



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
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Planning Commission Vote Report

Subject: Zoning Map Amendment

Meeting Date: July 25, 2016

From: Jessica Henry, Project Planner

Location: Northeast of the intersection of Chesterfield Airport Road and Chesterfield Commons Drive

Petition: **P.Z. 10-2015 Kemp Auto Museum (16955 Chesterfield Airport Rd):**

Summary

DosterUllom & Boyle, LLC, on behalf of Caplaco Nineteen, Inc., has submitted a request for a zoning map amendment from “PC/MAA” Planned Commercial District with a Museum and Arts Overlay District to “PC” Planned Commercial District. The proposed Preliminary Plan depicts a total of two (2) structures with the eastern structure planned to remain and be retrofitted. Two lots are proposed, and access will utilize existing access points to the west and east with cross-access between the two lots.

A Public Hearing was held on this item on November 23, 2015 with a subsequent Issues Meeting held on May 23, 2016. At that time, a formal response to the issues letter had not been submitted by the Petitioner and the Issues Meeting was held due to the project reaching its 6 month time limit between the Public Hearing and the next scheduled meeting. No new issues were identified at the Issues Meeting.

On June 21st, 2016, a formal response to the issues letter was submitted and that letter is attached for the Planning Commission’s consideration. On June 30th, 2016, the Petitioner submitted a letter containing additional information regarding one of the requested uses. That letter is also attached. Of the two issues raised at the Public Hearing, restrictions on hours of operation for retail has been fully addressed by the Petitioner. The second issue pertains to the requested uses and is discussed in detail in the issues section of this report.

Zoning History

Site was originally zoned “NU” Non-Urban through St. Louis County. In 1974, St. Louis County Ordinance 7,014 approved a rezoning from “NU” to “M3” Planned Industrial for a 4.7 acre portion of the subject property. In 2002, the City of Chesterfield approved a rezoning from the previously approved “M3” and the remaining “NU” portion of the subject property to “PC” Planned Commercial for the previous Kemp Auto Museum via City of Chesterfield Ordinance 1902. This property was again rezoned in 2004 via City of Chesterfield Ordinance 2116 to add the “MAA” Museum and Arts Overlay District for the previous auto museum. A copy of City of Chesterfield Ordinances 1902 and 2116 may be found at the following links:

<http://www.chesterfield.mo.us/webcontent/ordinances/2002/ord1902.pdf>

<http://www.chesterfield.mo.us/webcontent/ordinances/2004/ord2116.pdf>

Comprehensive Plan Analysis

The subject site is located within the Mixed Commercial Use land use designation as seen in Figure 1 below. The Comprehensive Plan defines Mixed Commercial Use as an area where “Appropriate uses in this designation would be retail and office”. The requested uses are all consistent with the City’s Land Use Plan.

