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## Planning Commission Staff Issues Report

**Meeting Date:** March 27, 2017

**From:** Jessica Henry, AICP - Senior Planner

**Location:** Northwest side of the intersection of Chesterfield Airport Road and Spirit of St. Louis Boulevard

**Petition:** **P.Z. 14-2016 18331, 18333 & 18335 Chesterfield Airport Rd. (LSL I, LLC and LSL II, LLC.):**  
A request for a zoning map amendment from a “M3” Planned Industrial District to a “PC” Planned Commercial District for a 16.0 acre area of land at 18331, 18333 and 18335 Chesterfield Airport Rd., located at the northwest side of the intersection of Chesterfield Airport Rd. and Spirit of St. Louis Blvd. (17V410060, 17V410026 and 17V410037).

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### **PROPOSAL SUMMARY**

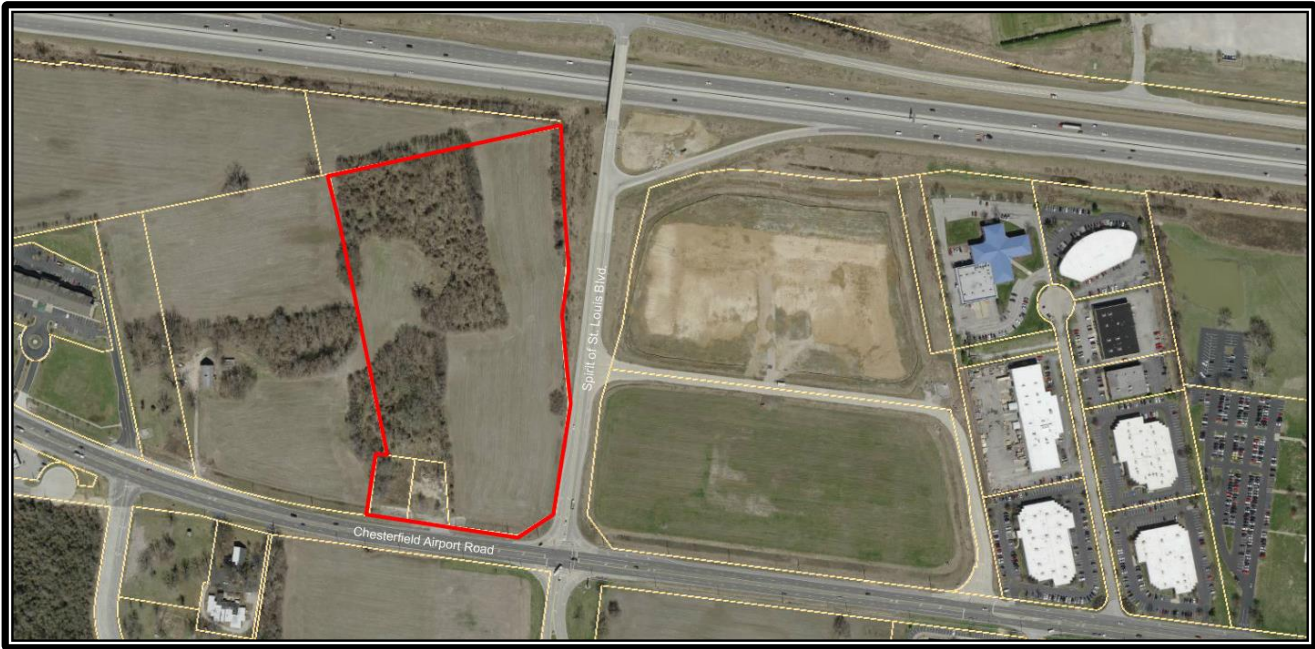
Nashrallah Global RE Services has submitted a request for a zoning map amendment from a “M3” Planned Industrial District to a “PC” Planned Commercial District. The request includes three parcels totaling 16.0 acres of land located at the northwest side of the intersection of Chesterfield Airport Road and Spirit of St. Louis Boulevard.

The preliminary plan depicts multiple buildings and the submitted narrative indicates the project is to be developed in phases. Access to the development includes a proposed curb cut off Spirit of St. Louis Boulevard and no direct access to Chesterfield Airport Road. Additionally, the plan extends a new roadway along the northern side of the subject site. Ultimately, this roadway will connect to Chesterfield Airport Road at its intersection with Olive Street Road.

A Public Hearing for this request was held on December 12, 2016 and resulted in numerous issues being identified. As required, the Petitioner has submitted a written response to these issues which is attached for the Planning Commission’s consideration. These issues are discussed in the Issues section of this report.

