

Memorandum Department of Planning & Public Works



To: Planning and Public Works Committee

From: Aimee Nassif, Senior Planner

Date: May 19, 2008

RE: P.Z. 47-2007 Conway Point Office Building (Conway Partners, LLC): A request for an ordinance amendment to amend the legal description, permitted uses, and development criteria for the 1.063 acre parcel of land, zoned "PC" Planned Commercial District, located at 15310 Conway Road, at the southeast corner of the intersection of Chesterfield Parkway and Conway Road.

Summary

The above referenced project was before City Council on Monday, May 19, 2008 for first reading. The City Council packet included a letter from the Petitioner dated May 13, 2008 along with a reduced copy of an Amended Preliminary Plan, Amended Landscape Plan, and Amended Architectural Elevations for consideration.

Attached please find a copy of the Attachment A, Legislation and Letter from the Petitioner dated May 13, 2008 with amended plans as referenced above.

Respectfully submitted,

Aimee Nassif,
Senior Planner

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

LEWIS, RICE & FINGERSH, L.C.

ATTORNEYS AT LAW

500 N. BROADWAY, SUITE 2000
ST. LOUIS, MISSOURI 63102-2147
WWW.LEWISRICE.COM

TEL (314) 444-7600

FAX (314) 241-6056

MEMORANDUM

TO: Jennifer Yackley, Project Planner

FROM: Jonathan F. Dalton
Jeremy P. Brummond

DATE: May 13, 2008

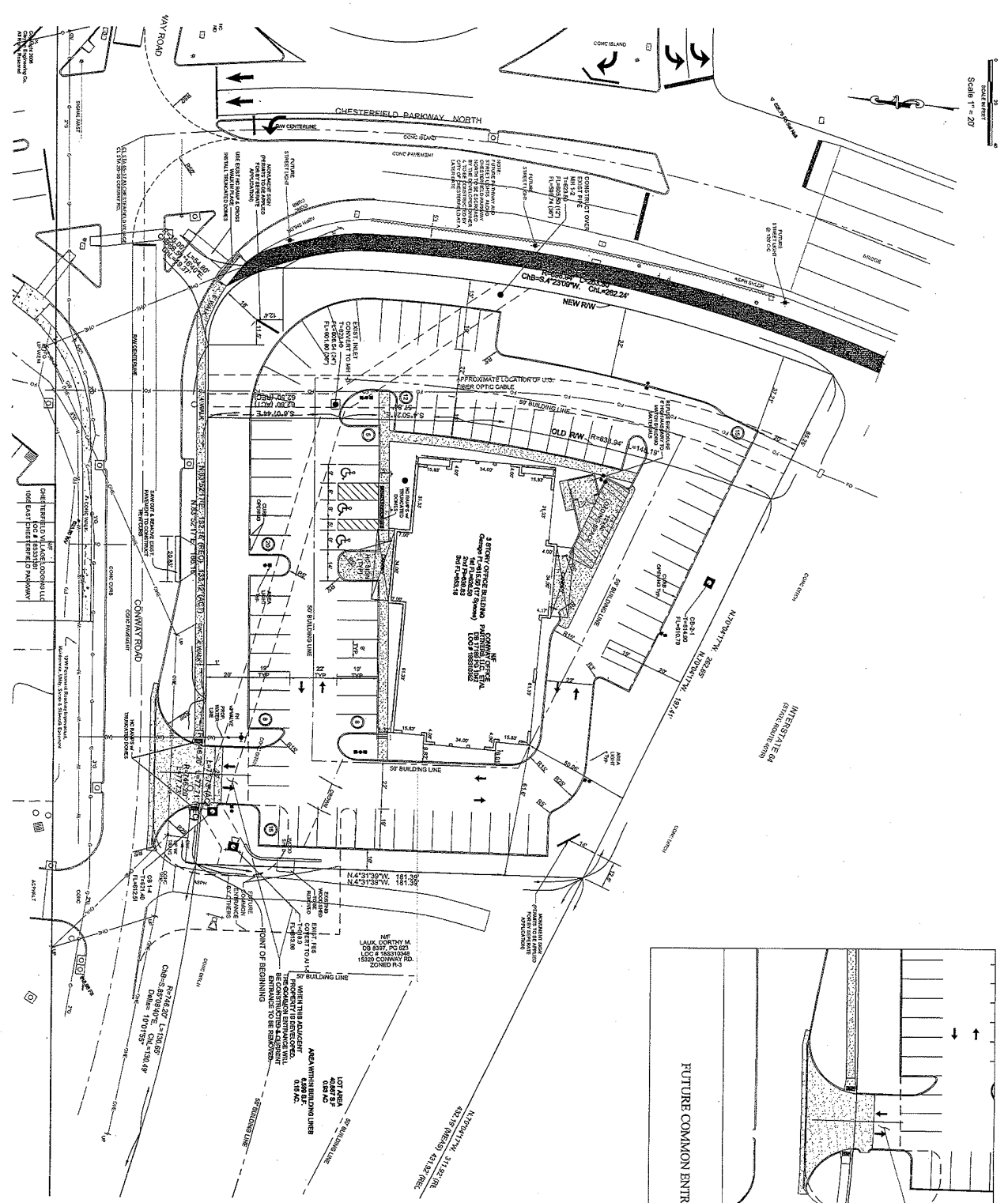
RE: **P.Z. 47-2007 Conway Point Office Building (Conway Partners, LLC);
Revised Plan Eliminating Drive-Through/Drive-Up Banking**