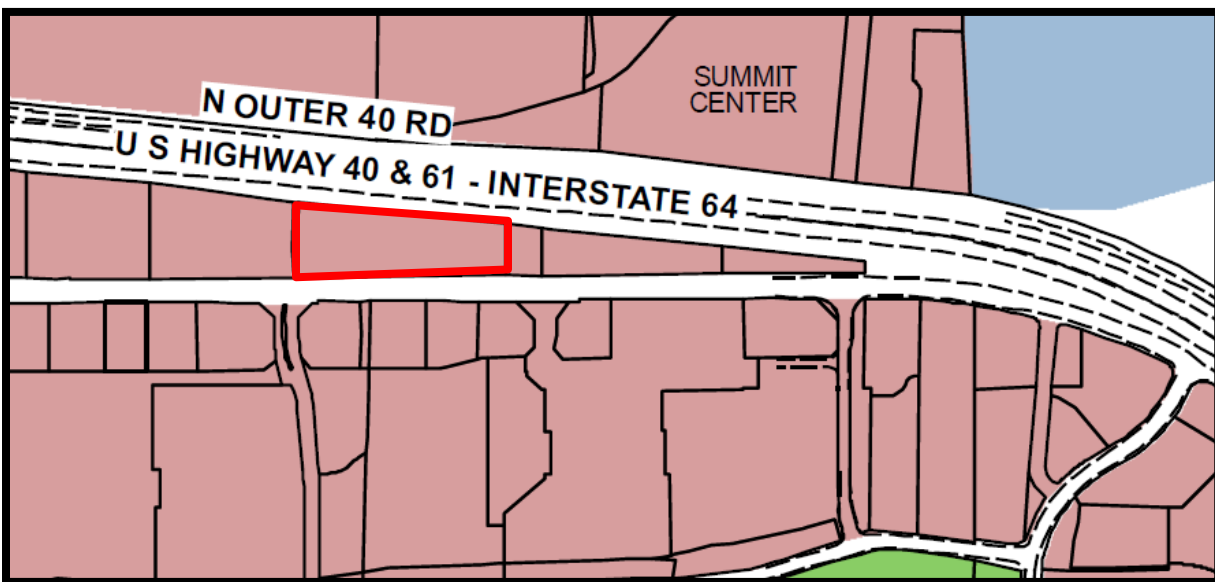


Figure 1—Future Land Use Plan

- MIXED COMMERCIAL USE
- MIXED USE (RETAIL / OFFICE / WAREHOUSE)
- OFFICE PARK

Surrounding Land Use and Zoning

The land use and zoning for the properties surrounding this parcel are shown in Figure 2 below and are as follows:

- North:** The property to the north across I-64 is currently zoned “PC” Planned Commercial District. These lots consist of Chesterfield Outlets.
- South:** The property is currently zoned “C8” and “PC” Planned Commercial District. These lots are businesses within the Chesterfield Commons development.
- East:** The property to the east across Clarkson on-ramp is currently zoned “PC” Planned Commercial District. This lot consists of the Pacific Dental development which is currently under construction.
- West:** The property is currently zoned “C8” Planned Commercial District. This lot consists of an office building within the Chesterfield Commons North subdivision.



Figure 2: Aerial and Zoning Map

Issues

At the November 23, 2015 public hearing, two issues were identified by the Planning Commission and City Staff.

1. *Hours of operation should be restricted for the site to ensure consistency with surrounding developments. Staff recommends that the hours of operation for retail uses shall be limited to 6 a.m. to 11 p.m. Retail uses may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday.*

The Petitioner has agreed to the proposed restriction on the hours of operation for retail uses. This restriction is reflected in the draft Attachment “A” prepared by Staff.

2. *Several of the uses requested were discussed at the Public Hearing as potentially being inappropriate for this site and the surrounding area.*

As stated in the issues response letter, the Petitioner has agreed to eliminate several of the uses listed below, identified by the strike-through. As these uses were specifically noted during the Public Hearing, they have not been included in the Attachment “A” prepared by Staff. Further discussion on each of these uses follows.

- Automobile dealership
- Day care center
- Drug store and pharmacy, ~~with drive-through~~
- ~~Filling station and convenience store~~
- Financial Institution, drive-through
- ~~Nursing home~~
- ~~Oil change facility~~
- Vehicle repair and service facility
- ~~Kindergarten or nursery school~~
- ~~Specialized private school~~

- A. Regarding the “Automobile Dealership” and “Vehicle Repair and Service Facility” uses, the Petitioner has indicated that they are currently working to lease the site to Tesla Motors and that “no repairs or services in connection with [the Vehicle Repair and Service Facility use] will be permitted outdoors.”

Although the “Automobile Dealership” use was identified at the Public Hearing as being inappropriate on this site, Staff would find the use compatible with the area if restrictive language was included in the Attachment “A” that would allow a niche automobile dealer to operate on the site while eliminating the possibility of future redevelopment into a traditional automobile dealership. The Petitioner submitted a letter of supplemental information pertaining to this use which is attached for the Planning Commission’s consideration. Staff has prepared the following restrictive language and recommends that this language be incorporated into the Attachment “A” if the Planning Commission finds this use appropriate for this site:

1. The above use “Automotive Dealership” shall be restricted as follows:
 - a. Outdoor sales and/or displays are permitted for electric vehicles only.