### **HISTORY OF SUBJECT SITE**

The properties were blanket zoned “M3” Planned Industrial District in 1965 by St. Louis County with no site specific ordinance for this area. A CUP was granted by St. Louis County in 1971 by Resolution 1768 to authorize one restaurant to be located on one of the smaller parcels.



*Aerial of Site and Proposed "PC" District*

**SURROUNDING LAND USE AND ZONING**

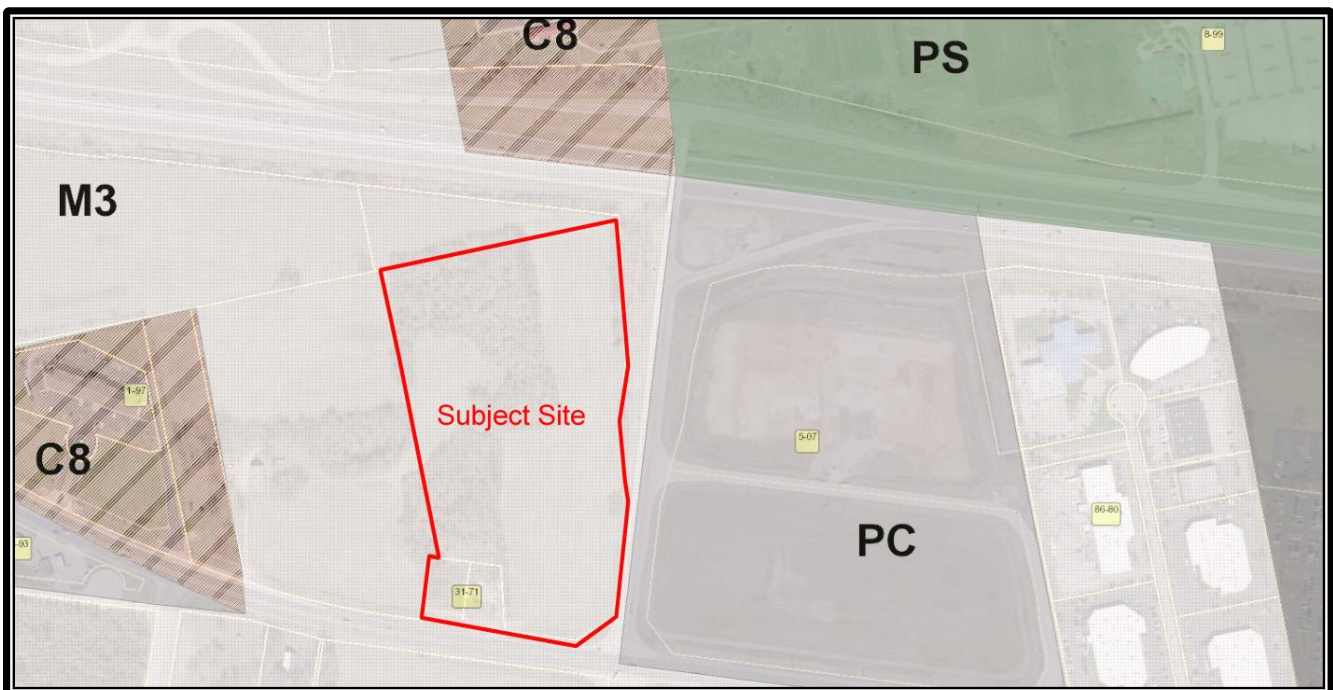
The land use and zoning for the properties surrounding this parcel are as follows:

North: Property is undeveloped and zoned "M3" Planned Industrial District.

South: Property includes a car rental facility and is zoned "M3" Planned Industrial District.

East: Property is undeveloped and zoned "PC" Planned Commercial District.

West: Property is undeveloped and zoned "M3" Planned Industrial District.



*Zoning Map*

## **COMPREHENSIVE PLAN**

The City of Chesterfield Comprehensive Plan Land Use Map delineates this property as Mixed Commercial Use, which cites appropriate uses in this designation as retail and office.



*Future Land Use Plan*

## **ISSUES**

A Public Hearing was held on the request at the December 12, 2016 Planning Commission meeting. Several issues were raised at the Public Hearing. Additionally, Staff identified several items related to the proposal that were included with the Planning Commission's issues and sent to the Petitioner. A summary of the issues is presented below. A formal response from the Petitioner to each of the issues is attached to this report. The Issues Meeting is an opportunity for the Planning Commission to review the responses from the Petitioner and further discuss the items raised during the Public Hearing.