This firm represents Conway Partners, LLC ("Conway Partners"). Before the Chesterfield City Council is Conway Partners' request for a revised Ordinance that would (1) include "financial institutions" as a permissible use on the subject property, and (2) reduce the required open space to 35%. (Please note, there are other aspects to Conway Partners' request for a revised ordinance, but these two matters are the only aspects that have drawn any concerns by either the Planning Commission or the Planning & Public Works Committee).

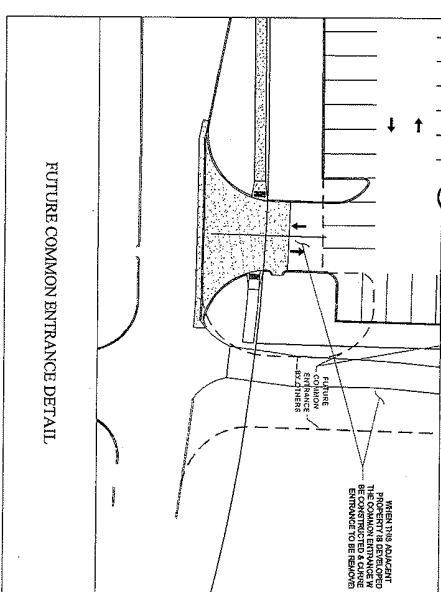
We understand that City officials have expressed concern about "financial institutions" being permitted on the property solely because of potential traffic issues that might develop if a high volume retail bank would someday lease or purchase the premises. The current plan only includes "drive-through" lanes as an ancillary feature (seldom used) of the corporate offices of a commercial bank tenant. Stated differently, the current tenant is not a high volume retail bank and anticipates very modest use of any "drive-through" lanes.

Nonetheless, in an effort to address City officials' concerns, Conway Partners has developed a revised plan for the Project (see attached). The revised plan eliminates all drive-through lanes for the Project, which has the practical effect of defeating any possibility that a retail bank could someday occupy the space at issue. The revised plan has the added benefit of increasing open space for the project to currently 38%. (Please note, including all area that Conway Partners is going to be legally obligated to landscape and maintain, the Project is currently at 48% open space. Conway Partners remains amenable to ordinance language which states that a reduction in open space is being granted based on Conway Partners legally binding agreements to maintain certain adjacent green space).

Conway Partners asks the Council to consider the revised plan in determining whether to approve Conway Partners' request for a revised Ordinance.



Scale 1" = 20'



NOTE:
ALL DIMENSIONS ARE TO FACE OF CURB
UNLESS OTHERWISE NOTED.

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City of Springfield, Mo.
City Engineer
1500 South Olive St.
Springfield, MO 65802
Tel: 417-863-1000
Fax: 417-863-1001

RECEIVED
MAY 13 2008
DEPT. OF PLANNING
& PUBLIC WORKS

1. ADDITIONAL NOTES TO BE PROVIDED BY THE ARCHITECT.
2. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
3. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

Preliminary Plan for
CONWAY POINT OFFICE BUILDING
 15310 Conway Road
 Chesterfield, Missouri 63017

