1006 Fax: (314) 822-0086
  - 23) SURVEYOR'S RESPONSE: JAMES ENGINEERING & SURVEYING COMPANY, INC.  
 10811 Big Bend Boulevard  
 Kirkwood, MO 63122  
 Phone: (314) 822-1006 Fax: (314) 822-0086

THIS IS TO CERTIFY THAT AT THE REQUEST OF SPIRIT ENERGY, LLC, I HAVE IN THE NORTH & SOUTH PART OF LOT 2 IN SHARE NO. 1 OF THE PARTITION OF MISSOURI STEVENS ESTATE IN U.S. SURVEY 207, TOWNSHIP 46 NORTH, RANGE 5 EAST, IN THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI.

JAMES ENGINEERING AND SURVEYING COMPANY, INC.

FILED IN WEST MO REC. 15-2778

*[Signature]*

*[Seal]*

LEGEND

○	- EX. TRAFFIC SIGNAL
○	- EX. TRAFFIC CONTROL BOX
○	- EX. UTILITY POLE
○	- EX. UTILITY POLE
○	- EX. CITY ANCHOR
○	- EX. WATER METERS
○	- EX. SEWERING WELLS
○	- EX. GAS PIPE
○	- EX. GAS MAIN

**JAMES ENGINEERING & SURVEYING CO., INC.**  
 Engineers Planners Surveyors  
 10811 Big Bend Boulevard  
 Kirkwood, MO 63122  
 Phone: (314) 822-1006 Fax: (314) 822-0086

Vertical: 1" = 20'  
 Horizontal: 1" = 20'  
 Survey No. 181067  
 Date: 5/2/06

Sh: \_\_\_\_\_  
 Dwg. JNW  
 Chk. CLS

**PRELIMINARY DEVELOPMENT PLAN**

PREPARED FOR: SPIRIT ENERGY, LLC  
 50 S. BEMISTON AVE.  
 ST. LOUIS, MO 63105  
 ATTN: JAY CHAMBERS  
 314-898-9239 314-726-9575 (FAX)

