



**Memorandum  
Planning & Development Services Division**

**To:** Planning and Public Works Committee

**From:** Jonathan Raiche, Senior Planner

**Date:** March 19, 2015

**RE:** **P.Z. 11-2014 THF Chesterfield Development LLC (The Commons)**: A request for an ordinance amendment to Ordinance 2081 to modify development criteria and use restrictions for a 160.195 acre tract of land zoned "C-8" Planned Commercial District located between US Highway 40/Interstate 64 and Edison Avenue and East of RHL Drive (17T140253, 17U340067, 17U330112, 17T130166, 17T110212, 17T140143, 17U320102, 17U340089, 17U340100, 17U340111, 17U340144, 17T140341, 17T130144, 17U340155, 17U330091, 17T130089, 17T140165, 17T130155, 17U340090, 17T130133, 17U330123, 17U330101, 17T140132, 17T130210, 17T140187, 17U340078, 17T130188, 17T140088, 17T140330, 17U330255, 17U330321, 17T120741, 17U330288, 17T140101).

On February 13, 2015, the applicant submitted a request for the item to be held until the March 16, 2015 City Council Meeting. This request was approved by the City Council at the February 18, 2015 meeting. **On March 5, 2015, the applicant submitted a request to the City Council for the item to be returned to the Planning & Public Works Committee for further consideration before being considered by the full City Council.** Additionally, the applicant has provided two letters dated March 5 and March 11, 2015, which provide responses to the original amendments proposed by the Planning & Public Works Committee. These letters are attached to this report. The remainder of this report details the history of this amendment prior to the receipt of the previously mentioned applicant letters.

**Summary**

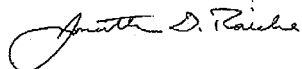
Cedar Creek Consulting Inc., on behalf of THF Chesterfield Development LLC, has submitted a request for an ordinance amendment to amend various requirements governing the operations of Chesterfield Commons. These amendments include items for two specific anchor tenant spaces in the larger Chesterfield Commons development currently occupied by Lowe’s and Walmart. It is important to note that while Lowe’s (westernmost tenant) and Walmart (easternmost tenant) are referenced throughout this project, the ordinance amendments are specific to the tenant spaces regardless of what tenant occupies that space.

A Public Hearing relative to this petition was held at the October 13, 2014 Planning Commission meeting. At this meeting, the concerns raised included, but were not limited to, limiting the scope of the request, pedestrian and traffic concerns, and height restrictions for stored materials. An Issues Meeting was held on November 24, 2014 to discuss the changes made by the applicant in response to those items raised at the Public Hearing along with the expansion of the request to include Walmart.

A subsequent Vote Meeting at the Planning Commission was held on January 26, 2015. All concerns raised at this meeting were answered by the applicant and the Planning Commission made a motion to approve the request with the amendment to prohibit the use of pallet racks in the proposed area at Lowe's which is reflected in Section I.B.6.b. of the Attachment A. The motion, as amended, was approved by a vote of 6-0.

This petition was originally reviewed by the Planning and Public Works Committee on February 5, 2015. During this meeting, there was discussion on many items. Each of the items discussed were incorporated into six (6) separate Greensheet amendments which are attached to this report. The Committee approved these Greensheet amendments by a vote of 3-0. The Committee then voted 3-0 to forward the petition to City Council with a recommendation to approve as amended. As previously mentioned, the applicant has provided responses to many of these Greensheet amendments in an effort to address some of the concerns and to present them to the board for reconsideration.

Respectfully submitted,

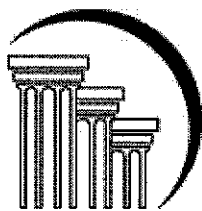


Jonathan Raiche, AICP  
Senior Planner

Cc: Aimee Nassif, Planning and Development Services Director

#### Attachments

1. Applicant Letter (March 5, 2015)
2. Applicant Letter w/ Attachments (March 11, 2015)
3. Proposed Greensheet Amendments (February 5, 2015)
4. Attachment A
5. Exhibit A
6. Exhibit B



**DOSTER ULLOM  
& BOYLE, LLC**  
ATTORNEYS AT LAW

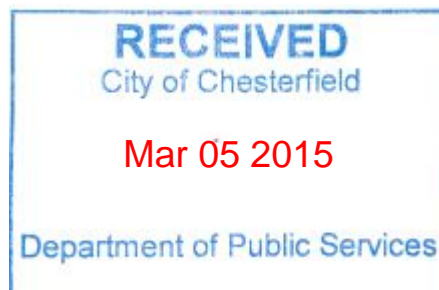
St. Louis  
16090 Swingley Ridge Road  
Suite 620  
Chesterfield, MO 63017  
(636) 532-0042  
(636) 532.1082 Fax

Michael J. Doster  
mdoster@dubllc.com

March 5, 2015

**Sent via E-Mail & First Class Mail**

Michael G. Herring  
City Administrator  
City of Chesterfield  
690 Chesterfield Pkwy W  
Chesterfield, MO 63017-0670



**RE: PZ 11-2014 THF CHESTERFIELD DEVELOPMENT, LLC (THE COMMONS)  
ORDINANCE AMENDMENT**

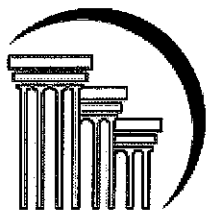
Dear Mr. Herring:

The Petitioner has engaged the undersigned to work with Staff and the City Council in addressing the proposed "Green Sheet" amendments that would affect Lowe's. On behalf of the Petitioner, I respectfully request City Council to return the Bill and proposed "Green Sheet" amendments to the Planning and Public Works Committee for further consideration as the Petitioner is submitting to Staff additional information and proposed modifications that are more appropriately addressed and discussed in Committee before presentation to and consideration by the full Council. Please convey my request to the Mayor and the City Council. Thank you.