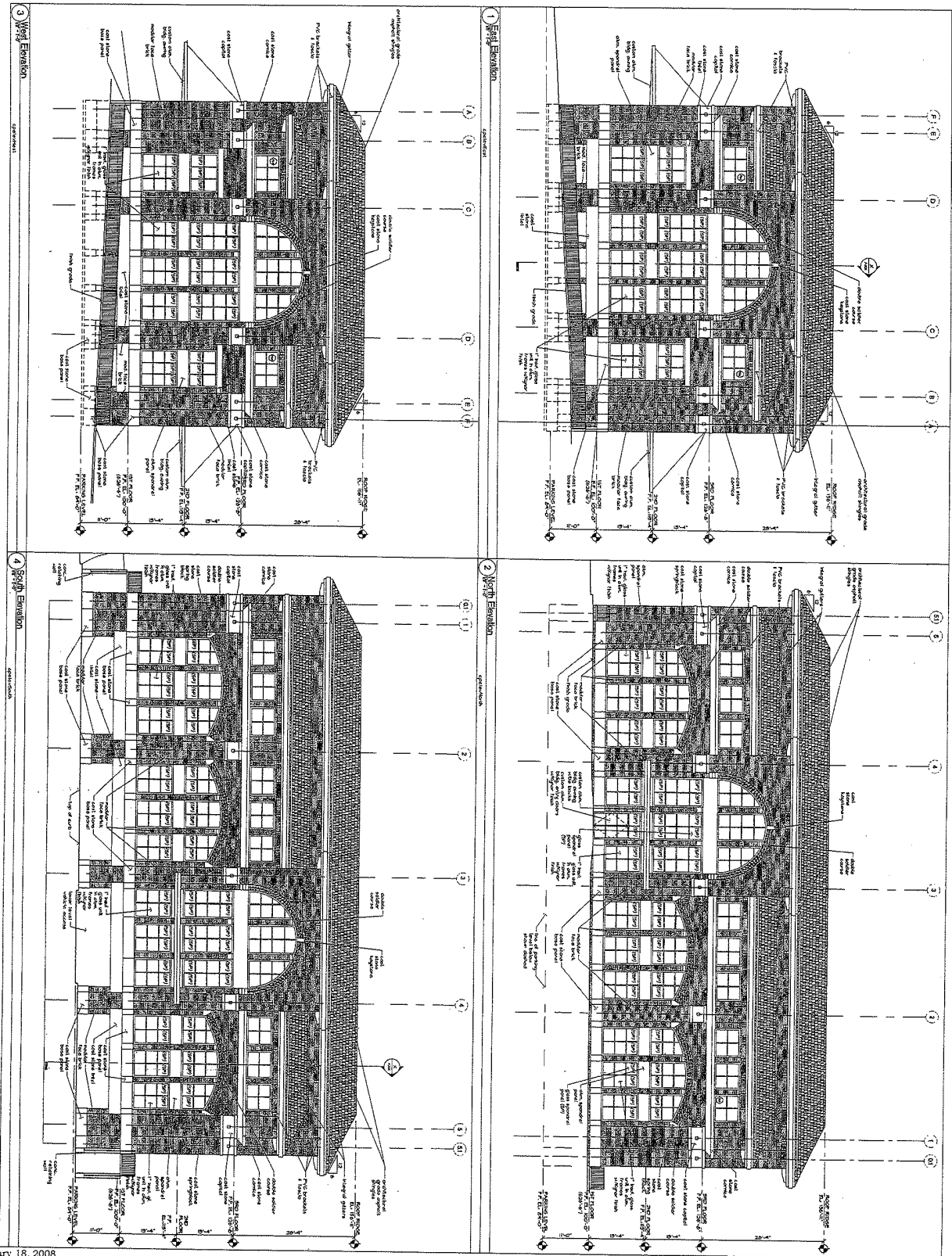
| No. | Revision Description | Date |
|-----|---|----------|
| 1 | ADDED DRIVE UP BANKING AREA & ADJUSTED GRACES | 12-08-07 |

the city of
Springfield
Engineering
Department

LIGHTHOUSE ARCHITECTS

1500 South Olive St.
 Springfield, MO 65802
 Tel: 417-863-1000
 Fax: 417-863-1001

NOT FOR CONSTRUCTION



February 18, 2008

SHEET
A4.1
PROJECT NO.
DATE
2008

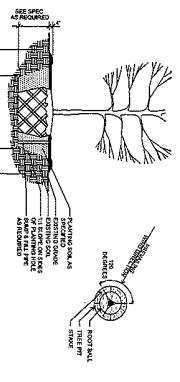
Proposed Facility for:
CONWAY POINT OFFICE BUILDING
15310 Conway Road
Chesterfield, Missouri 63017

| No. | Revision Description | Date |
|-----|----------------------|------|
| | | |
| | | |
| | | |

LIGHTHOUSE ARCHITECTS
1101 South Center St
Drive Suite 604 South
Chesterfield, Missouri 63017
PH: 314.274.0355
FX: 314.274.0354

