



VIIA

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Planning Commission Vote Report

Subject: **Ordinance Text Amendment**

Meeting Date: June 11, 2012

From: Shawn Seymour, AICP
Senior Planner

Location: On the north side of US Highway 40/Interstate
64 immediately east of its intersection with
Boones Crossing (17U620172 & 17U620183).

Petition: P.Z. 05-2012 CVPBA III (17298 & 17280 North
Outer 40 Road)

Proposal Summary

Doster Ullom, LLC., on behalf of CVPBA III are requesting an Ordinance Amendment for the purpose of modifying the list of permitted land uses and to modify one (1) building setback line on a property zoned "PC" Planned Commercial District of 6.172 acres in size. The requested modification to the list of permitted land uses would not grant approval to an additional land use, but rather modify the language to specify and permit an accessory activity to a current permitted land use. Additionally, the petitioners seek to modify the building setback line along the northern boundary of Lot 1, from one-hundred and sixty (160) feet to one-hundred and forty (140) feet.

The petitioners are requesting to modify the language as it relates to the Medical Office land use. This land use by definition in the City of Chesterfield Zoning Ordinance is geared towards outpatient procedures and does not permit the activity of overnight stay. The petitioners wish to add language to the governing ordinance of the site to permit overnight stay as an accessory land use to the already approved medical office land

use. Also, the structure setback along the northern boundary of Lot 1 is currently one-hundred and sixty (160) feet. The petitioners request to modify this structure setback to one-hundred and forty (140) feet to permit the location of a covered entryway into the proposed medical office building.

Site Area History

St. Louis County zoned the subject site “NU” Non-Urban District in 1965 prior to the incorporation of the City of Chesterfield. The property was granted “PC” Planned Commercial zoning entitlements by the City of Chesterfield in 2006 by the passage of ordinance 2274. Further, in 2006 the City of Chesterfield approved a Site Development Plan to develop two (2) office buildings on lot 1 and lot 2 respectively. In 2008, the City of Chesterfield further approved an Amended Site Development Plan to modify the landscaping and lighting of the site as well as modify the location of a monument sign. An office building with a financial office component was constructed on the site in 2007.

Zoning Analysis

The property is zoned “PC” Planned Commercial District under the terms of Chesterfield Ordinance 2274. This ordinance permits the land uses of general, dental and medical offices as well as a financial institution with a drive-thru. The ordinance caps the density of the site to 89,000 sf of floor area. The existing structure on Lot 2 is 23,277 sf. As such, the available density permitted to be developed on Lot 1 is, 65,723 sf. There is an approved site plan however, that includes a proposed office building on Lot 1 of 62,304 sf.

The requested ordinance amendment would permit the activity of patients to remain on the premises overnight for a period not to exceed seventy-two (72) hours. This activity by definition is not included in the Medical Office land use. However, it is included in the hospital land use; which is considered to be a much more intensive land use that could potentially impact adjacent properties more so than would be expected from the medical office land use. The petitioner and staff agree that the potential inclusion of the hospital land use would permit and include a number of activities that are unneeded and may cause concerns with adjacent properties. As such, the petitioner believes that the medical office land use best suits their needs, however respectfully requests that the additional activity of overnight stays with the above time restriction be permitted as an accessory land use.

The petitioner further requests that the City restrict this accessory land use to include language in the governing ordinance that limits the floor area of overnight stays to five (5) % of the floor area dedicated to the

medical office land use, no more than seven (7) beds, no stay more than seventy-two (72) hours, no separate entrance and signage external to the building. Staff has included the maximum 5% of floor space language in the draft ordinance as this can be reviewed and enforced during Municipal Zoning Approval and Occupancy Permit review. Further added, the seventy-two (72) hour restriction was made part of the accessory land use language in the draft ordinance. Staff also included language in the draft ordinance that prohibits the overnight stay activity to be included on external signage. Staff however, has not included the language as it pertains to the number of beds and the separate entrance. There is no practical way for staff to review and restrict the number of beds in a structure and as such would be unable to enforce the restriction should it be added to the ordinance. Further, the separate entrance would pose the same problem as staff does not have the ability to inspect every entrance in a given structure, both at initial construction and again routinely throughout the buildings use. Due to the inability to enforce these restrictions they have been excluded from the draft ordinance.