- 1. The first several issues pertained to the Petitioner's proposed set of uses and the appropriateness of specific uses within the proposed "PC" Planned Commercial District.*

The Petitioner had initially requested 45 uses, but is now requesting 32. The 13 that have been removed are as follows:

- Bar
- Kindergarten or nursery school
- Arena
- Stadium
- Coffee shop, drive-thru
- Drug store and pharmacy, with drive-thru



- Dry cleaning establishment, with drive-thru
- Financial institution, with drive-thru
- Automotive dealership
- Automotive retail supply
- Oil Change Facility
- Retail sales establishment – Regional
- Grocery—Supercenter

The remaining uses are included in the Attachment A and are compatible with the surrounding developments and appropriate within the same planned commercial district.

2. *Consideration should be given to prohibiting outdoor storage/sales, similar to numerous other developments within the Mixed Commercial land use designation.*

The Petitioner is amenable to prohibiting outdoor storage and sales within this district and the draft Attachment “A” has been written to reflect this.

3. *In order to address appropriate land uses in various areas, consideration should be given to defining permitted uses, heights, etc. based on location within the development.*

The Petitioner has clarified their request to include a 25 foot height maximum for all buildings within the proposed development, including the hotel.

4. *Cross access will be required for the property to the west as discussed in the Comprehensive Plan. Preliminary review of the submitted plans would suggest an east-west connection from the curb cut off Spirit of St. Louis Blvd. would be appropriate. Revise the plan to clearly show this proposed cross access and provide a logical and clear connection.*

Cross access has been added to the Preliminary Plan.

5. *Provide details on the intensity of development proposed for the area for comparison to adjacent areas to assess potential traffic impact from the proposal. Details should include a maximum amount of floor area devoted to a particular use (hotels should provide maximum number of rooms).*

The Petitioner has clarified within the narrative that the proposed hotel use would be restricted to a maximum of 120 rooms. Further, the Petitioner has reduced the requested F.A.R from the maximum 0.55 in a Planned Commercial District to 0.35 and has indicated a maximum building floor area of 51,000 square feet per building, exclusive of the hotel use. These restrictions serve to ensure that the density of this development is compatible and consistent with the surrounding land use patterns. The draft Attachment “A” reflects these restrictions.

6. *Access to the new connector roadway will be classified as a Major Arterial. The Comprehensive Plan recommends managing access to preserve safe traffic conditions. One curb cut along the new connector roadway should be provided instead of two. Cross access on the interior of the development should be utilized to provide access to individual lots / buildings.*

One of the curb cuts has been eliminated from the Preliminary Plan.

- 7. The City of Chesterfield encourages installation of public art. A requirement for public art will be included in the planned district ordinance.*

Two public art areas have been added to the Preliminary Plan—the first along Chesterfield Airport Road and the second along Spirit of St. Louis Boulevard. The requirement to provide public art has been included in the draft Attachment “A”.

- 8. Restriction on hours of operation for retail uses will be included. Retail uses shall be restricted to hours of operation open to the public from 6:00 AM to 11:00 PM. Hours of operation for said use may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday.*

Since the Public Hearing, the Petitioner has indicated that they are agreeable to Staff’s recommendation that various retail uses shall be restricted from 6:00 AM-11:00 PM. These will include the various Grocery uses, Retail Sales uses, and Drug Store and Pharmacy. All of the hours of operations restrictions have been included in the Attachment “A” provided to the Planning Commission for review.

- 9. The proposed roadway along the northern portion of the site is an extension of an arterial roadway. Therefore, a 30 foot wide landscape buffer is required along this frontage.*

The required landscape buffer is now shown on the revised Preliminary Plan.

### **REQUEST**

This project is being brought before the Planning Commission for discussion of issues. No vote is requested for this item at this time. Staff is continuing to work with the Petitioner on minor Preliminary Plan revisions. A draft Attachment “A” has been prepared for review by the Planning Commission. Staff is requesting direction on finalizing the Attachment “A” that will be presented at a future meeting for a formal recommendation on the zoning map amendment and planned district ordinance.