**SPIRIT ENERGY, LLC**  
 13506 OLIVE BLVD.  
 CHESTERFIELD, MO  
 63017

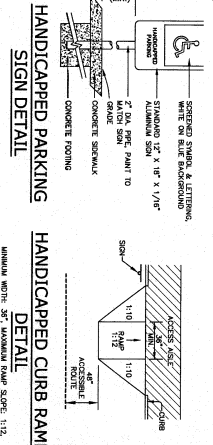
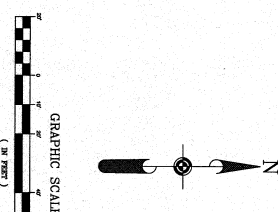
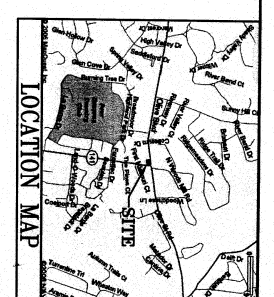
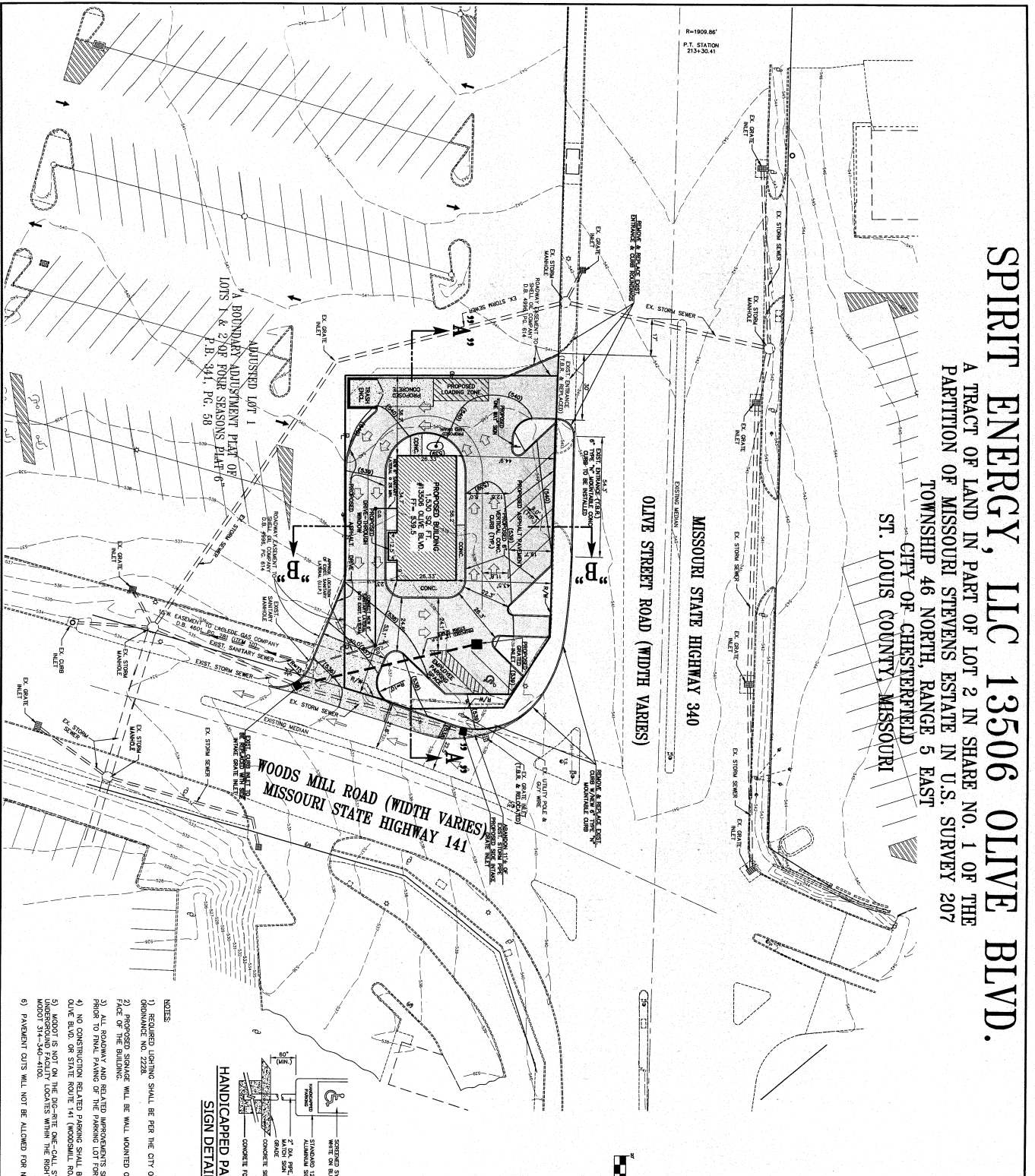
NO.	DATE	BY	REMOVED PROPERTY DESCRIPTION PER TITLE COMMITMENT
1	7/26/06	JNW	REVISED DESCRIPTION PER TITLE COMMITMENT
2	8/9/06	JNW	REVISED ACREAGE IN NOTE NO. 1.
3	11/7/06	JNW	NEW SET LAYOUT/ADDED METERS WITHIN 150 FT. OF SITE
4	11/9/06	JNW	REVISIONS PER CITY OF CHESTERFIELD
5	11/14/08	JNW	REVISIONS PER CITY OF CHESTERFIELD
6	12/22/08	JNW	REVISIONS PER CITY OF CHESTERFIELD & WOODSTOCK
7	5/11/07	JNW	REVISIONS PER CLIENT
8	8/5/07	JNW	ADDED WIDER LAINE IN WOODS MILL RD.