The requested ordinance text amendment would also modify the structure setback to the northern boundary of the "PC" Planned Commercial District on Lot 1. The existing setback is one-hundred and sixty (160) feet and the request is to replace with a one-hundred and forty (140) foot setback. This request would permit the location of a covered canopy to be added to the front of the building. Staff has reviewed this setback modification and believes that the original setback was made based on the submitted preliminary plan, which at the time was submitted at site plan level of detail. As such, the setback written at one-hundred and sixty (160) is not based on a certain need, but rather based on a submitted plan. For clarification, there is no specific standard that required this setback to be one-hundred and sixty (160) feet. Staff has reviewed the modified setback and notes no foreseeable detrimental impacts. Note, should the setback modification be approved and the canopy be proposed, an amended site development plan would be required to be submitted, reviewed and approved prior to its construction.

Surrounding Land Use and Zoning

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

- North: The properties to the north are located in the Missouri River floodplain and are zoned "FP" Floodplain Overlay and "PC" Planned Commercial District.
- South: The adjacent properties to the south are primarily retail, office and service based land uses. They are located across

US Highway 40/Interstate 64 and are zoned “C8” Planned Commercial District.

East: The adjacent properties to the east are undeveloped but have recently been zoned “PC” Planned Commercial District with a potential retail center being constructed in the near future.

West: The properties located to the west are office and service based activities that are zoned “PC” Planned Commercial District.



View looking NW at Site.



View looking NE at Site.



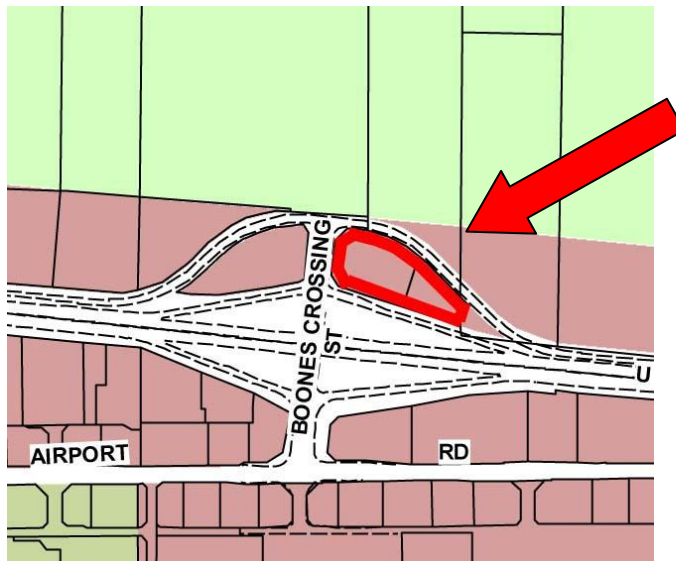
View looking SE at site.



View looking SW at site.

Comprehensive Plan Analysis

The Comprehensive Plan Land Use Map depicts this property as Mixed Commercial Use. This designation permits a variety of retail, office and service based activities. As such, the proposed land use of a general, dental or medical office would be consistent with this Land Use Map designation. Note, a hospital would also be considered to be appropriate in this designation.



Issues

A Public Hearing was held on May 30, 2012. Staff had one (1) outstanding issue, that being obtaining comment letters from outside agencies. Since that time, staff has received all necessary letters and therefore this issue is closed.

Request

Staff has reviewed the requested ordinance text amendment by Doster Ullom, LLC., as it pertains to the development at the northeast corner of Boones Crossing and US Highway 40/Interstate 64. The requested

additional accessory land use and modification to the structure setback meet all minimum standards of the City of Chesterfield Zoning Ordinance as well as the land use plan of the Comprehensive Plan. Staff requests action on P.Z. 05-2012 CVPBA III (17298 & 17280 North Outer Forty Road).

Attachment: Draft Attachment A

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. Financial Institution, drive-thru
 - b. Office, dental
 - c. Office, general
 - d. Office, medical
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.
3. Accessory uses for the above referenced permitted uses shall be as follows:
 - a. Medical office, with overnight stays for observational purposes, not to exceed seventy-two (72) hours in duration. Overnight stays shall be restricted to not more than five (5) % of the floor area utilized for medical offices.
4. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City of Chesterfield Telecommunications Ordinance Number 2391.