Respectfully submitted,

Jessica Henry, AICP  
Senior Planner

#### Attachments

1. Petitioner’s Response to Issues Letter
2. Draft Attachment “A”
3. Preliminary Plan

cc: Justin Wyse, Director of Planning and Development Services



RECEIVED  
 MAR 22 2017  
 City of Chesterfield  
 Department of Public Services

Architecture • Civil Engineering • Land Surveying • Site Development • Geotechnical Engineering • Inspection & Materials Testing

January 10, 2017

Justin Wyse  
 City of Chesterfield  
 690 Chesterfield Pkwy W  
 Chesterfield, MO 63017

RE: 18331 Chesterfield Airport Road

Dear Mr. Wyse:

We received your letter dated December 22, 2016 and have reviewed your comments. We have made revisions to the preliminary plan and associated documents and offer the following responses to your comments:

1. The proposed set of uses contains numerous conflicting land uses that are not appropriate within the same district. Revise the proposed land uses for the planned district to eliminate conflicting land uses (e.g. a bar and kindergarten). **Bar and Kindergarten uses have been removed from the permitted uses in the narrative.**
2. Several of the uses appear to be inconsistent with the submitted Preliminary Plan (e.g. Arena and Stadium). Revise the list of uses or Preliminary Plan to be consistent. **Arena and Stadium have been removed from the permitted uses in the narrative.**
3. Adjacent developments restrict/prohibit the use of drive-thru uses within the development. The proposed development of P.Z. 14-2016 includes several drive-thru uses without restriction. Consider eliminating these uses. **All drive thru uses have been removed from the permitted uses in the narrative.**
4. Adjacent developments restrict/prohibit automotive uses within the development. The proposed development of P.Z. 14-2016 includes these uses without restriction. Consider eliminating these uses. **All automotive uses have been removed from the permitted uses in the narrative.**
5. The proposed zoning includes several "regional" land uses. Creation of new regional areas is in conflict with the City's Comprehensive Plan. Consider removing these uses from the request. **All regional land uses have been removed from the narrative.**
6. Consideration should be given to prohibiting outdoor storage/sales, similar to numerous other developments within the Mixed Commercial land use designation. **The narrative has been revised to prohibit any and all outdoor sales/storage.**
7. In order to address appropriate land uses in various areas, consideration should be given to defining permitted uses, heights, etc. based on location within the development. **The maximum height will be 25 ft. or less depending on Spirit of St. Louis Airport requirements. The narrative has been revised accordingly.**

8. Cross Access will be required for the property to the west as discussed in the Comprehensive Plan. Preliminary review of the submitted plans would suggest an east-west connection from the curb cut off Spirit of St. Louis Blvd. would be appropriate. Revise the plan to clearly show this proposed cross access and provide a logical and clear connection. **Two cross access points have been added to the preliminary plan.**
9. Provide details on the intensity of development proposed for the area for comparison to adjacent areas to assess potential traffic impact from the proposal. Details should include a maximum amount of floor area devoted to a particular use (hotels should provide maximum number of rooms). **Any hotels would have a 120 room maximum. The narrative has been revised accordingly.**
10. Access to the new connector roadway will be classified as a Major Arterial. The Comprehensive Plan recommends managing access to preserve safe traffic conditions. One curb cut along the new connector roadway should be provided instead of two. Cross access on the interior of the development should be utilized to provide access to individual lots/buildings. **One curb cut has been removed from the preliminary plan.**
11. The City of Chesterfield encourages installation of public art. A requirement for public art will be included in the planned district ordinance. **Public art areas have been added to the preliminary plan as requested.**
12. Restriction on hours of operation for retail uses will be included. Retail uses shall be restricted to hours on operation open to the public from 6:00 a.m. to 11:00 p.m. Hours of operation for said use may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of the Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday. **Understood and the developer is fine with this with the understanding they can request expansion of hours during the holiday season. Narrative has been revised to include this.**
13. The proposed roadway along the northern portion of the site is an extension of an arterial roadway. Therefore, a 30 foot wide landscape buffer is required along this frontage. **We have added a buffer/setback along frontage of arterial roadway.**

Preliminary Plan Comments:

- The proposed access points onto the Olive Street Road extension do not meet the City Unified Development Code, 31-04-10 (E) requirements for spacing between adjacent driveways. When Olive Street Road extension is completed, it will be classified as a major arterial. (see comment #10). **As indicated in the response to comment #10, one of the access points has been removed.**
- Label all existing and proposed roadways as "Private" or "Public". **Roadways have been labeled as requested.**
- All landscape buffers must be located outside of the Chesterfield Valley Storm Water Master Plan ditch. **The layout of the preliminary plan has been revised to provide a 30 ft. buffer setback along Chesterfield Airport Road.**
- Correct the "Existing Zoning" note. Existing zoning is M3 Planned Industrial. **Revised as requested.**
- If cut or fill slopes in excess of the standard maximum of 3:1 horizontal to vertical rise are desired, approval for the steeper slopes must be obtained from the City of Chesterfield. Review of the proposed steep slope(s) will be concurrent with the review of the Site