1-800-DIGRITTE: 1-800-344-7483  
 MODOT U.G. LOCATE PHONE NUMBER: 314-340-4100



# SPIRIT ENERGY, LLC 13506 OLIVE BLVD.

A TRACT OF LAND IN PART OF LOT 2 IN SHARE NO. 1 OF THE  
PARTITION OF MISSOURI STEVENS ESTATE IN U.S. SURVEY 207  
TOWNSHIP 46 NORTH, RANGE 5 EAST  
CITY OF CHESTERFIELD  
ST. LOUIS COUNTY, MISSOURI



- NOTES**
- 1) REQUIRED SIGNAGE SHALL BE FOR THE CITY OF CHESTERFIELD ORDINANCE NO. 2228.
  - 2) PROPOSED SIGNAGE WILL BE WALL MOUNTED ON THE EXTERIOR FACE OF THE BUILDING.
  - 3) ALL SIGNAGE AND RELATED IMPROVEMENTS SHALL BE COMPLETED PRIOR TO FINAL PAVING OF THE PARKING LOT FOR THE REDEVELOPMENT.
  - 4) NO CONSTRUCTION RELATED PARKING SHALL BE RESULTED WITHIN OLIVE BLVD. OR STATE ROUTE 141 (WOODS MILL ROAD) RIGHT-OF-WAY.
  - 5) ADOPT IS NOT ON THE DIS-AITE ONE-CALL SYSTEM FOR UNDERGROUND FACILITY LOCATES WITHIN THE RIGHT-OF-WAY. CALL MODOT 314-340-4100.
  - 6) PAVEMENT CUTS WILL NOT BE ALLOWED FOR NEW WATER SERVICE.

- LEGEND**
- |    |                           |
|----|---------------------------|
| EX | - EX. TRAFFIC SIGNAL      |
| EX | - EX. TRAFFIC CONTROL BOX |
| -  | - EX. UTILITY POLE        |
| -  | - EX. CITY ANCHOR         |
| -  | - EX. WATER METERS        |
| -  | - EX. EXISTING WALL       |
| -  | - EX. GATE SIGN           |
| -  | - EX. C&G SIGN            |

<p><b>JAMES ENGINEERING &amp; SURVEYING CO., INC.</b> 10811 Big Bend Boulevard    Kirkwood, MO 63122 Phone: (314) 822-1006    Fax: (314) 822-0006</p>		<p><b>PRELIMINARY DEVELOPMENT PLAN</b></p>		<p>SPRIT ENERGY, LLC 13506 OLIVE BLVD. CHESTERFIELD, MO 63017</p>		<p>NO.    DATE    BY    DESCRIPTION</p> <p>1    7/26/06    JMW    REMOVED PROPERTY DESCRIPTION PER TITLE COMMITMENT</p> <p>2    8/15/06    JMW    REVISED ACRES IN NOTE NO. 1.</p> <p>3    11/1/06    JMW    NEW SITE LAYOUT/ADDED IMPROVEMENTS, WITHIN 150 FT. OF SITE</p> <p>4    11/6/06    JMW    REVISIONS PER CITY OF CHESTERFIELD</p> <p>5    11/14/06    JMW    REVISIONS PER CITY OF CHESTERFIELD</p> <p>6    12/22/06    JMW    REVISIONS PER CITY OF CHESTERFIELD &amp; MODOT</p> <p>7    5/14/07    JMW    REVISIONS PER CLIENT</p> <p>8    8/5/07    JMW    ADDED WATER LAKE IN WOODS MILL RD.</p> <p>9    8/22/07    JMW    LAYERS TURNED OFF TO MAKE PLAN MORE CLEAR</p> <p>10    10/12/07    JMW    REVISIONS PER MODOT</p>
<p>PREPARED FOR: SPIRIT ENERGY, LLC 60 S. BEMISTON AVE. ST. LOUIS, MO 63105 ATTN: JAY CHAMBERS 314-898-9239 314-726-9576 (FAX)</p>		<p>Scale: 1" = 20' Vertical: 1" = 20' Horizontal: 1" = 20' Survey No. 181067 Date: 5/2/08</p>		<p>Engineering Projects\888167.dwg (314)822-1006 PWP:314822-03-01-181067-LAY-02 10/22/2007 34442 IN CT</p>		<p>1</p>