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

1. Floor Area
 - a. Total building floor area shall not exceed 89,000 square feet.
2. Height
 - a. The maximum building height on Lot 1, exclusive of roof screening, shall not exceed forty-five (45) feet.
 - b. The maximum building height on Lot 2, exclusive of roof screening, shall not exceed thirty-seven (37) feet.

3. Building Requirements

- a. A minimum of forty (40) % openspace is required for this development. Open space shall be calculated using the permanent Levee District easement on the parcel.
- b. This development shall have a maximum F.A.R. of (0.55).

C. 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:

Lot 1

- a. One-hundred and forty (140) feet from the right-of-way of North Outer Forty Road on the northern boundary of the "PC" Planned Commercial District
- b. Eight-five (85) feet from the southern boundary of the "PC" Planned Commercial District.
- c. One-hundred and five (105) feet from the eastern boundary of Lot 1.
- d. One-hundred and thirty-five (135) feet from the western boundary of the "PC" Planned Commercial District.

Lot 2

- a. Forty-five (45) feet from the right-of-way of North Outer Forty Road on the northern boundary of the "PC" Planned Commercial District
- b. Eight-five (85) feet from the southern boundary of the "PC" Planned Commercial District.
- c. Thirty-five (35) feet from the eastern boundary of the "PC" Planned Commercial District.
- d. Ninety-five (95) feet from the western boundary of Lot 2.

2. Parking Setbacks

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

- a. Twenty (20) feet from the right-of-way of North Outer Forty Road.
- b. Twenty (20) feet from the southern boundary of the "PC" Planned Commercial District.

- c. Five (5) feet from the eastern boundary of the "PC" Planned Commercial District.
- d. Twenty (20) feet from the western boundary of the "PC" Planned Commercial District.

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.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. Developer will integrate landscape and maintain the area described as the Monarch-Chesterfield Levee District Greenspace Easement per the Greenspace Easement Document Dated September 16, 2005.

F. SIGN REQUIREMENTS

1. No signage of any kind shall be permitted with regards to an accessory land use.
2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
3. 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 (or MoDOT), 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 adhere to the Architectural Review Standards of the City of Chesterfield 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. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards, as originally adopted by Ordinance No. 2103 and as may be amended from time to time.
2. Access to North Outer 40 shall be limited to one entrance, as directed by the Department of Public Works and the Missouri Department of Transportation.
3. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access between the two proposed parcels.
4. Access to this development shall be from North Outer 40 Road as directed by the Missouri Department of Transportation. No access to Boones Crossing will be permitted.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield **and the St. Louis County Department of Highways and Traffic and the Missouri Department of Transportation**. No gate installation will be permitted on public right-of-way.
2. If a gate is installed on a street in this development, the streets within the development, or that portion of the development that is gated, shall be private and remain private forever.
3. Provide any additional right-of-way and construct any improvements to North Outer 40 Road, as required by the Missouri Department of Transportation.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or MoDOT. 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.

L. MONARCH-CHESTERFIELD LEVEE DISTRICT/HOWARD BEND LEVEE DISTRICT

Adhere to the restrictions and provisions provided for in the Greenspace Easement Document Dated September 16, 2005 and provided by the Monarch-Chesterfield Levee District.

M. POWER OF REVIEW

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

N. 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. The adequacy and condition of the existing downstream systems shall be verified and upgraded if necessary.
2. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works.

O. SANITARY SEWER

1. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, in accordance with the Metropolitan St. Louis Sewer District Conceptual Sewer Master Plan for Chesterfield Valley.
2. This project is in the Caulks Creek Surcharge Area and is subject to a surcharge of \$2750.00 per acre.

P. GEOTECHNICAL REPORT

Provide a geotechnical report, prepared by a professional engineer licensed in the State of Missouri, as directed by the Department of Planning, Public Works and Parks prior to site disturbance including surcharge, clearing, grading, site utilities and infrastructure or building construction. The geotechnical report shall identify the suitability of soil and geologic conditions for proposed improvements and shall include methods to address any ponds, septic fields, sinkholes, wetlands, compressible soils, steep slopes, or liquefaction risk. A statement of report compliance signed and sealed by the engineer preparing the geotechnical report, shall be included on all Site Development Plans, grading plans, and improvement plans, as directed by the Department of Planning, Public Works and Parks

R. MISCELLANEOUS

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

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

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

III. COMMENCEMENT OF CONSTRUCTION

- A.** Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- B.** Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT 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 openspace 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 Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
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 openspace 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, 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. ROADS

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

The developer shall be required to contribute to the Chesterfield Valley Trust Fund (Ord. 556). 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.