Development and/or Improvement Plans or the Grading Permit for the project. On the Preliminary Plan, any proposed slope in excess of 3:1 should be labeled and referenced with the following note: Approval of this plan does not constitute approval of slopes in excess of 3:1. Steep slopes are subject to the review and approval of the City of Chesterfield. **All slopes will be a maximum of 3:1 on this project. There will not be a request for any slopes steeper than 3:1. A boxed note has been added to the preliminary plan and 3:1 labels have been added on the slopes.**

Advisory Comments:

- Access management principals to be applied to this development can be found in Article 04-10 of the Unified Development Code of the City of Chesterfield. **Understood.**
- Street lights will be required along public right-of-way frontage. **Understood. The narrative has been revised to include a statement in regard to this.**
- Access/utility easements shall be required throughout the development as per Article 04-08 E of the Unified Development Code of the City of Chesterfield. **Understood.**
- The developer is advised that utility companies will require compensation for relocation of their facilities with public road right of way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements. **Understood.**
- Internal streets shall be constructed in accordance with Article 04-09 of the Unified Development Code of the City of Chesterfield. **Understood.**
- US Survey corners located on or near the development site must protected and shall be restored if disturbed due to the construction. **Understood.**
- Portions of the site are located in the special flood hazard area. Consult Article 5 of the Unified Development Code for specific requirements. The controlling regulatory 100 year water surface elevation for the site, as calculated by the Chesterfield Valley Storm water Master Plan Model, is 461.6; therefore, the lowest floor of any building needs to be at least an elevation of 462.6. A certification of the actual elevation of the constructed floor will be required prior to occupancy of the building. **Understood.**

Access/access management

- No direct access to Chesterfield Airport Road will be permitted for this development. **Understood. No access to Chesterfield Airport Road is shown on the preliminary plan. The existing access is shown to be removed.**
- Access to this development from Spirit of St. Louis Blvd. shall be restricted to the one (1) commercial entrance opposite Spirit Commerce Drive and on (1) (3) lane street approach opposite the I-64 eastbound on-ramp, as directed by the St. Louis County Department of Transportation and City of Chesterfield. **Understood and shown this way on the preliminary plan.**
- Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and the adjacent properties located to the north and west of this site as directed by the City of Chesterfield and St. Louis County Department of Transportation.



Public/Private Road Improvements, Including Pedestrian Circulation

- The street approach opposite the I-64 eastbound on-ramp shall be extended throughout the property as directed by the City of Chesterfield and St. Louis County Department of Transportation. The typical section of the roadway to be constructed or escrowed, as directed by the St. Louis County Department of Transportation, shall closely follow the St. Louis County Standard Drawing C203.68. The right-of-way dedicated shall reflect the potential for a five (5) lane expansion per St. Louis County Standard Drawing C203.66 along with any easement required for future traffic control installations. All shall be as directed by the St. Louis County Department of Transportation and City of Chesterfield. **The extension shown on the preliminary plan is per St. Louis County standards and information provided to us by St. Louis County Department of Transportation.**
- The new Olive Street Road connector shall be maintained by the property owner until such time as the connection to Chesterfield Airport Road, opposite the relocated Olive Street Road is complete. The entire alignment will then be considered for acceptance into the St. Louis County ARS system. **Understood. A statement has been added to the narrative in regards to this item.**

Public Art

- General areas where public art may be placed shall be indicated on the appropriate site development plan. The specific details for the public art, such as location, size, placement, type, etc. shall be approved by the City of Chesterfield. **Public Art areas have been added to the preliminary plan and a section has been added to the narrative.**

Hours of Operation

- Retail uses and retail sales, with respect to those uses, will be subject to hours of operation open to the public from 6:00 a.m. to 11:00 p.m.. Hours of operation for said use may be expanded for Thanks giving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday. **Understood. See response to item No. 12 above.**

If you have any questions please feel free to contact me.