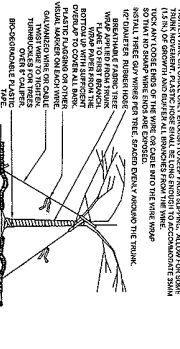
NOT FOR CONSTRUCTION

1. Landscaping Architect shall approve all plant material and their placement prior to installation. Contact Landscape Architect at least 2 weeks prior to review.
2. All trees shall equal or surpass American Standards for Nursery Stock ANSI Z60.1, 2004 for size and quality.
3. All shrubs shall equal or surpass American Standards for Nursery Stock ANSI Z60.1, 2004 for size and quality.
4. Contractor shall verify the plant material is properly labeled, is of proper size, has a well developed branch and root pattern, and is in accordance with the American Association of Nurserymen. Comply with the following conditions:
 - A. Plants are subject to American Association of Nurserymen without specific approval by Landscape Architect.
 - B. Plants are subject to American Association of Nurserymen without specific approval by Landscape Architect.
 - C. When requested by Landscape Architect, show samples to prove that no root bound conditions exist.
 - D. Remove rejected plants from the site immediately and replace with acceptable materials.
 - E. Replacement plants shall be the same type and size as originally planted.
5. Contractor shall provide a written guarantee to the owner that all trees, shrubs, and plant materials will maintain vigorous and healthy growth for the specified guarantee periods:
 - A. Less than \$5,000: 1 Year
 - B. \$5,000 - \$10,000: 1 Year
 - C. \$10,000 - \$25,000: 1 Year
 - D. \$25,000 - \$50,000: 1 Year
 - E. \$50,000 - \$100,000: 1 Year
 - F. \$100,000 - \$250,000: 1 Year
 - G. \$250,000 - \$500,000: 1 Year
 - H. \$500,000 - \$1,000,000: 1 Year
 - I. \$1,000,000 - \$2,500,000: 1 Year
 - J. \$2,500,000 - \$5,000,000: 1 Year
 - K. \$5,000,000 - \$10,000,000: 1 Year
 - L. \$10,000,000 - \$25,000,000: 1 Year
 - M. \$25,000,000 - \$50,000,000: 1 Year
 - N. \$50,000,000 - \$100,000,000: 1 Year
 - O. \$100,000,000 - \$250,000,000: 1 Year
 - P. \$250,000,000 - \$500,000,000: 1 Year
 - Q. \$500,000,000 - \$1,000,000,000: 1 Year
 - R. \$1,000,000,000 - \$2,500,000,000: 1 Year
 - S. \$2,500,000,000 - \$5,000,000,000: 1 Year
 - T. \$5,000,000,000 - \$10,000,000,000: 1 Year
 - U. \$10,000,000,000 - \$25,000,000,000: 1 Year
 - V. \$25,000,000,000 - \$50,000,000,000: 1 Year
 - W. \$50,000,000,000 - \$100,000,000,000: 1 Year
 - X. \$100,000,000,000 - \$250,000,000,000: 1 Year
 - Y. \$250,000,000,000 - \$500,000,000,000: 1 Year
 - Z. \$500,000,000,000 - \$1,000,000,000,000: 1 Year
6. Guarantee for each plant material shall begin on date of final written acceptance of work by owner, after successful completion of the specified maintenance period.
7. Contractor shall remove bags, labels, nursery stakes, wire baskets or cages, and ties from all plants.
8. Soil preparation, planting and fertilization, staking, and guying shall conform to details and specifications.
9. Plant material quantities are provided for preliminary cost estimate purposes only. Landscape Contractor is responsible for verifying quantities as shown on plans.
10. Contractor shall coordinate location of plant material with all other contractors.
11. All plant excavation shall be per details and specifications.
12. All plant excavation shall be per details and specifications.
13. Influence on root development.
14. All soil for landscape planting areas or berms shall be obtained from off-site excavations and contractor shall indicate source location. Soil shall be sandy loam containing no toxic chemicals or elements which may inhibit or retard normal plant growth. Contractor shall provide a soil suitability test to determine soil fertility. The results of this soil study will serve as the recommendations for any necessary soil amendments. Soil survey results will be provided to the Landscape Architect for approval prior to soil placement. All soil amendments and mulching shall conform to industry standards.
15. Contractor shall fill and remove all existing weeds from site.
16. Soil preparation and backfill recommendations contained within these plans and/or specifications are for bid purposes only. Final soil analysis and backfill recommendations shall be provided by the owner. A copy of the soil analysis and backfill recommendations shall be provided to the Landscape Architect prior to any work being done. The contractor shall notify the Landscape Architect of any soil problems that might affect plant growth.
17. Contractor shall install amended soil mix per specifications. Steady subsoil and install and incorporate amended topsoil as per specifications.
18. Contractor shall remove all excess soil, contaminated soils, rocks, clods, and debris as it accumulates.
19. Contractor shall grade around plants to finish grade unless otherwise noted.
20. All plants shall be planted with a 2" deep layer of ground bark mulch to shredded mulch at the conclusion of planting operation. All soil shall be compacted to a minimum of 90% relative compaction.
21. All transitions between planting beds and lawn are to be separate and clear unless otherwise noted.
22. Contractor shall verify the extent of existing irrigation (if any) and adjust layout in coordination with new irrigation, if applicable.