Type of Development	Required Contribution
TGA Category	Contribution
Medical Office	\$1,835.75
General Office	\$611.88
Loading Space	\$3,003.97

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

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 Highways and Traffic and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

1. 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.
2. Traffic generation assessment contributions shall be deposited with Saint 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. Funds shall be payable to Treasurer, Saint Louis County.

B. WATER MAIN

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$738.32 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line 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.

C. STORMWATER

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 \$2,342.53 per acre for the total area as approved on the Site Development Plan. 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.

D. SANITARY SEWER

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

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

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2013, 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 Highways and Traffic.

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 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 outboundaries 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

VIII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

- A. A grading permit or improvement plan approval is required prior to issuance of a building permit. In extenuating circumstances, an exception to this requirement may be granted.
- B. All required subdivision improvements in each plat of a subdivision shall be completed prior to issuance of more than 85% of the building permits for all lots in the plat.
- C. Prior to the issuance of foundation or building permits, all approvals from all applicable agencies and the Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.
- D. Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the Missouri Department of Transportation and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

IX. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. Prior to the issuance of any occupancy permit, floodplain management requirements shall be met.
- B. All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued, except that a temporary occupancy permit may be issued in cases of undue hardship because of unfavorable ground conditions. Seed and mulch shall be applied at rates that meet or exceed the minimum requirements stated in the Sediment and Erosion Control Manual.
- C. Prior to final occupancy of any building, 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.

X. FINAL RELEASE OF SUBDIVISION DEPOSITS

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.

XI. GENERAL DEVELOPMENT CONDITIONS

- A. Erosion and siltation control devices shall be installed prior to any clearing or grading and be maintained throughout the project until adequate vegetative growth insures no future erosion of the soil and work is accepted by the owner and controlling regulatory agency.
- B. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:

- 1. 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.

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.

- 2. When clearing and/or grading operations are completed or will be suspended for more than 14 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures may include a combination of seeding, periodic wetting, mulching, or other suitable means.
- 3. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, unless alternate storm water detention and erosion control devices have been designed and established, a fast germinating annual, such as rye or sudan grasses, shall be utilized to retard erosion.
- 4. If cut or fill slopes in excess of the standard maximum of 3:1 horizontal run to vertical rise are desired, approval for the steeper slopes must be obtained from the Director of Public Works. Approval of steeper slopes is limited to individual and isolated

slopes, rock dikes, undisturbed and stable natural slopes and slopes blending with the natural terrain. Design of the steep slopes must be performed by a registered professional engineer and include recommendations regarding construction methods and long-term maintenance of the slope. Any steep slope proposed on a Site Development Plan shall 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 Director of Public Works. Review of the proposed steep slope will be concurrent with the review of the grading permit or improvement plans for the project.*

5. Soft soils in the bottom and banks of any existing or former pond sites or tributaries or any sediment basins or traps should be removed, spread out and permitted to dry sufficiently to be used as fill. This material shall not be placed in proposed public right-of-way locations or in any storm sewer location.
6. All fills placed under proposed storm and sanitary sewer lines and/or paved areas, including trench backfill within and off the road right-of-way, shall be compacted to (ninety) 90% of maximum density as determined by the "Modified AASHTO T-180 Compaction Test" (ASTM D-1557) for the entire depth of the fill. Compacted granular backfill is required in all trench excavation within the street right-of-way and under all paved areas. All tests shall be performed concurrent with grading and backfilling operations under the direction of a geotechnical engineer who shall verify the test results.
7. Access/utility easements shall be required throughout the development. A continuous 15 foot wide rear yard easement shall be provided. At a minimum, a ten (10) foot wide utility/access easement shall be provided at every other lot line or break between structures, as directed.
8. Should the design of the subdivision include retaining walls that serve multiple properties, those walls shall be located within common ground or special easements, including easements needed for access to the walls.
9. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the Missouri Department of Transportation and the City of Chesterfield for sight distance considerations prior to installation or construction.
10. This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) or more acres.

XII. 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.