Very truly yours,

Michael J. Doster

MJD/kml



**DOSTER ULLOM  
& BOYLE, LLC**  
ATTORNEYS AT LAW

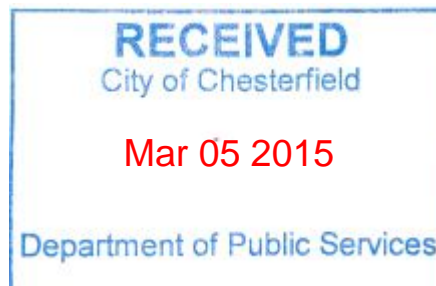
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**Michael J. Doster**  
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March 5, 2015

**Sent via E-Mail & First Class Mail**

Aimee Nassif  
Planning and Development Services Director  
City of Chesterfield  
690 Chesterfield Pkwy W  
Chesterfield, MO 63017-0670



**RE: PZ 11-2014 THF CHESTERFIELD DEVELOPMENT, LLC (THE COMMONS)  
ORDINANCE AMENDMENT**

Dear Ms. Nassif:

The undersigned has been engaged by the Petitioner to work with Staff and the City Council in addressing the proposed "Green Sheet" amendments that would affect Lowe's. In a separate letter to Mike Herring, Administrator, I have asked him to convey my request to City Council to return the Bill and proposed "Green Sheet" amendments to the Planning and Public Works Committee for further consideration by that Committee. Petitioner has additional information and modifications to submit for the Committee's consideration as follows:

- Petitioner is now requesting that the hours of operation be changed so that contractors may pick up materials and supplies at 6AM only at the North side canopy entrance; signage would be posted stating that the opening of that entrance at 6AM is solely for that purpose, and the 6AM opening would be limited to Monday through Saturday;
- The following is a proposed detailed definition of the materials that would be allowed in the outdoor storage areas shown on the plan previously submitted by Petitioner:

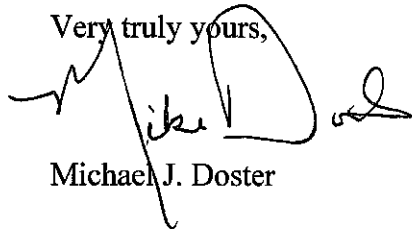
Landscaping and nursery materials, including plants, flowers, trees (including Christmas trees), mulch, peat moss, soil, lime, fertilizers, plant foods, weed and pest control products, seeds, rocks, pavers, timbers, Halloween pumpkins and similar materials;

Aimee Nassif  
March 5, 2015  
Page 2

- Petitioner will also provide prior to the Committee meeting information that is relevant to the safety concern with respect to pallet stacking;
- Petitioner will also provide prior to the Committee meeting expert analysis and opinion regarding the operation of the two-way North/South drive to the West of the Lowe's building.

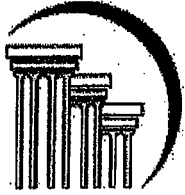
Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mike Doster", written over the typed name "Michael J. Doster". The signature is stylized and includes a large loop for the letter "D".

Michael J. Doster

MJD/kml



**DOSTER ULLOM  
& BOYLE, LLC**  
ATTORNEYS AT LAW

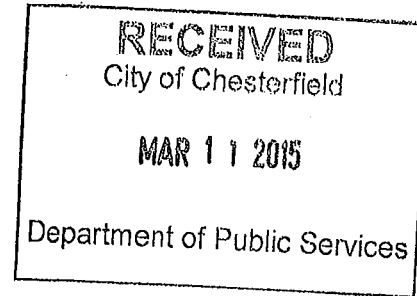
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Michael J. Doster  
mdoster@dublhc.com

March 11, 2015

Sent via E-Mail & First Class Mail

Aimee Nassif  
Planning and Development Services Director  
City of Chesterfield  
690 Chesterfield Pkwy W  
Chesterfield, MO 63017-0670



**RE: PZ 11-2014 THF CHESTERFIELD DEVELOPMENT, LLC (THE COMMONS)  
ORDINANCE AMENDMENT**

Dear Ms. Nassif:

As I mentioned in my letter of March 5, 2015, my client intended to submit additional information that we hope will be helpful to the Planning & Public Works Committee. This letter, together with the enclosures, is submitted for the Committee's consideration.

Maintaining the Two Way Drive at the West end of Lowe's

Enclosed is a letter from Ernest J. Peters, P.E. of Peters & Associates Engineers, Inc. Mr. Peters is a traffic engineer who has reviewed the proposal for outdoor storage at Lowe's and, in particular, the two way drive adjacent to the western edge of the Lowe's building. He also reviewed the "Traffic Queuing Analysis" letter and exhibit previously submitted by Lance Mills, P.E. of Cedar Creek Consulting, Inc., dated December 19, 2014, a copy of which is enclosed for convenience. He agrees with the "Traffic Queuing Analysis" and for the reasons stated in his letter states that maintaining the two way drive is not a problem, and is, in fact desirable for site circulation and emergency vehicle access.

Height of Pallets

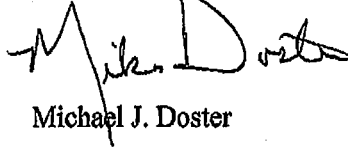
Most product comes from vendors already palletized, and no pallet exceeds eight (8) feet in height. Examples of vendor palletized materials are peat moss (92"), mulch (84") and potting soil (77"). Concern was expressed regarding safety, and I assure you that Lowe's is concerned about safety for both customers and employees. Reference was made at a prior meeting to OSHA regulations, and Lowe's does comply and will continue to comply with applicable OSHA

Aimee Nassif  
March 11, 2015  
Page 2

regulations. While the City does not enforce or even interpret those regulations in planning and zoning matters, the following information is provided for your consideration. OSHA does publish regulations applicable to "Materials Handling and Storing" (see OSHA 2236), but there is no specific height limitation for the kinds of materials that are requested to be allowed in the storage area requested. There are general regulations regarding stacking such as "Ensure that stacks are stable and self-supporting" and other regulations that address how to stack.

Thank you.

Very truly yours,

A handwritten signature in black ink that reads "Mike Doster". The signature is written in a cursive style with a large, prominent "M" and "D".

Michael J. Doster

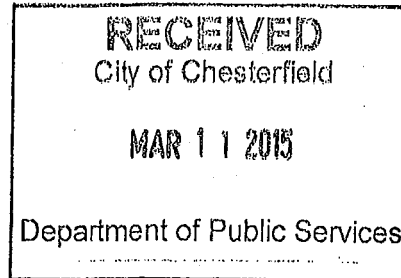
MJD/kml  
Enclosures



**PETERS & ASSOCIATES  
ENGINEERS, INC.**

March 11, 2015

Mr. Lance Mills P. E.  
Cedar Creek Consulting, Inc.  
P.O. Box 14534  
Oklahoma City, OK 73113



Re: P1757  
Lowe's Home Improvement Store  
290 THF Blvd  
Chesterfield Commons  
Chesterfield, MO 63005

Mr. Mills:

As you know, Peters & Associates Engineers, Inc. is registered in 21 states including Missouri. We have been involved as traffic engineers on 45 Lowe's Home Improvement sites. We also have served as traffic engineers for many similar land uses as well as over 100 Walmart sites. We have provided traffic engineering services for commercial sites as well as for local government for over 30 years.