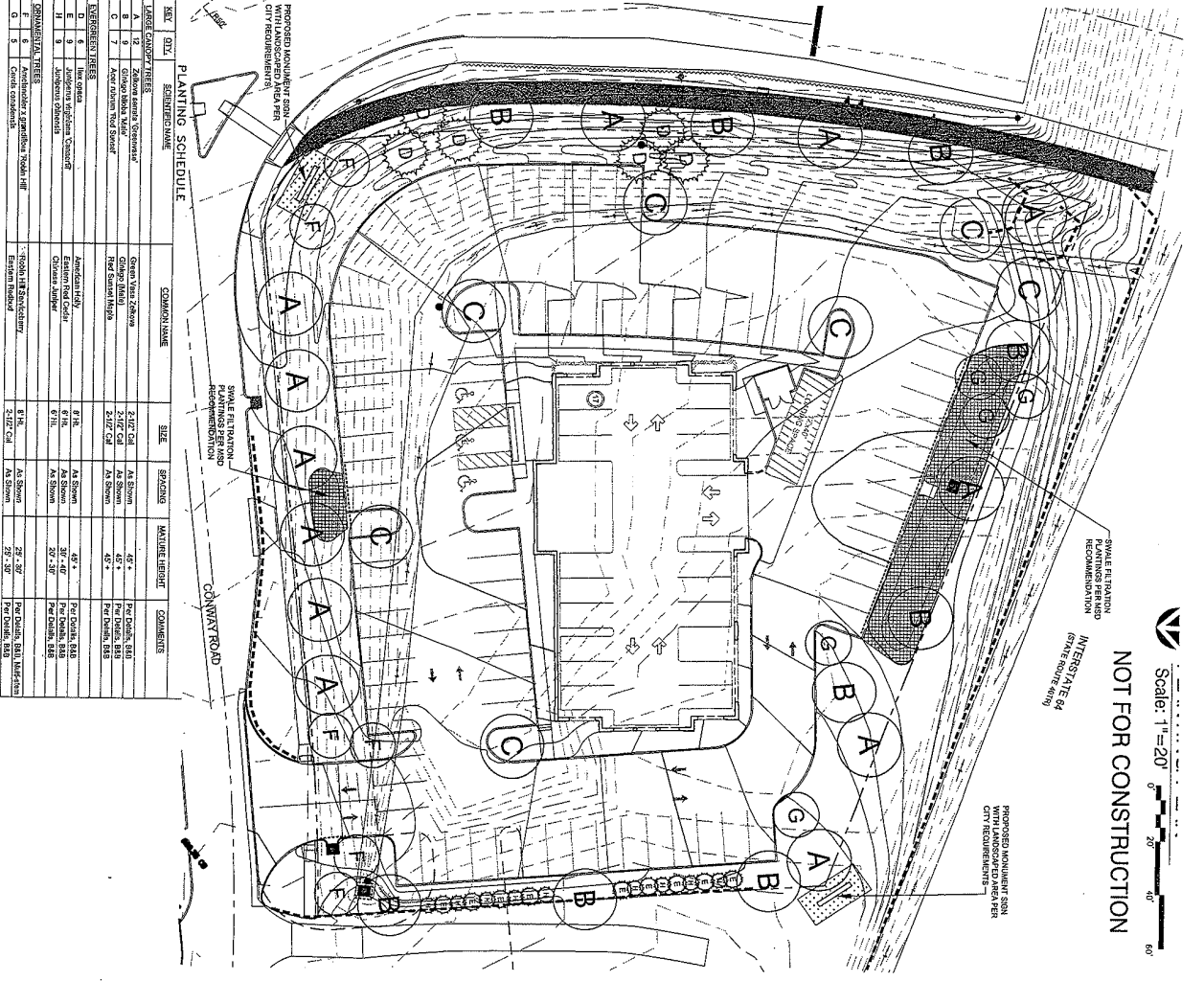
A TREE PLANTING DETAIL

CONTRACTOR SHALL PREPARE THE TREE PLANTING AREA TO CONFORM WITH THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT. TO INCLUDE: 1. SOIL AMENDMENTS AND MULCHING SHALL CONFORM TO INDUSTRY STANDARDS. 2. SOIL SHALL BE SANDY LOAM CONTAINING NO TOXIC CHEMICALS OR ELEMENTS WHICH MAY INHIBIT OR RETARD NORMAL PLANT GROWTH. 3. CONTRACTOR SHALL PROVIDE A SOIL SUITABILITY TEST TO DETERMINE SOIL FERTILITY. 4. THE RESULTS OF THIS SOIL STUDY WILL SERVE AS THE RECOMMENDATIONS FOR ANY NECESSARY SOIL AMENDMENTS. 5. SOIL SURVEY RESULTS WILL BE PROVIDED TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO SOIL PLACEMENT. ALL SOIL AMENDMENTS AND MULCHING SHALL CONFORM TO INDUSTRY STANDARDS.



B TREE STAKING AND WRAPPING DETAIL

WRAP FOR EACH STAKE SHALL BE AS FOLLOWS: 1. WRAP SHALL BE 1/2" wide and 2" high. 2. WRAP SHALL BE MADE OF A DURABLE MATERIAL. 3. WRAP SHALL BE APPLIED TO THE TRUNK OF THE TREE IN A MANNER THAT WILL NOT INHIBIT THE GROWTH OF THE TREE. 4. WRAP SHALL BE APPLIED TO THE TRUNK OF THE TREE IN A MANNER THAT WILL NOT INHIBIT THE GROWTH OF THE TREE. 5. WRAP SHALL BE APPLIED TO THE TRUNK OF THE TREE IN A MANNER THAT WILL NOT INHIBIT THE GROWTH OF THE TREE.



| KEY | QTY | SPECIES/NAME | SIZE | STAKING | MATURE HEIGHT | COMMENTS |
|-----|-----|----------------|------------|----------|---------------|-----------------|
| A | 12 | Zebra Bark Elm | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| B | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| C | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| D | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| E | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| F | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| G | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| H | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| I | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| J | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| K | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| L | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| M | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| N | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| O | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| P | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
