

**III.B.**

**Memorandum  
Planning & Development Services Division**



**To: Planning and Public Works Committee**

**From: Shawn Seymour, Senior Planner**

**Date: 07/16/2012**

**RE: P.Z. 06-2012 143 Long Road (Long Road Dental):** A request to amend City of Chesterfield Ordinance 2510 to modify the list of permitted land uses on a 0.5 acre tract of land zoned "PI" Planned Industrial District located on the west side of Long Road, south of the intersection of Chesterfield Airport Road and Long Road (17U120221).

**Summary**

Jack Wolf of Long Road Dental is requesting an Ordinance Amendment for the purpose of modifying the list of permitted land uses on a property zoned "PI" Planned Industrial District of 0.5 acres in size. A Public Hearing was held on June 11, 2012, and at that time the only outstanding issue was the absence of outside agency comment memos.

The requested modification to the list of permitted land uses would grant the approval of additional land uses that are similar to those found along Long Road and in the western area of the Chesterfield Valley. The additional land uses are being requested in hopes of finding a tenant for a vacant unit in the existing office structure.

On June 25, 2012, the Planning Commission voted to recommend approval by a count of 7 - 0 for the ordinance text amendment.

Attached please find a copy of Staff's report and the Draft Ordinance.

Respectfully submitted,

Shawn P. Seymour, AICP  
Senior Planner

CC: Michael G. Herring, City Administrator  
Rob Heggie, City Attorney  
Michael O. Geisel, Director of Public Services  
Aimee Nassif, Planning & Development Services Director



**VIII.B**

---

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

---

## **Planning Commission Vote Report**

**Subject:**           **Ordinance Text Amendment**

**Meeting Date:** June 25, 2012

**From:**             Shawn Seymour, AICP  
Senior Planner

**Location:**        On the west side of Long Road, south of the intersection of Chesterfield Airport Road and Long Road (17U120221).

**Petition:**         P.Z. 06-2012 143 Long Road (Long Road Dental)

### **Proposal Summary**

Jack Wolf of Long Road Dental is requesting an Ordinance Amendment for the purpose of modifying the list of permitted land uses on a property zoned “PI” Planned Industrial District of 0.5 acres in size. The requested modification to the list of permitted land uses would grant the approval of additional land uses that are similar to those found along Long Road and in the western area of the Chesterfield Valley. The additional land uses are being requested in hopes of finding a tenant for a vacant unit in the existing office structure.

The following additional land uses are being requested; professional and technical service facility with accessory retail, financial institution, laboratories, professional scientific and dry cleaning establishment.

### **Site Area History**

St. Louis County zoned the subject site “M3” Planned Industrial District prior to the incorporation of the City of Chesterfield. The property was granted “PI” Planned Industrial zoning entitlements by the City of Chesterfield in 2006. In 2009, the City of Chesterfield approved an

ordinance amendment to the “PI” Planned Industrial District to remove structure square footage cap and to modify a setback along Long Road. In 2009, the City of Chesterfield approved a Site Development Plan for the construction of a 4,615 sf. office structure on the site. However, in 2010 an amendment to the Site Development Plan was approved to modify the landscape plan and the location of a monument sign. The site is currently developed and the location of a dental business.

### **Zoning Analysis**

The property is zoned “PI” Planned Industrial District and is surrounded both by like zoning districts and like land uses. The current use of the site is a dental office, however there are two (2) vacant spaces in the existing commercial structure. This area along Long Road acts as a transitional zone between the eastern side of the Chesterfield Valley which is predominantly retail and service based land uses and the western side of the Chesterfield Valley that is dominated with light industrial and offices based land uses. Along this area of Long Road retail, office, light industry and service based land uses are prevalent. These properties are zoned both Planned Commercial District and Planned Industrial District. The requested additional land uses would be considered similar if not identical to those already located in this area of the Chesterfield Valley.

### **Surrounding Land Use and Zoning**

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

- North: The property is bordered on the north by an undeveloped lot zoned “M3” Planned Industrial District.
- South: The property to the south is the Monarch Fire Protection District Station and is zoned “M3” Planned Industrial District.
- East: The property to the east is Pohlman Industrial Park and is zoned “PI” Planned Industrial District.
- West: The property to the west is Chesterfield Business Park, zoned “PI” Planned Industrial District.



View looking SW at Site.



View looking NW at Site.



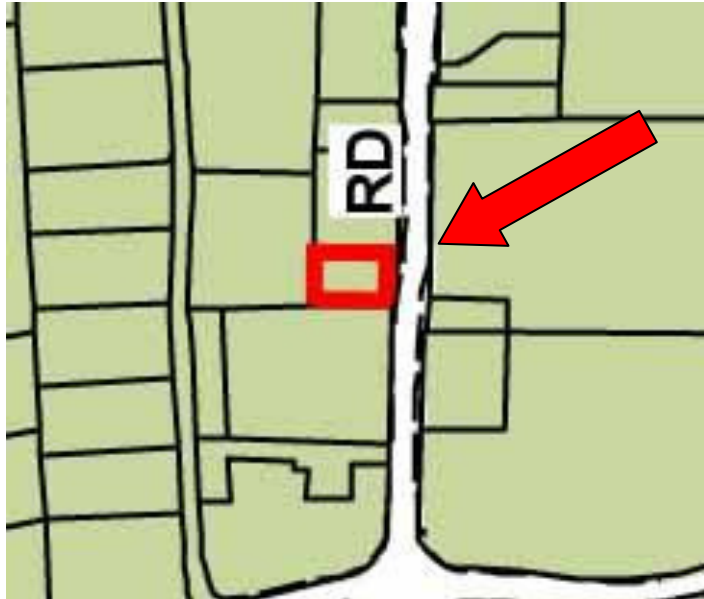
View looking S down Long Rd.