As you requested, I have reviewed the proposal for outdoor storage for seasonal products at the Lowe's Home Improvement site in Chesterfield, Missouri. The area proposed for use for outdoor storage of seasonal products is relatively small; the area is now designated for 15 parking spaces on the western edge of the building. The area proposed is well removed from the front, main access area of the store along an internal two-way driveway with adjacent perpendicular parking on each side of the drive. This west drive connects from the storefront main drive on the north to the rear service drive and truck dock on the south. This drive is not heavily used and would thus serve well as an appropriate location for the outdoor storage for seasonal products as proposed without adversely affecting site circulation and access.

The west drive is 24 feet in width between parking rows and seasonal products outdoor storage would not encroach into the drive width but rather would be confined to the area now designated for 15 parking spaces. As customer vehicles could be expected to stop for a short time for loading adjacent to the seasonal products stored in the area, they would only occupy 10 feet or less of the drive width; with the remaining 14 feet of width being available for passage of other vehicles in either northbound or southbound directions. This lightly used drive could easily serve, without congestion or compromising safety, the functions of access to the seasonal products outdoor storage, vehicle movements to and from parking spaces along the drive and as a connection between the storefront drive and the truck area at the rear of the store.

I have reviewed the "Traffic Queuing Analysis" letter and exhibit by Lance Mills, P.E. of Cedar Creek Consulting, Inc., dated December 19, 2014. I find the dimensions of driveway throat lengths to be accurate and agree with the conclusion he reached that accommodation of the seasonal products outdoor storage on-site as proposed will not have a negative impact on the existing Lowe's site or on RHL Drive.

**5507 RANCH DRIVE - SUITE 205 LITTLE ROCK, ARKANSAS 72223 (501) 868-3999 FAX: (501) 868-9710**



Mr. Lance Mills P. E.

March 11, 2015

Page 2

Such outcome of no negative impact for this site would be consistent with what I have observed at other Lowe's sites which have similar accommodation of seasonal products outdoor storage.

The proposed continued use of the west drive as two-way will permit it to remain available for use by fire and other emergency vehicles either northbound or southbound. The rear drive also serves the rear of other stores to the east of Lowe's and therefore maintaining two-way movement on the west drive precludes vehicles from having to use RHL Drive to circulate from rear to front of the stores. There does not appear to be cause for the west drive to be closed or limited to operate as one-way. Please let me know if you need additional information.

Sincerely,

**PETERS & ASSOCIATES, ENGINEERS, INC.**



Ernest J. Peters, P.E.

President



December 19, 2014

Jonathan Raiche, AICP  
Senior Planner, City of Chesterfield  
690 Chesterfield Pkwy W  
Chesterfield, MO 63017-0760



RECEIVED ENGINEERING • PLANNING • CONSULTING  
City of Chesterfield PO Box 14534 - Oklahoma City, OK 73113

MAR 11 2015

Department of Public Services

RE: Traffic Queuing Analysis

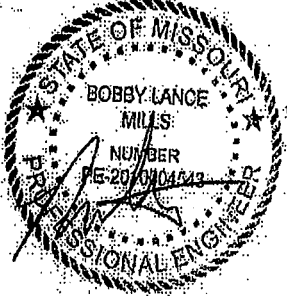
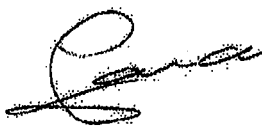
Mr. Raiche,

The following traffic queuing analysis is for the existing Lowe's Home Center in relation to the proposed Ordinance Amendment requesting additional outdoor storage and display areas along the garden center as reflected in the attached Queuing Exhibit. As part of this analysis, the site circulation and ingress/egress operation and mainline traffic flow has been evaluated in this area. The following are findings associated with the proposed outdoor storage loading areas and the potential impact to site circulation and ingress/egress operation:

- 1) Drive #2 (the primary truck drive) is the proposed access for the customer loading associated with the outdoor storage areas. All inbound vehicles (either from northbound right-turns or southbound left-turns from RHL Drive) will enter the site and either go straight or will turn left traveling north along and adjacent to the garden center. It is expected that minimal vehicles will exit the site via Drive #2. Drive #2 has an outbound throat length of 51.34 feet. Furthermore, the queue length on the outbound lane on Drive #2 is calculated to be approximately two vehicles during the AM and PM peak hours, which can be accommodated by the existing throat length. It is anticipated from Lowe's projections that, at peak time, there will be approximately 3 vehicles during the peak hours in the north bound queuing lane along the garden center outdoor storage loading area. The minimum northbound queuing length is 115 feet. Therefore, the inbound/outbound vehicle movements at Drive #2 from RHL Drive will not be impeded or affected by the northbound vehicles queuing along the garden center outdoor storage loading areas.
- 2) Drive #1 has an outbound throat length of 81.68 feet and an inbound throat length of 48.16 feet. Note, nearly all inbound vehicles (either from northbound right-turns or southbound left-turns) from RHL Drive enter the site and either go straight (to the front of the store) or turn left (into the parking field). It is anticipated from Lowe's projections that, at peak time, there will be approximately 3 vehicles during the peak hours in the north bound queuing lane along the garden center outdoor storage loading area. Therefore, the inbound/outbound vehicle movements at Drive #1 from RHL Drive will not be impeded or affected by the northbound vehicles queuing along the garden center outdoor storage loading areas.

In conclusion the allowance of the proposed outdoor storage area and the queuing of vehicles associated with it will not have any negative impact on the existing Lowe's site and/or RHL drive.