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| U | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| V | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| W | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| X | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| Y | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |
| Z | 9 | Green Yew | 2 1/2" Cal | As Shown | 45' | Per Detail, B10 |

Proposed Building for:
**Village Square Management
Conway Point Office Building**
15310 Conway Road
Cheterfield, Missouri 63017

| No. | Revision Description | Date |
|-----|-----------------------|----------|
| 1 | City Submittal | 06/26/06 |
| 2 | Revised Planting Plan | 06/16/07 |

LIGHTHOUSE ARCHITECTS

14323 South Outer 40
Drive Suite 604 South
Chesterfield, Missouri 63017
PH : 314.579.0655
FX : 314.579.0656

SHEETS
PLANTING PLAN
L-10

PROJECT NO.
06-043
DATE
2/15/08
DRAWN BY: LJC
REVIEWED BY: JMW

NOT FOR CONSTRUCTION

Scale: 1" = 20'

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2361 AND REPLACING IT WITH AN ORDINANCE AMENDING THE LEGAL DESCRIPTION AND DEVELOPMENT CRITERIA FOR A 1.063 ACRE "PC" PLANNED COMMERCIAL DISTRICT LOCATED IN THE SOUTHWEST CORNER OF THE INTERSECTION OF CONWAY ROAD AND CHESTERFIELD PARKWAY (P.Z. 47-2007 Conway Point Office Building {Conway Point Partners, LLC})

WHEREAS, Conway Point Partners LLC, has requested an ordinance amendment to amend the legal description by adding 0.43 acres of right-of-way along the eastern boundary line, amend the structure setbacks, amend the open space requirement and add "financial institution" as a permitted use for a 1.063 acre tract of land located in the southwest corner of the intersection of Conway Road and Chesterfield Parkway; and,

WHEREAS, a Public Hearing was held before the Planning Commission on January 14, 2008; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval amending the legal description, the permitted use and the structure setback from Conway Road; and,

WHEREAS, the City Council, upon review of said request, recommended approval with an amendment to the permitted uses, the structure setbacks and the power of review.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City of Chesterfield Ordinance Number 2361 is hereby repealed and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for Conway Point Office Building.