Following this, it is Staff's opinion that the use "*Vehicle Repair and Service Facility*" would be appropriate on this site with the following condition:

2. The above use "*Vehicle Repair and Service Facility*" shall be restricted to indoor use only and shall be permitted only in conjunction with the use "*Automotive Dealership*".
- B. Additionally, during the Public Hearing it was recommended that no drive-through component be permitted for any of the uses on this site. While the Petitioner has eliminated the drive-through component from the "*Drug Store and Pharmacy*" use, they are requesting to maintain the drive-through component in conjunction with the "*Financial Institution*" use. If the Planning Commission finds the drive-through component for this use acceptable, it can be added to the Attachment "A".
- C. Finally, while the "*Day Care Center*" use was also identified at the Public Hearing as not appropriate for this site, the Petitioner is requesting that it be permitted. Although no further information on this was provided by the Petitioner, if the Planning Commission finds this use to be an appropriate permitted use for the site, it can be added to the Attachment "A".

Landscape Buffer Modification

For this site, a thirty (30) foot buffer is required along the southern property line along Chesterfield Airport Road. The northern property line along the I-64 frontage depicts a buffer which starts at thirty (30) feet in width, tapering down to twenty (20) feet on the eastern end of the site. This dimension reflects the current site conditions, including existing access points and cross-access with the adjacent site. In June, 2016 per the City Code, the Planning and Development Services Director reviewed and reaffirmed the modification approval previously granted in 2003. The Attachment "A" prepared by Staff states that the landscape buffers shall be as depicted on the Preliminary Plan attached thereto and marked as Attachment "B".

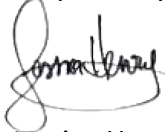
Request

Staff has reviewed the request for a zoning map amendment by Doster, Ullom, & Boyle, LLC for the property at 16955 Chesterfield Airport Road and has found that the request is compliant with the City of Chesterfield Code and consistent with the Comprehensive Plan.

As stated previously, Planning Commission needs to determine if the following uses should be included in the Attachment A as requested by the Petitioner and if any additional language restricting said uses would be appropriate: Day Care Center, Drug Store and Pharmacy, Automobile Dealership and Vehicle Repair and Service Facility.

Staff has prepared an Attachment A for this request for consideration by the Planning Commission and requests action on P.Z. 10-2015 Kemp Auto Museum (16955 Chesterfield Airport Road).

Respectfully submitted,



Jessica Henry, AICP
Project Planner

Attachments

1. Petitioner's Letter Regarding the Requested "Automotive Dealership" Use
2. Petitioner's Issues Response Letter
3. Attachment "A"
4. Attachment "B" Preliminary Plan
5. Tree Stand Delineation

cc: Aimee Nassif, Planning and Development Services Director



DOSTER ULLOM & BOYLE, LLC

ATTORNEYS AT LAW

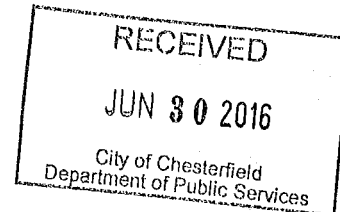
St. Louis
16090 Swingley Ridge Road
Suite 620
Chesterfield, MO 63017
(636) 532-0042
(636) 532.1082 Fax

William B. Remis
bremis@dubllc.com

June 29, 2016

Via E-Mail

Ms. Jessica Henry
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017



RE: *Zoning Application – Former Kemp Auto Museum
Issues Meeting*

Dear Jessica:

In connection with the above application for rezoning, we are providing some additional information regarding our request to use the above property for an automobile dealership.

As discussed, Petitioner plans to lease a portion of the property to Tesla Automotive consisting of the existing Kemp Auto Museum Building and adjacent parking area which includes 100 parking spaces, access and related amenities. The 100 parking spaces would be used to support Tesla's total operations within the existing Kemp Auto Museum Building, including parking for employees, customers, vehicle sales and delivery to customers.