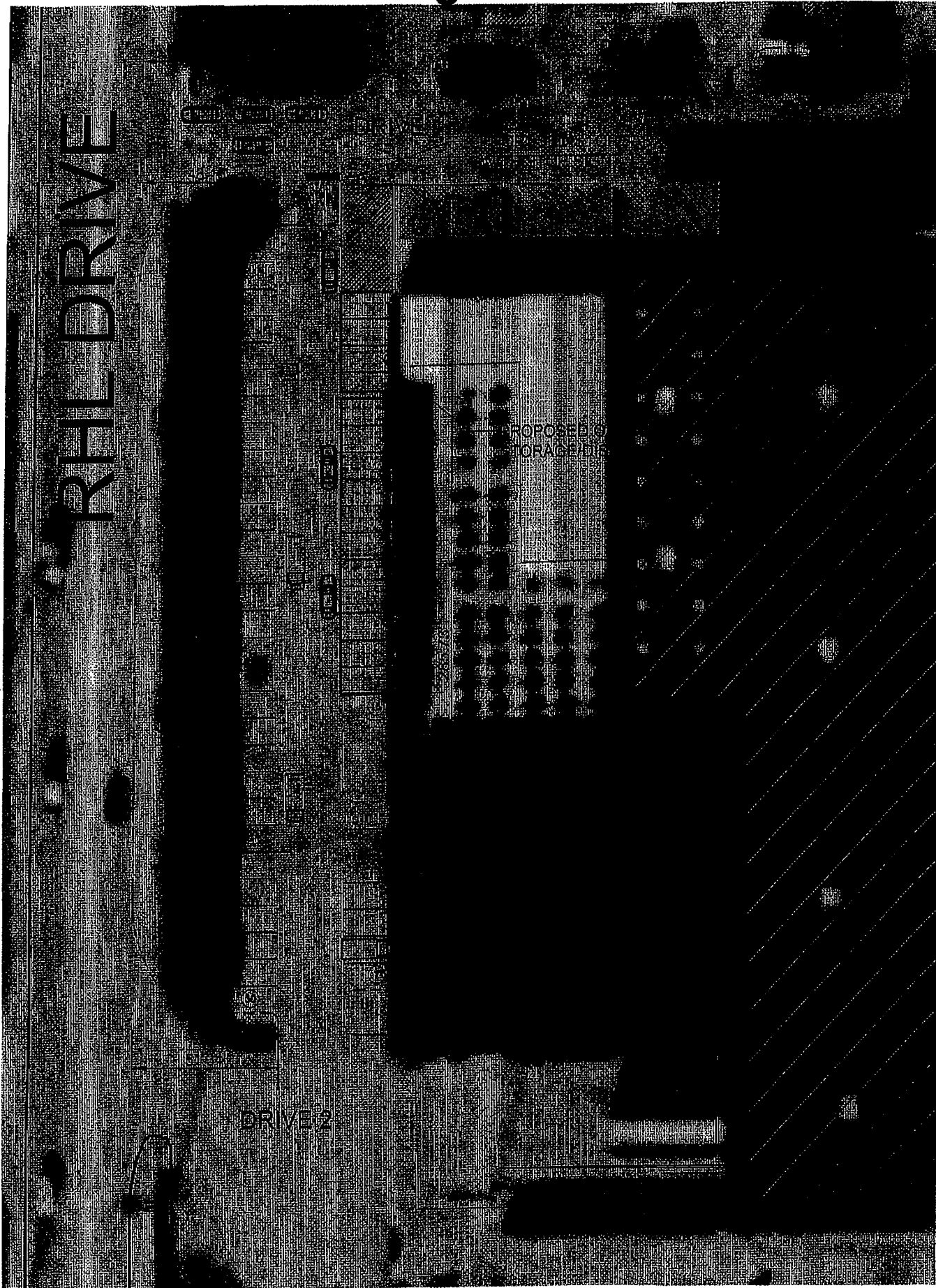
Sincerely,



Lance Mills, PE

Attachment: Queuing Exhibit

# Queuing Exhibit



## Greensheet Amendments

**The Planning and Public Works Committee recommended by a vote of 3-0 that the following changes be made to the Attachment A:**

### AMENDMENT 1:

Section I. Permitted Uses, B. 3. page 1. Remove the following language:

3. ~~Hours of operation for retail sales at the westernmost anchor store of Chesterfield Commons shall be limited to 6 a.m. to 11 p.m.~~ Hours of operation for all other retail sales shall be limited to 7 a.m. to 11 p.m.

### AMENDMENT 2:

Section I. Permitted Uses, B. 6. a. page 2. Revise the following language in the **first sentence** here:

- a. The area to be utilized for outdoor storage shall be limited to 5,000 sq. ft. as delineated on the attached Exhibit A and is permitted ~~year-round~~ for the period of March 15<sup>th</sup> until October 15<sup>th</sup> of each year.

### AMENDMENT 3:

Section I. Permitted Uses, B. 6. a. page 2. Revise the following language in the **second sentence** here:

- a. All materials stored in this area shall be limited to a height of ~~eight (8)~~ six (6) feet.

### AMENDMENT 4:

Section I. Permitted Uses, B. 6. b. page 2. Revise the following language:

- b. ~~Materials in the storage area shall not be stored in shipping containers or on pallet racks.~~ Materials allowed in all outdoor storage areas shown on Exhibit A shall be limited to plants, soil, mulch, and other related landscape materials and shall not be stored in shipping containers or on pallet racks.

**AMENDMENT 5:**

Section I. Permitted Uses, B. 6. page 2. Add the following language:

- f. During times of outdoor storage in areas along the western side of the existing garden center as depicted in Exhibit A, traffic along the internal drive parallel to RHL Boulevard shall be restricted to one-way traffic traveling north to south with appropriate directional signage

*Please note, there is currently an item f. in this section of the Attachment A. If this Amendment is approved, Staff will re-number the other necessary items accordingly.*

**AMENDMENT 6:**

Section I. Permitted Uses, B. 6. g. page 2. Add the following language:

- g. The seasonal outdoor storage area shall be limited to approximately 3,000 sq. ft. as delineated on the attached Exhibit B. Storage in this area shall be restricted to a height of ten (10) feet.

## ATTACHMENT A

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

### **I. PERMITTED USES**

- A. The uses allowed in this "C-8" Planned Commercial District shall be:
1. Retail
  2. Offices
  3. Hotel and motels
  4. Restaurants, sit down
  5. Restaurants, fast food
  6. Recreational and entertainment facilities, including indoor theaters
  7. Financial Institutions
  8. Outdoor storage as restricted in Section B below.
- B. The above uses in the "C-8" Planned Commercial District shall be restricted as follows:
1. The number of buildings constructed shall be based on the development's ability to comply with the parking regulations of the City of Chesterfield Unified Development Code.
  2. Total square footage of buildings in this development shall not exceed 1,185,400 square feet. The square footage constructed shall be based on the development's ability to comply with the parking regulations of the City of Chesterfield Unified Development Code.
  3. Hours of operation for retail sales at the westernmost anchor store of Chesterfield Commons shall be limited to 6 a.m. to 11 p.m. Hours of operation for all other retail sales shall be limited to 7 a.m. to 11 p.m.
  4. All deliveries and trash pick-ups shall be limited to the hours from 7 a.m. to 10 p.m.
  5. No vehicles shall remain on the premises with idling engines between 11 p.m. and 7 a.m.
  6. The use listed in A(8) above shall be limited to the westernmost and easternmost anchor stores of Chesterfield Commons and the following shall also apply:

### **Westernmost Anchor**

- a. The area to be utilized for outdoor storage shall be limited to 5,000 sq. ft. as delineated on the attached Exhibit A and is permitted year-round. All materials stored in this area shall be limited to a height of eight (8) feet.
- b. Materials in the storage area shall not be stored in shipping containers or on pallet racks.
- c. A 44 inch wide aisle in front of each gate, giving clear access to the drive aisle on the north side of the area shall be provided.
- d. Materials stored inside existing fencing on the site shall not extend or be visible above the fence line.
- e. The privacy screening shall be extended from the rear to the western portion of the fenced area.