LEGAL DESCRIPTION

A tract of land being part of Fractional Section 10, Township 45 North, Range 4 East, situated in the City of Chesterfield, St. Louis County, Missouri and being further described as follows: Beginning at the intersection of the Southern line of Conway Road as widened by instrument recorded in Deed Book 8572, page 2404 of the St. Louis County Records with the Eastern line of property convey to Raymond L. and Dorothy M. Laux by instrument recorded in Deed Book 2307, page 70 of the St. Louis County Records; thence along said Southern line of Conway Road, being a curve to the left having a radius of 746.20 feet an arc distance of 77.73 feet (chord of North 86 degrees 51 minutes 20 seconds East, 77.69 feet) to a point of tangent; thence North 83 degrees 52 minutes 17 seconds East, 166.16 feet to a point; thence along a curve to the right having a radius of 35.00 feet and an arc distance of 54.80 feet (chord of South 51 degrees 16 minutes 40 seconds East, 49.37 feet) to a point; thence along a curve to the right having a radius of 698.94 feet and an arc distance of 263.80 feet (chord of South 04 degrees 23 minutes 09 seconds West, 262.24 feet) to a point on the North line of State Route

40TR (Interstate 64); thence along said North line, North 70 degrees 04 minutes 17 seconds West, 262.65 feet to a point on the East line of Laux, as aforementioned; thence along said East line, North 04 degrees 31 minutes 39 seconds West, 181.39 feet to the point of beginning. Said tract contains 64,853 square feet (1.489 acres) more or less.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and, made a part hereof.

Section 3. The City Council, pursuant to the petition filed by Conway Point Partners, LLC, in P.Z. 47-2007, requesting the amendments embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 14th day of January 2008, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2008.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

The Planning and Public Works Committee recommended by a vote of 3-1 that the following language in the Attachment A be amended:

AMENDMENT 1:

Section I. A.1. Permitted Uses, page 1. Remove the following use:

1. The uses allowed in this "PC" Planned Commercial District shall be:
 - a. Offices or Office Buildings
 - b. One (1) parking garage
 - c. Financial Institution

The Planning and Public Works Committee recommended by a vote of 4-0 that the following language in the Attachment A be amended:

AMENDMENT 2:

Section I. C.1. Setbacks, page 2. Add the following language:

1. STRUCTURE SETBACKS
No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:
 - d. Twenty (20) feet from the eastern property line bearing S6° 07' 44"E, 62.80 feet to an angle point therein; thence S4° 50' 21"E, 57.84 feet to a point of curve; thence along said curve to the right having a radius of 633.94 feet an arc distance of 148.19 feet (chord of S8° 00' 56"W) to a point on the north line of Interstate 64 (former State Route 40TR) as depicted on the boundary survey prepared by Clayton Engineering and dated July 1998. A copy of which is attached for reference as Exhibit 1.

The Planning and Public Works Committee recommended by a vote of 4-0 that the following language in the Attachment A be amended:

AMENDMENT 3:

Section I. L. Power of Review, page 6. Add the following language:

~~The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than twenty-four~~

~~(24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the site plan. The City Council will then take appropriate action relative to the proposal.~~

The City Council shall have review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.

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. Offices or Office Buildings
 - b. One (1) parking garage
 - c. Financial Institution
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.

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

1. BUILDING REQUIREMENTS

- a. A minimum of forty-five percent (45%) open space is required for this development.

C. SETBACKS

1. STRUCTURE SETBACKS

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

- a. Setbacks from the right-of-way of Conway Road.
 - i. The eighty-six (86) foot structure setback from Conway Road shall be exclusive of canopies or awnings.
 - ii. Canopies or awnings on the northern façade of the building shall have a seventy-six (76) foot setback from the right-of-way of Conway Road.
- b. Sixty (60) feet from the western property line.

- c. Fifty (50) feet from the southern property line.
- d. Twenty (20) feet from the eastern property line.

2. PARKING SETBACKS

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

- a. Eighteen (18) feet from the right-of-way of Conway Road.
- b. Ten (10) feet from the western property line.
- c. Eighteen (18) feet from the southern property line.
- d. Thirteen (13) feet from the eastern property line.
 - i. If right of way along the eastern property line of this development is acquired and zoned appropriately, said parking and loading space setbacks may be measured from the new right of way line as directed by the City of Chesterfield.

D. PARKING AND LOADING REQUIREMENTS

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

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
 - a. A ten (10) foot landscape buffer shall be required along the western property line.
2. Landscaping in the right of way, if proposed, shall be reviewed by the City of Chesterfield, the Missouri Department of Transportation and/or the St. Louis County Department of Highways and Traffic.

F. SIGN REQUIREMENTS

1. Sign package submittal materials shall be required for this development. All sign packages shall be reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, Missouri Department of Transportation, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

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

H. ARCHITECTURAL

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

the Planning Commission in conjunction with the Site Development Plan.