Sincerely,



Eric S. Kirchner, P.E.  
Senior Project Manager

## **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. Animal Grooming Service
  - b. Art Gallery
  - c. Art Studio
  - d. Auditorium
  - e. Bakery
  - f. Banquet Facility
  - g. Barber or Beauty Shop
  - h. Check Cashing Facility
  - i. Church and other places of worship
  - j. Coffee Shop
  - k. College/University
  - l. Community Center
  - m. Drug Store and Pharmacy
  - n. Dry Cleaning Establishment
  - o. Financial Institution, without Drive-Thru
  - p. Grocery—Community
  - q. Grocery—Neighborhood
  - r. Hotel and Motel
  - s. Hotel and Motel—Extended Stay
  - t. Laundromat
  - u. Office—dental
  - v. Office—general

- w. Office—medical
  - x. Recreation Facility
  - y. Restaurant—Fast Food, without Drive-Thru
  - z. Restaurant—Sit Down
  - aa. Restaurant—Take Out
  - bb. Retail sales establishment—community
  - cc. Retail sales establishment—neighborhood
  - dd. Specialized Private School
  - ee. Theater—Indoor
  - ff. Vocational School
2. All outdoor storage and/or outdoor sales activity shall be prohibited within this development.
3. Hours of Operation
- a. Uses “m”, “p”, “q”, “bb”, and “cc”, above shall be restricted to hours of operation open to the public from 6:00 AM to 11:00 PM. Hours of operation for said use may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday.
  - b. All deliveries and trash pick-ups shall be limited to the hours from 7:00 AM to 11:00 PM.

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

1. Floor Area
- a. The total building floor area of any single building within this development, exclusive of a hotel, shall not exceed 51,000 square feet.
2. Height
- a. The maximum height including parapets and rooftop equipment of all buildings shall not exceed twenty-five (25) feet.

3. Building Requirements

- a. A minimum of thirty-five percent (35%) openspace is required for each lot within this development.
- b. This development shall have a maximum F.A.R. of 0.35.
- c. Uses “r” and “s” above shall be restricted to a maximum of 120 rooms.

**B. SETBACKS**

1. Structure Setbacks

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

- a. Thirty (30) feet from the southern boundary of this district.
- b. Thirty (30) feet from the northern boundary of this district.
- c. Thirty (30) feet from the eastern boundary of this district.
- d. Ten (10) feet from the western boundary of this district.
- e. Ten (10) feet from the interior boundary lines within this district.

2. Parking Setbacks

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

- a. Thirty (30) feet from the southern boundary of this district.
- b. Thirty (30) feet from the northern boundary of this district.
- c. Thirty (30) feet from the eastern boundary of this district.
- d. Ten (10) feet from the western boundary of this district.
- e. Zero (0) feet from the interior boundary lines within this district.

#### **D. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading spaces for this development shall be as required in the City of Chesterfield Unified Development Code.
2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
3. Parking lots shall not be used as streets.

#### **E. LANDSCAPE AND TREE REQUIREMENTS**

1. The developer shall adhere to the Tree Preservation and Landscape Requirements of the City of Chesterfield Unified Development Code.

#### **F. SIGN REQUIREMENTS**

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Unified Development Code or a Sign Package may be submitted for the planned district. Sign packages shall adhere to the City of Chesterfield Unified Development Code.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.

#### **G. LIGHT REQUIREMENTS**

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

#### **H. ARCHITECTURAL**

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

## **I. ACCESS/ACCESS MANAGEMENT**

1. No direct access to Chesterfield Airport Road shall be permitted for this development.
2. Access to the development shall be as shown on the Preliminary Site Plan attached hereto as Attachment "B" and adequate sight distance shall be provided, as directed by the City of Chesterfield, the Missouri Department of Transportation and St. Louis County Department of Transportation, as applicable. Direct access to Chesterfield Airport Road shall be prohibited.
3. The Olive Street Road extension shall be maintained by the property owner until such time as the entire extension has been completed and the alignment accepted into the St. Louis County Arterial Road System.
4. Provide cross access easements as needed to the parcels to the north and to the west as directed by City of Chesterfield and the St. Louis County Department of Transportation.
5. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield and the agency in control of the right of way off which the access is proposed.
6. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction shall be reviewed by the Saint Louis County Department of Transportation for sight distance consideration and approved prior to installation or construction.