### **Easternmost Anchor**

- f. Seasonal outdoor storage shall be limited to the period starting on October 15<sup>th</sup> and ending on January 31<sup>st</sup> of the following year.
- g. The seasonal outdoor storage area shall be limited to approximately 3,000 sq. ft. as delineated on the attached Exhibit B.
- h. The year-round outdoor storage shall be limited to approximately 2,500 sq. ft. as delineated on the attached Exhibit B.
- i. Outdoor storage in both areas delineated on Exhibit B shall be permitted in portable storage containers designed, constructed, and used for temporary storage of goods, merchandise, and supplies offered for sale or used by the easternmost anchor tenant. No dumpster or receptacle used for the disposal of solid waste may be used for outdoor storage.
- j. During times that it is used for storage purposes, the seasonal outdoor storage area delineated on Exhibit B shall be screened on all sides using sight-proof materials that match the existing architecture of the main building and the previously approved garden center as approved by the City of Chesterfield.



- k. All screening, including gates, must not impede the flow of pedestrian or vehicular traffic.
7. No retail sales, storage or displays are permitted outside of enclosed buildings except as listed above.

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

A. The following requirements will apply to the permitted uses:

1. Height
  - a. Buildings shall be limited to three (3) stories or forty-five (45) feet, whichever is less, as measured from the average finished ground elevation of the building. The above shall be exclusive of roof-top equipment.

## **III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

Within eighteen (18) months from the preliminary development plan approval date by the City of Chesterfield and prior to issuance of any building permit, the developer shall submit to the City of Chesterfield for their review and approval, a Site Development Concept Plan. Within twelve (12) months of the Site Development Concept Plan approval date, the developer shall submit the first Site Development Section Plan to the City of Chesterfield for review and approval. Where due cause is shown by the developer, this time interval may be extended by the City of Chesterfield.

## **IV. POWER OF REVIEW**

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

## **V. GENERAL CRITERIA - CONCEPT PLAN**

### **A. The Site Development Concept Plan shall include the following:**

1. Outboundary plat and legal description of the property.
2. Conceptual location, design (with design statement), materials, and size, including height, of all proposed buildings, parking and loading areas, and lots.
3. Specific structure and parking setbacks along all roadways and property lines.
4. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
5. Existing and proposed contours at intervals of not more than one (1) foot, and extending one hundred fifty (150) feet beyond the limits of the site.
6. Preliminary stormwater and sanitary sewer facilities.
7. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed
8. Comply with all preliminary plat requirements of the City of Chesterfield City Code.
9. The scale to which the Site Development Concept Plan will be drawn shall be no greater than one (1) inch equals one hundred (100) feet.

## **VI. GENERAL CRITERIA - SECTION PLANS**

### **A. Site Development Section Plans shall include the following:**

1. Location and size, including height, of all uses, buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and landscaping.

2. Existing and proposed contour intervals of not more than one (1) foot, and extending one hundred fifty (150) feet beyond the limits of the site.
3. Existing and proposed roadways, drives, and walkways on and adjacent to the property in question, including location of curb cuts.
4. Location and size of all parking areas.
5. A landscape plan, including, but not limited to, location, size and type of all plant and other material to be used.
6. Area of each building phase.
7. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.

#### **VII. SITE DEVELOPMENT PLAN SUBMITTAL OPTION**

In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may instead submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the Preliminary Development Plan by the City. Said Plan shall be submitted in accord 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.

#### **VIII. GENERAL CRITERIA FOR SITE DEVELOPMENT PLAN**

- A. The Site Development Plan will include the following:
  1. Outboundary plat and legal description of the property.
  2. Location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.
  3. Location map, north arrow, and plan scale.
  4. Parking calculations.

5. Architectural elevations (with design statement) and materials of the proposed buildings.
6. Confirmation of compliance with the sky exposure plane and height restrictions as set forth in this ordinance.
7. Specific structure and parking setbacks along all roadways and property lines.
8. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
9. Existing and proposed contours at intervals of not more than two (2) feet, and extending one hundred fifty (150) feet beyond the limits of the site.
10. Existing improvements within one hundred fifty (150) feet of the site as directed. Road and driveways on the opposite side of roadways adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed will be included.
11. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements and rights-of-way required for utilities, storm water drainage, grading, or other improvements.
12. Prior to Site Development Plan approval, show all existing or proposed easements and right-of-way on site. The Site Development Plan and Tree Preservation Plan must be approved prior to clearing or grading.
13. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
14. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
15. Comply with all preliminary plat requirements of the City of Chesterfield City Code.
16. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.

17. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, the Spirit of St. Louis Airport, the Monarch Chesterfield Levee District, and the Missouri Department of Transportation.
18. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.

## **IX. SPECIFIC CRITERIA**

- A. The Site Development Concept and Section Plans or Site Development Plan shall illustrate adherence to the following specific design criteria. Information to be shown on the Site Development Concept Plan shall be limited to those items specified in Section A, General Criteria-Concept Plan.
  1. Structure Setbacks  

Structure setbacks will be determined on the Site Development Concept Plan. No building or structure, other than boundary walls, retaining walls, signs, light standards, flagpoles or fences, shall be located within the setbacks
  2. Parking and Loading Space Setbacks  

Parking and loading space setbacks will be determined on the Site Development Concept Plan.
  3. Parking and Loading Requirements
    - a. Parking and loading spaces for this development will be as required in the City of Chesterfield Unified Development Code.
    - b. Parking lots shall not be used as streets.
  4. Access
    - a. The number, location and geometry of access points to this development from Chesterfield Airport Road shall be limited to four (4) entrances on the south side and three (3) entrances on the north side in accordance with the addendum to the traffic impact study dated September 15, 1997, exception being: the eastbound right turn lane on Chesterfield Airport

Road at the development entrance opposite Boone's Crossing should be retained; dual northbound left turn lanes on the main development entrance should be retained; the easternmost driveway should contain channelization islands on the southeast as well as the southwest corners.

- b. Access to the office development should have no intersecting drive closer than two hundred (200) feet on the main entrance and one hundred (100) feet on the two secondary entrances as directed by the St. Louis County Department of Highways and Traffic.
- c. Outlots shall have no direct access to Chesterfield Airport Road. Cross access shall be provided between outlets. An interior loop road shall be provided.

5. Public/Private Road Improvements, Including Pedestrian Circulation

Roadway improvements include new interchanges on Highway 40/61, the extension of Edison Avenue through the southern portion of the site to Chesterfield Airport Road/Baxter Road, relocation of Old Olive Street to improve intersection geometrics and widening of Chesterfield Airport Road to five (5) traffic lanes with additional paved shoulders on both sides.