4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. No direct access to Highway 40/64 or Chesterfield Parkway will be allowed for this development.
2. The property bound by this ordinance shall be allowed one (1) defeasible entrance to Conway Road. The entrance shall be located near the western property line as directed by the City of Chesterfield. The defeasible entrance shall be temporary until such time that the use of the adjoining parcel to the west is revised and installation of a common entrance is practical. The common entrance shall align with the commercial entrance for the restaurant in the Fairfield Suites development as directed by the City of Chesterfield. Cross access easements shall be provided by both parcels as directed by the City of Chesterfield. The defeasible entrance shall be removed and relocated within six (6) months of written notice by the City of Chesterfield. A Special Cash escrow for a portion of the common entrance and all work necessary to remove the defeasible entrance will be required prior to approval of the Improvement Plans.
3. Northbound left turns from Chesterfield Parkway East to westbound Conway Road are currently prohibited, and will not be permitted under existing geometric conditions and I-64 ramp location.
4. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require permit. To the entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Obtain approvals from the City of Chesterfield, St. Louis County Department of Highways and Traffic and the Missouri Department of Transportation for areas of new dedication, and roadway improvements.
2. Provide a four (4) foot wide sidewalk along Conway Road. If the sidewalk cannot be constructed within the existing right of way, provide a sidewalk, maintenance, utility, and roadway widening easement as necessary to extend from the right of way to one foot

beyond the sidewalk. The easement shall be established prior to approval of the Improvement Plans.

3. Provide the necessary easements and a cash escrow for future construction of an eight (8) foot wide sidewalk, street trees, and street lights along the Chesterfield Parkway frontage of the site in accordance with the City of Chesterfield "Pathway on the Parkway" project. The easements and escrow must be established prior to approval of the improvement plans.
4. Conform to the requirements and/or recommendations of the Missouri Department of Transportation regarding State Route 64/40 in the area.
5. St. Louis County Department of Highways and Traffic reserves the right to require roadway and intersection improvements until Final Plans are submitted.
6. As portions of these roadway improvements may require the acquisition of additional right of way and easements from private property, the normal sequence of design, right of way acquisition and construction shall commence immediately upon approval of the requested rezoning. If the developer is unable to acquire the necessary right of way and easements through negotiation with the particular property owners involved, St. Louis County will acquire it through eminent domain proceedings. The cost of appraisals, negotiations, administrations and court proceedings and all associated costs incurred by St. Louis County proceedings shall be paid by the developer.
7. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
8. Any required roadway improvements must be completed prior to issuance of the building permits in excess of sixty percent (60%) of the total.
9. 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 dedications and access requirements for each phase of development as directed by the St. Louis County Department of Highways and Traffic.

K. TRAFFIC STUDY

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

L. POWER OF REVIEW

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

M. STORMWATER

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 other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.

3. All drainage detention storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right of way line, whichever is greater.
4. Provide adequate detention and/or hydraulic calculations for review and approval of all stormwater that will encroach on MODOT right of way.

N. SANITARY SEWER

1. Extension of public sanitary sewer lines will be necessary to serve this site and proper easements may be required. Private sanitary sewer laterals may not cross property lines. Extension of sanitary sewers shall be completed in such a manner as to allow for future service of undeveloped parcels to the west. A strong preference shall be shown for gravity sanitary sewers.
2. Treatment may be required for water quality in accordance with Metropolitan St. Louis Sewer District regulations dated February 2006.

O. GEOTECHNICAL REPORT.

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

P. MISCELLANEOUS

1. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
2. 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 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.

3. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.

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

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

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

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

- 17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
- 18. Address trees and landscaping in accordance with the City of Chesterfield Code.
- 19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
- 20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
- 21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Spirit of St. Louis Airport, Missouri Department of Transportation.
- 22. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

A. The developer shall be required to contribute to the Chesterfield Village Road Trust Fund. Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. 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.

This contribution shall not exceed an amount established by multiplying the ordinance required parking spaces for the difference between the existing and proposed uses by the following rate schedule:

| <u>Type of Development</u> | <u>Required Contribution</u> |
|----------------------------|------------------------------|
| General Office | \$556.13/Parking Space |
| Loading Space | \$2,730.25/Loading Space |

(Parking spaces as required by the City of Chesterfield Code.)

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

Credits for roadway improvements required will be awarded as directed by St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund. Credits for roadway improvements will be as

approved by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic.

If this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development will be retained in the appropriate trust fund.

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

The amount of this required contribution, if not submitted by January 1, 2009 will 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 St. Louis County Department of Highways and Traffic.

Traffic generation assessment contributions shall be deposited with the St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer will provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

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. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Prior to Special Use Permit issuance by the St. Louis County Department of Highways and Traffic, a special cash escrow or a special cash 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.

VII. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.

- C. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