View looking N up Long Rd.

### **Comprehensive Plan Analysis**

The Comprehensive Plan Land Use Map depicts this property as Mixed Use, Retail/Office/Warehouse. This designation permits a variety of commercial and industrial activities. As such, the proposed land uses as requested would be consistent with this Land Use Map designation.



### **Issues**

A Public Hearing was held on June 11, 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 Jack Wolf, as it pertains to the development located at 143 Long Road. The requested additional land uses 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. 06-2012 143 Long Road (Long Road Dental).

Cc: City Administrator  
City Attorney  
Department of Planning, Public Works and Parks

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 "PI" Planned Industrial District shall be:
  - a. Dry cleaning establishment
  - b. Financial Institution
  - c. Laboratories, professional scientific
  - d. Office, dental
  - e. Office, general
  - f. Office, medical
  - g. Professional and technical service facility
2. Hours of Operation.
  - a. All deliveries and trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.
  - b. All other hours of operation for this development shall not be restricted.
3. Accessory uses for the above referenced permitted uses shall be as follows:
  - a. Professional and technical service facility shall be permitted accessory retail.
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. The uses permitted within this "PI" Planned Industrial District shall be contained in a maximum of one (1) building.
2. A minimum of 30% openspace is required for this development.
3. The maximum building height shall be limited to one and one half (1.5) stories, exclusive of rooftop mechanical equipment and screening.

## **C. SETBACKS**

### 1. Structure Setbacks

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

- a. Fifty (50) feet from the new right-of-way of Long Rd. on the eastern boundary of the "PI" district.
- b. Fifteen (15) feet from the southern boundary of the "PI" district.
- c. Fifteen (15) feet from the northern boundary of the "PI" district.
- d. Ten (10) feet from the western boundary of the "PI" district.

### 2. Parking Setbacks

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

- a. Ten (10) feet from the new right-of-way of Long Rd. on the eastern boundary of the "PI" district.
- b. Five (5) feet from the southern boundary of the "PI" district.
- c. Five (5) feet from the northern boundary of the "PI" district.
- d. Ten (10) feet from the western boundary of the "PI" district.

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

1. Parking and loading spaces for this development shall be as required in the City of Chesterfield Code.
2. Parking shall be prohibited on the Long Road right-of-way.
3. Construction Parking
  - a. No construction related parking shall be permitted within the Long Road right-of-way.
  - b. 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.
  - c. 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.



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

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

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

1. 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.
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**

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, color renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

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

1. Access to Long Road shall be limited to one street approach. The street approach shall align with the existing drive to the Pohlman Industrial Park, as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.



2. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to Long Road for the adjacent properties to the north, south and west as directed by the City of Chesterfield.
3. 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 may be amended from time to time.

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

1. Provide any additional right-of-way, easements, and construct any improvements to Long Road, as required by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
2. The developer shall be responsible for providing all necessary right-of-way easements, Temporary Slope Construction License, etc., as required for St. Louis County Project Number AR-863. All on-site improvements shall be compatible with this project. For the developer's information, in order to conform to AR-863 the following is required:

Dedicate one half of an eighty-eight (88) foot right-of-way along Long Road. All easements, T.S.C.L. and other requirements for St. Louis County Project Number AR-863 shall be as directed by the St. Louis County Department of Highways and Traffic.

3. Provide a five (5) foot wide sidewalk, conforming to ADA standards, adjacent to Long Road as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. The sidewalk may be located within County right-of-way, if permitted by the St. Louis County Department of Highways and Traffic, or within a six (6) foot wide sidewalk, maintenance and utility easement.
4. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.
5. Obtain approvals from the City of Chesterfield and the St. Louis County Department of Highways and Traffic for areas of new dedication, and roadway improvements.

**K. TRAFFIC STUDY**

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.

#### **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 plan, sign package or any amendments thereto.

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

1. All proposed storm sewer improvements shall comply with the Chesterfield Valley Master Plan.
2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
3. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential 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(s).
4. 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.
5. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.
6. 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.
7. The project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750 per acre.

#### **N. 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 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.

## V. TRUST FUND CONTRIBUTION

### A. ROADS

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

#### Roads

The developer shall 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:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$611.88/required parking stall
General Retail	\$8,835.75/required parking stall
Loading Space	\$3,003.97/required parking stall

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. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

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.

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 \$671.03 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 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, St. Louis County.

## **C. STORM WATER**

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 \$2,129.08 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. Funds shall be payable to the Treasurer, St. Louis County.

## **D. SANITARY SEWER**

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

The sanitary sewer 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, 2009, 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.