- a. Improve Chesterfield Airport Road full width across the entire frontage to a five-lane cross section with ten (10) foot stabilized shoulders in order to conform to the typical section with required tapers and including all storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic. Verify handling of surface runoff will not require additional easement dedication.
- b. The developer shall provide any additional right-of-way and construct any improvements related to the construction of a full interchange on Highway 40/64 east of Boone's Crossing as required by the Missouri Department of Transportation, St. Louis County Department of Highways and Traffic, and/or the City of Chesterfield.
- c. Provide right of way dedication for Edison Avenue from the west property line of the site, adjacent to the Chesterfield Monarch Levee, to the connection with Old Olive Street. Right-of-way shall consist of a forty (40) foot right-of-way, with additional roadway improvement, maintenance, utility and drainage easement on both sides. The width of easements shall be a minimum of ten (10) feet. The City of Chesterfield may require additional width. The centerline radius of Edison Avenue

shall be a minimum of five hundred seventy-five (575) feet; other standards shall be determined by the City of Chesterfield.

- d. On both sides of the subject development, provide forty (40) foot right-of-ways, with ten (10) foot minimum roadway improvement, maintenance, utility and drainage easements on both sides, between Edison Avenue and Chesterfield Airport Road. Construct a minimum twenty-six (26) foot pavement with seven (7) foot shoulders on both sides, and appurtenant storm drainage facilities as required by the City of Chesterfield. Additional widening at each end shall be provided to accommodate separate right and left turn approach lanes at the intersection. Parking shall be prohibited along both sides of this roadway. No curb cuts shall be permitted within two hundred (200) feet of the intersection of Chesterfield Airport Road and Edison Avenue with RHL Drive, Chesterfield Commons Crossing, JW Drive, or THF Boulevard.
- e. Traffic signals shall be required along Chesterfield Airport Road at both main entrance intersections and the intersection with Boone's Crossing as directed by the St. Louis County Department of Highways and Traffic and/or the City of Chesterfield.
- f. Provide a five (5) foot wide sidewalk, conforming to St. Louis County ADA standards, adjacent to the north side of Chesterfield Airport Road as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. Sidewalks shall be required on both sides of the three easternmost access drives on the south side of Chesterfield Airport Road. The sidewalks shall be constructed within public right-of-way or easement that provides sufficient width as determined by the City of Chesterfield.
- g. Utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation costs shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

6. Traffic Study

- a. A traffic study including internal and external circulation will be provided for review and approval by the City of Chesterfield, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation.

7. Landscape Plan

- a. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Unified Development Code except as specifically noted elsewhere in this section.
- b. The developer shall submit a landscape plan in accord with Unified Development Code adopted by the Planning Commission, either as part of the appropriate Site Development Concept Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:
  1. A landscape buffer shall be required on both sides of Chesterfield Airport Road on the Site Development Concept Plan.
  2. All new required landscaping material shall meet the following criteria:
    - a) Deciduous trees - two (2) inch minimum caliper.
    - b) Evergreen trees - four (4) feet minimum height.
    - c) Shrubs - eighteen (18) inch minimum diameter.
- c. If the estimated cost of new landscaping indicated on the Site Development Section Plans as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a surety for two (2) years sufficient in amount to guarantee the installation of said landscaping and for an additional (2) years for guaranteeing the maintenance of said landscaping.

8. Sign Requirements

- a. A sign package will be submitted to the City of Chesterfield in conjunction with the Site Development Concept Plan.



- b. Freestanding project 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. If the outline area and/or a height increase for the freestanding project identification sign is requested, the required landscaping for the sign will be subject to Planning Commission approval.
- c. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.
- d. No advertising signs, temporary signs, portable signs or attention getting devices shall be permitted in this development.

9. Light Requirements

- a. The location and height of all light standards shall be as approved by the Planning Commission on the appropriate development plan. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways. Illumination levels shall comply with the City of Chesterfield Unified Development Code.

10. Architectural Elevations

- a. Architectural elevations shall be as approved by the Planning Commission in conjunction with the Site Development Concept Plan.
- b. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Unified Development Code.
- c. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Concept/Section Plan.

11. Monarch-Chesterfield Levee District

- a. The developer shall dedicate necessary property and construct improvements to the levee as directed by the Monarch Chesterfield Levee District.

12. Miscellaneous

- a. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission
- b. If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluating the impacts of the proposed work shall be provided as directed by the City of Chesterfield. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.

**X. TRUST FUND CONTRIBUTION**

The developer shall contribute to the Chesterfield Valley Trust Fund (No. 556). This fund was created for roadway improvements, stormwater improvements, sanitary sewer facilities and water main improvements in the Chesterfield Valley Area.

The trust contribution consists of four components representing the improvement categories.

A. Road

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed on the basis of the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Industrial	\$3,685.05/acre of gross acreage

If the types of development proposed differ from those listed, rates shall be provided by the St. Louis County Department of Highways and Traffic.

Credits for roadway improvements required in condition will be awarded 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 development, 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 (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

**B. Water Main**

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$486.43 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line 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. Stormwater**

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 the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed on the basis of \$1,534.99 per acre for the total area as approved on the Site Development Plan.

The stormwater contributions 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 (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

**D. Sanitary Sewer**

The sanitary sewer contribution is collected as the Caulks Creek impact fee.

The sanitary sewer contributions within the Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

The amount of this required contribution for the roadway, stormwater and primary waterline improvements, if not submitted by January 1, 1998 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.

Trust fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

## **XI. VERIFICATION PRIOR TO APPROVAL**

- A. Prior to approval of the Site Development Plan, the developer will provide the following:
  1. Roadway Improvements and Curb Cuts
    - a. Road improvements, right-of way and roadway easement dedication shall be completed prior to issuance of a St. Louis County Department of Highways and Traffic Special Use Permit. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
    - b. 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 the St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements, and location or permitted curb cuts.
    - c. Obtain approval from the City of Chesterfield and the St. Louis County Department of Highways and Traffic for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
  2. Stormwater and Sanitary Sewer
    - a. Verification to the St. Louis County Department of Public Works and the City of Chesterfield of adequate sanitary services.
    - b. A preliminary engineering plan approved by the City of Chesterfield, the St. Louis County Department of Highways and Traffic and MSD showing that adequate handling of the stormwater drainage of the site is provided.