## **J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. The street approach opposite the I-64 eastbound on-ramp shall be extended throughout the property as directed by the City of Chesterfield and Saint Louis County Department of Transportation. The typical section of the roadway to be constructed or escrowed, as directed by the Saint Louis County Department of Transportation, shall closely follow the Saint Louis County Standard Drawing C203.68. The right-of-way dedicated shall reflect the potential for a five (5) lane expansion per St. Louis County Standard Drawing C203.66 along with any easement required for future traffic control installations. All shall be as directed by the Saint Louis County Department of Transportation.
2. Provide street connections to the adjoining properties as directed by the City of Chesterfield. Stub street signage, in conformance with Article 04-09 of the Unified Development Code of the City of Chesterfield, shall be posted within thirty (30) days of the street pavement being placed.
3. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along all frontages of the site. The sidewalk shall provide for future connectivity to adjacent developments and/or roadway projects. The sidewalk may be located within right-of-way controlled by another agency, if permitted by that agency or on private property within a six (6) foot wide sidewalk, maintenance and utility easement dedicated to the City of Chesterfield.
4. Obtain approvals from the City of Chesterfield, St. Louis County Highways and Traffic and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
5. Additional right-of-way and road improvements shall be provided, as required by the Missouri Department of Transportation, St. Louis County Department of Transportation and the City of Chesterfield.
6. All drainage detention storage facilities shall be placed outside of the standard governmental agencies' planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.

7. Any work within MoDOT's right of way will require a MoDOT permit.
8. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will affect MoDOT right of way.
9. All proposed work in MoDOT right of way must comply with MoDOT standards, specifications, conform to MoDOT's Access Management Guidelines with detailed construction plans being received and approved by MoDOT.
10. Due to the close proximity to Interstate 64, any sound mitigation is the responsibility of the owner/developer. MoDOT will not provide any noise mitigation measures for this development.
11. Prior to Special Use Permit issuance by the Saint Louis County Department of Transportation, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with the Saint Louis County Department of Transportation to guarantee completion of the required roadway improvements.
12. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

#### **K. TRAFFIC STUDY**

1. Provide a traffic study as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

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

#### **L. POWER OF REVIEW**

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

#### **M. STORM WATER**

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or 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 and the Metropolitan St. Louis Sewer District. 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 the 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 all Site Development Plans.
3. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield.

4. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.
5. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield and the Metropolitan Saint Louis Sewer District.
6. The developer shall be responsible for construction of any required storm water improvements per the Chesterfield Valley Master Storm Water Plan, as applicable, and shall coordinate with the owners of the properties affected by construction of the required improvements. In the event that the ultimate required improvements cannot be constructed concurrently with this development, the developer shall provide interim drainage facilities and establish sufficient escrows as guarantee of future construction of the required improvements, including removal of interim facilities. Interim facilities shall be sized to handle runoff from the 100-year, 24-hour storm event as produced by the Master Storm Water Plan model. The interim facilities shall provide positive drainage and may include a temporary pump station, if necessary. Interim facilities shall be removed promptly after the permanent storm water improvements are constructed.
7. The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements per the Chesterfield Valley Master Storm Water Plan. Functional equivalence is said to be achieved when, as determined by the Public Works Director, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Public Works Director determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing

calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.

8. The developer shall provide all necessary Chesterfield Valley Storm Water Easements to accommodate future construction of the Chesterfield Valley Master Storm Water Plan improvements, and depict any and all Chesterfield Valley Master Storm Water Plan improvements on the Site Development Plan(s) and Improvement Plans. Maintenance of the required storm water improvements shall be the responsibility of the property owner unless otherwise noted.
9. All Chesterfield Valley Master Storm Water Plan improvements, as applicable, shall be operational prior to the paving of any driveways or parking areas unless otherwise approved.
10. Formal MSD review, approval, and permits are required prior to construction.
11. Post construction water quality Best Management Practices (BMPs) are required to treat the extents of the project's disturbed area. BMPs shall be designed such that the site's post construction runoff condition mimics its preconstruction runoff condition. In this particular region, BMPs with an infiltration component keyed into the site's alluvial sand layer are typically necessary in order for the site's water quality strategy to meet this goal. Based on the layout and topography on this plan, additional BMPs dispersed throughout the site, closer to the source of runoff, may be necessary in order to treat the entire disturbed area. If multiple BMPs are necessary, BMP excavation could influence building placement on the site plan as well as phasing. BMPs shared by multiple properties will need to be placed within common ground or easement granted to all benefactors of the BMP.
12. The project is located within the Caulks Creek Impact area, subject to a surcharge of \$2750.00/acre.
13. Approval from the Monarch Chesterfield Levee District indicating that the final plans conform to their master conveyance plan will be required prior to formal MSD plan approval.

## **N. SANITARY SEWER**

1. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.
2. Connection to public sanitary sewers is required for all lots created by the development plan, and gravity sewers should be explored as the primary option for providing sanitary sewer service for the site. A force main system or connection to the existing force main within Chesterfield Airport and Spirit of St. Louis Boulevard should be considered as a “last resort” to provide sanitary sewer service. Subdivision (either now or in the future) will require public sewer service and easement corridors for each lot, and should be taken into consideration when sewers are designed.