1. The proposed site improvements shall not conflict with the proposed Chesterfield Valley Master Plan. Equivalent stormwater detention/retention and routing functionality shall be provided as required by the City of Chesterfield. If modifications to the Stormwater Plan are proposed, routing calculations, signed and sealed by a registered professional engineer licensed to practice in the State of Missouri, demonstrating functionally equivalent operation shall be submitted. The calculations shall be performed using identical methods as the initial analysis, AdICPR software. Maintenance of the stormwater system shall be the responsibility of the property owner. The petitioner is to provide:
  - a) An eighteen (18") inch sanitary sewer running along the south side of Chesterfield Airport Road on the north edge of the Outlot Parcels. The sanitary sewer, including gravity lines, a lift station and force main, is to continue along Chesterfield Airport Road and Old Olive Street to tie into the existing eighteen (18") inch sanitary sewer near the Caulks Creek "B" Pump Station.
  - b) Extensive stormwater improvements include, but are not limited to, a large dry reservoir extending along the entire south side of the development, smaller dry reservoirs, flat-bottom ditches and several culverts. In addition, a 19.2 acre lake is to be provided immediately to the east of the site on the south side of Old Olive Street Road.
2. The site shall provide for the positive drainage of stormwater and it shall be discharged at an adequate natural discharge point by means of bleeder ditches and/or construction 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 sewer ditch work and appropriate easements. Emergency overflow drainage ways to accommodate the one hundred (100) year storm shall be provided.
3. Show all off-site easements required for utility, grading and/or stormwater drainage improvements.
- c. Indicate the location where the proposed sanitary sewer will connect to the existing system.

3. Geotechnical Report

Provide a geotechnical report 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 all Site Development Plans. This report shall address the existence of any potential sinkholes, ponds, septic fields, etc., and recommendations for treatment.

4. Grading and Improvement Plans

- a. A clearing/grading permit or improvement plan approval is required prior to any grading on the site. The Site Development Plan and Tree Preservation Plan must be approved prior to issuance of clearing and grading. No change in watershed shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required. A floodplain development permit must be obtained prior to any work in the regulated floodplain.
- b. Interim storm water drainage control in the form of siltation control and/or siltation basins is required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the City of Chesterfield prior to approval of any clearing or grading. The SWPPP will address required erosion control practices specific to site conditions. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP's) to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. The SWPPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.
- c. Temporary settlement basins, as required by the City of Chesterfield, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will 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.

- d. When clearing and/or grading operations are completed or suspended for more than thirty (30) days, all necessary precautions will be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the City of Chesterfield upon demand.
- e. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized, if adequate storm water detention and erosion control devices have not been established.
- f. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area. Parking on non-surface areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked on the pavement causing hazardous roadway and driving conditions. The contractor will keep the roads in the area clear of mud and debris related to his construction at all times. The streets surrounding this development and any street used for construction access thereto will be cleaned at the end of each day.
- g. This development may require an 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 NPDES permit must be submitted to the City of Chesterfield prior to issuance of a grading permit or approval of improvement plans.

## **XII. RECORDING**

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

### **XIII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL**

- A. Prior to Improvement Plan approval, the developer will provide the following:
1. Comments/approvals from St. Louis County Department of Highways and Traffic, the Missouri Department of Transportation, the Monarch Chesterfield Levee District, the Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Missouri Department of Natural Resources and the Chesterfield Fire Protection District.
  2. Location of all off-site easements needed for utility main extensions shall be shown. Copies of the recorded easements for utility main extensions, including book and page, shall be required prior to approval of the Improvement Plans as directed by the City of Chesterfield.

### **XIV. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS**

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

1. Notification of Planning and Development Services Division

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

2. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer will 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.

### **XV. OCCUPANCY PERMIT/FINAL OCCUPANCY**

- 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 Public 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 will 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.
- C. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit.

#### **XVI. FINAL RELEASE OF ESCROW**

Prior to the release of final escrow, the developer will 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.

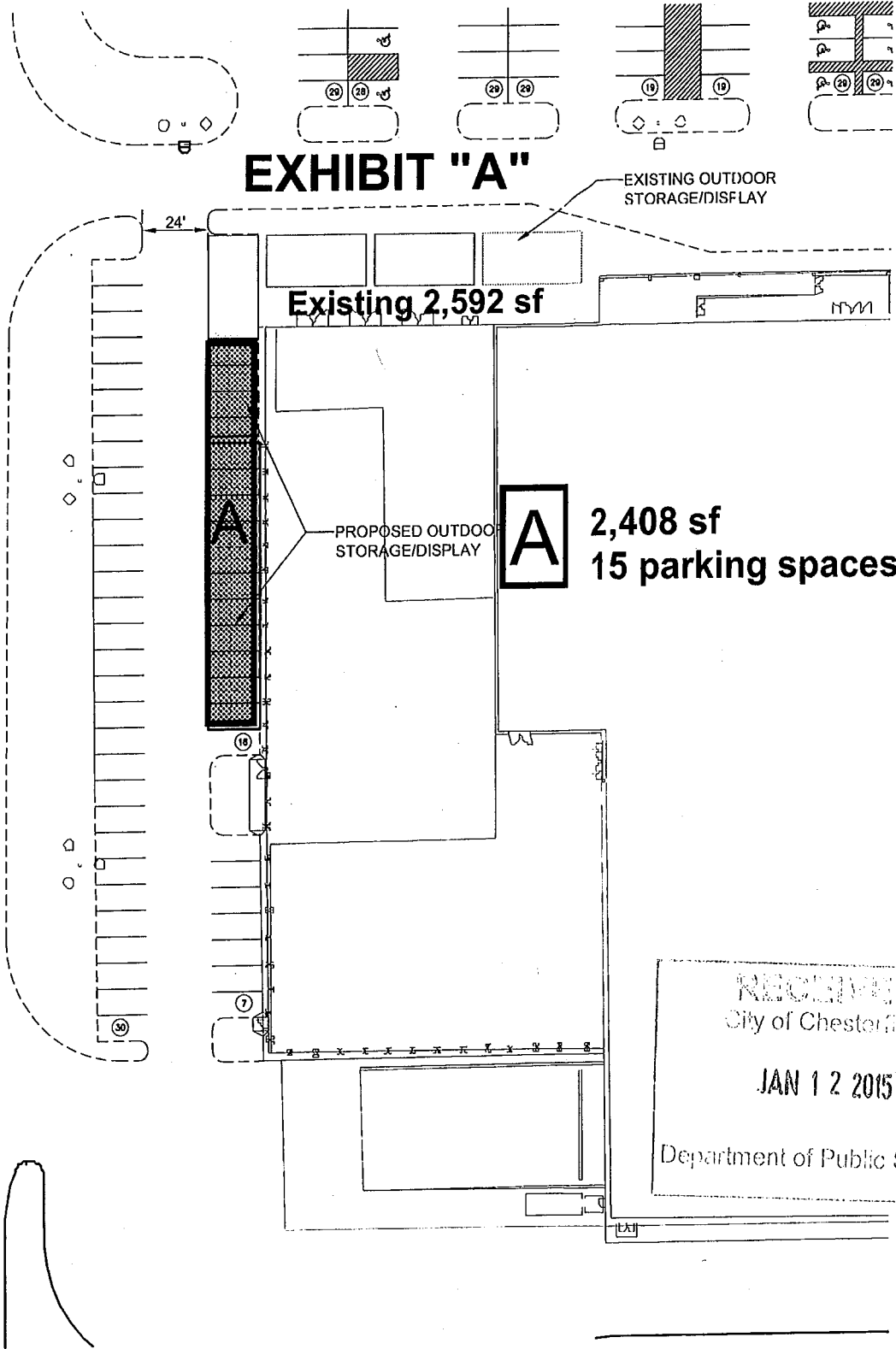
#### **XVII. GENERAL DEVELOPMENT CONDITIONS**

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
  - 1. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
  - 2. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accord with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
  - 3. All loading docks are to be screened by sound proofing material.
  - 4. The City of Chesterfield has completed a Valley Master Development Plan that sets forth the scope, location, and type of infrastructure improvements desired to facilitate quality development within Chesterfield Valley. Said Plan has been incorporated into the City of Chesterfield Comprehensive Plan. During review of Site Development Concept and Section Plans, due consideration will be given to the Valley Master Plan which may be in effect at the time. The conceptual Valley Master Plan depicts stormwater, road and interchange improvements in the vicinity of the subject rezoning.

5. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach on right of way.
  6. The developer will 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 Public 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.
  7. Parking, circulation, and other applicable site design features shall comply with Chapter 1001, Section 310 "Physically Handicapped and Aged" of SLCRO 1974, as amended.
- B. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments and Commissions.
- C. The City of Chesterfield, Missouri shall enforce the conditions of this ordinance in accord with the Site Development Concept Plan approved by the City of Chesterfield and any Site Development Section Plans approved by the City of Chesterfield.
- D. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

RHL DRIVE

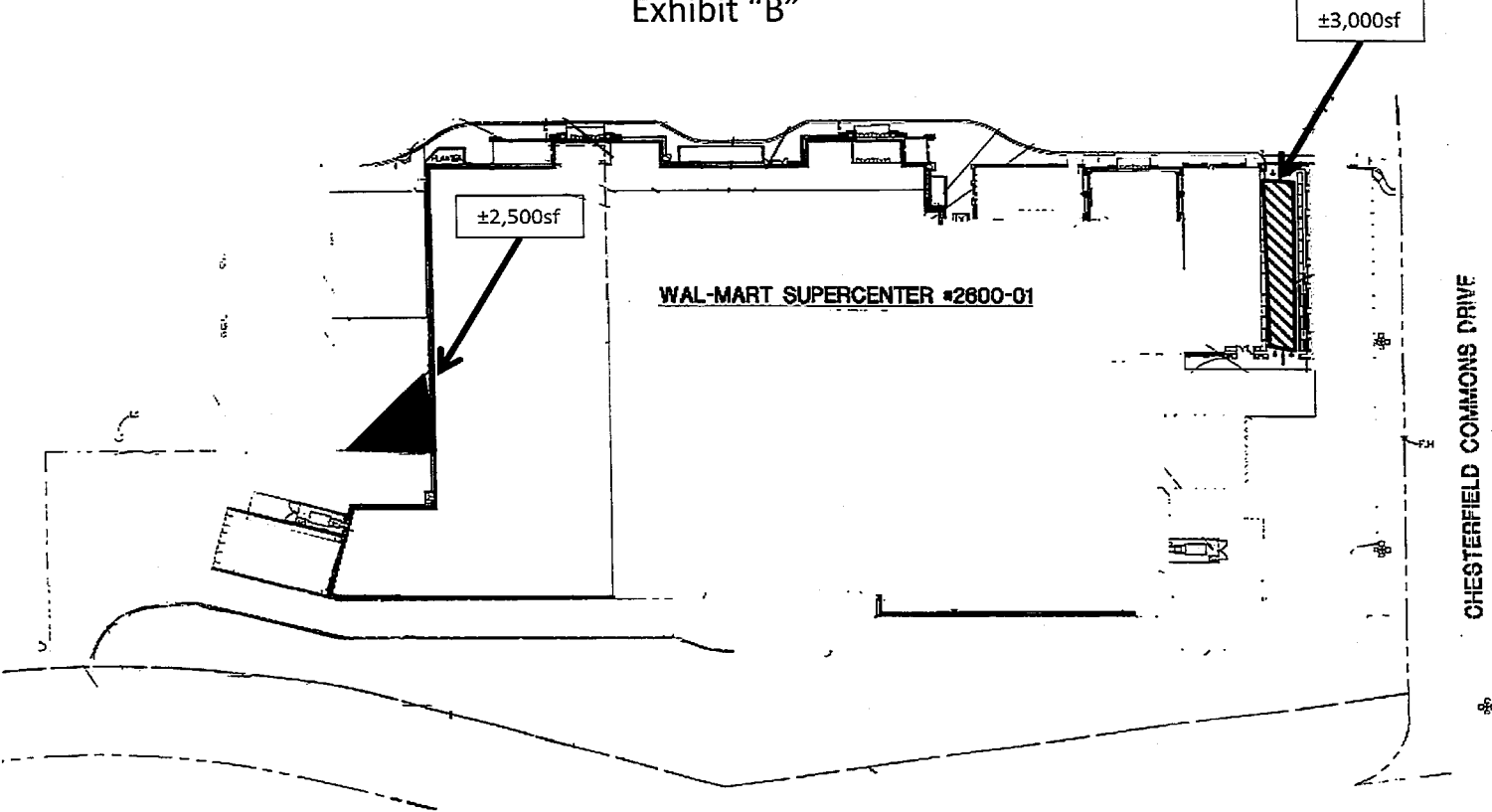
**EXHIBIT "A"**





**LOWE'S SITE ANALYSIS**

	FROM ORD. 2081 EXHIBIT	EXISTING	PROPOSED	CITY REQUIRED PARKING
LOWE'S	135,197 S.F.	135,197 S.F.	135,197 S.F.	135,197 S.F.
PARKING	654 SPACES	646 SPACES	631 SPACES	609 SPACES
CART CORRALS	10 CC	10CC	10 CC	
PARKING RATIO	4.84SP/1000 S.F.	4.79SP/1000 S.F.	4.67SP/1000 S.F.	4.50SP/1000 S.F.

Exhibit "B"



-  Seasonal Outdoor Storage Area
-  Year-Round Outdoor Storage Area

RECEIVED  
City of Chesterfield  
JAN 12 2015  
Department of Public Services