## **O. GEOTECHNICAL REPORT**

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

## **P. MISCELLANEOUS**

1. All utilities will be installed underground.
2. Public art installations shall be required in the locations depicted on the Preliminary Site Plan attached hereto as Attachment “B.”
3. Street lights shall be required along public right-of-way frontage.
4. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner’s traffic generation assessment contribution. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.



5. 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, with the exception of the land use designation, shall be required where applicable.
6. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the City of Chesterfield and Saint Louis County Department of Highways and Traffic. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
7. Prior to record plat approval, 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 out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.
8. Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program, as necessary.
9. If any development in, or alteration of, the floodplain is proposed, the developer shall submit a Floodplain Study and Floodplain Development Permit/Application to the City of Chesterfield and the City of Wildwood for approval. The Floodplain Study must be approved by the City of Chesterfield prior to the approval of the Site Development Plan, as directed. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a

Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development. Elevation Certificates will be required for any structures within the Special Flood Hazard Area or the Supplemental Protection Area. All new roads within and adjacent to this site shall be constructed at least one (1) foot above the base flood elevation of the Special Flood Hazard Area. Improvements to existing roadways shall be required as necessary to provide at least one access route to each lot that is at least one (1) foot above the base flood elevation. Consult Article 5 of the Unified Development Code for specific requirements for specific requirements.

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

- A.** The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B.** In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C.** Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D.** Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E.** Where due cause is shown by the developer, the City Council may extend the period to submit a Site Development Concept Plan or Site Development Plan for eighteen (18) months.

### **III. COMMENCEMENT OF CONSTRUCTION**

- A.** Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- B.** Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.

### **IV. GENERAL CRITERIA**

#### **A. SITE DEVELOPMENT CONCEPT PLAN**

1. Any Site Development Concept Plan shall show all information required on a preliminary plat as required in the City of Chesterfield Code.
2. Include a Conceptual Landscape Plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a Lighting Plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
5. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

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

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

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.

4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.

18. Address trees and landscaping in accordance with the City of Chesterfield Unified Development Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Unified Development Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation, Metropolitan St. Louis Sewer District (MSD), and St. Louis County Department of Highways and Traffic.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

### **C. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS**

The Site Development Section Plan shall adhere to the above criteria and 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. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.

7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs.
10. Zoning district lines, subdivision name, lot number, lot dimensions, lot area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
13. 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.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
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.



19. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, St. Louis Department of Highways and Traffic, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.
21. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

## **V. TRUST FUND CONTRIBUTION**

- A.** The developer shall be required to contribute a Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund (No. 556). This contribution shall not exceed an amount established by multiplying the required parking spaces by the following rate schedule:

<b><u>Type of Development</u></b>	<b><u>Required Contribution</u></b>
General Retail	\$2,223.29/required parking space
General Office	\$741.06/required parking space
Medical Office	\$2,223.29/required parking space
Quality Restaurant	\$741.06/required parking space
High Turnover Sit Down Restaurant	\$2,223.29/required parking space
Office Space	\$741.06/required parking space

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

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Transportation and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

- B.** As this development is located within a trust fund area established by Saint Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements

required by the development should be retained in the appropriate trust fund.

- C.** Road improvement traffic generation assessment contributions shall be deposited with Saint 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 Saint Louis County Department of Highways and Traffic or prior to the issuance of building permits in the case where no S.U.P. is required. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development. Funds shall be payable to Treasurer, Saint Louis County.
- D.** The amount of all required contributions for roadway, storm water and primary water line improvements, if not submitted by January 1, 2018, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Transportation.

**E. WATER MAIN**

1. The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$894.19 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.
2. The primary water line contribution shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before St. Louis County approval of the Site Development Plan unless otherwise directed by the Saint Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, Saint Louis County.

**F. STORM WATER**

1. The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by Saint Louis County and the Metropolitan Saint Louis Sewer District. The amount

of the storm water contribution will be computed based on \$2,837.06 per acre for the total area as approved on the Site Development Plan.

2. The storm water contributions to the Trust Fund shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Highways and Traffic or before the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to the Treasurer, Saint Louis County.

#### **G. SANITARY SEWER**

1. The sanitary sewer contribution is collected as the Caulks Creek impact fee.
2. The sanitary sewer contribution within the Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

#### **VI. RECORDING**

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

#### **VII. ENFORCEMENT**

- A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.

**D.** Waiver of Notice of Violation per the City of Chesterfield Code.

**E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

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