Tesla Motors manufactures and sells only fully electric vehicles and does not operate a traditional car dealership or service center. Vehicles are not kept on site for sale to the public. Instead, customers order vehicles either over the internet or at the dealership. After a customer places an order, vehicles are manufactured off site and delivered to the dealership for customer pick up. As a result, a small number of cars are kept on site outdoors to be available for demo or test drives. Display vehicles are kept indoors in the show room. Purchased vehicles are delivered to the site from time to time for customer pick up and, as a result, would occupy spaces until customers come for pick up (typically no more than a few days). The amount of spaces occupied by purchased cars varies depending upon sales volume and timing of deliveries at a location but is not expected to exceed 75% of the overall available parking spaces for the dealership at any time. Tesla's service center operates indoors and does only vehicle repairs (not auto body repairs or painting) which, for Tesla, involves mainly computer and battery servicing. Because the vehicles do not use oil or gas, not oil changes are necessary.

June 29, 2016

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The proposed operation is not typical of standard auto dealerships and we think the proposed use is well suited for this site. Tesla is excited by the prospect to bring it's brand to the City of Chesterfield. Petitioner requests that Staff and the Planning Commission consider this unique operation for the former Kemp Auto Museum.

Please contact me to further discuss. Thank you.

Very truly yours,



William B. Remis

WBR/kml

cc: Ken Capps
Pat Cunningham
Mike Doster



DOSTER ULLOM & BOYLE, LLC

ATTORNEYS AT LAW

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16090 Swingley Ridge Road
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William B. Remis
bremis@dubllc.com

June 21, 2016

Sent Via Personal Delivery

Ms. Jessica Henry
City of Chesterfield
690 Chesterfield Parkway W
Chesterfield, Missouri 63017

RE: P.Z. 10-2015 Kemp Auto Museum (PC/MAA to PC)

Dear Jessica:

We are in receipt of the City's December 4, 2015 letter outlining and restating issues regarding the Zoning Application for the above. Please see our responses below.

1. Several of the uses requested are not appropriate for this site and the surrounding area. These uses are listed below. Staff recommends an updated list of uses be submitted.

- Automobile dealership
- Day care facility
- Drug store and pharmacy, with drive-through (specifically the drive-through component)
- Filling state and convenience store
- Financial Institution, drive-through (specifically the drive-through component)
- Nursing home
- Oil change facility
- Vehicle repair and service facility
- Kindergarten or nursery school
- Specialized private school

Be advised, Staff recommends that no drive-thru component be permitted for any of the uses on this site. Also Staff recommends outdoor storage and sales be prohibited.

Response: Petitioner requests the following uses from the above list remain as permitted uses for the site:

- ***Automobile Dealership - Petitioner requests this use remain as Petitioner is currently working on a lease for the site to Tesla Motors.***
- ***Day Care Facility, Drug Store or Pharmacy (No Drive Thru Permitted)***
- ***Financial Institution, drive through***

- *Vehicle Repair and Service Facility, ancillary to an automobile dealership. No repairs or services in connection with this ancillary use will be permitted outdoors.*

2. Hours of operation should be restricted for the site to ensure consistency with surrounding developments. Staff recommends that the hours of operation for retail uses shall be limited to 6 a.m. to 11 p.m. Retail uses may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday.

Response: Petitioner agrees to the hours of operation proposed. Note that, similar to other operations in the community, Petitioner will be on site during non-business hours performing certain functions not related to being "open" (such as taking inventory, restocking, and for the automotive dealership, performing some maintenance services).

In addition to the items listed on the previous page, please address the following comments related to the Preliminary Plan:

3. List the Open Space on the Preliminary Plan. Be advised, the Unified Development Code requires a minimum of 35% open space for "PC" Planned Commercial Districts.

Response: Revisions made to the Preliminary Plan.

4. List the Floor Area Ratio (F.A.R.) on the Preliminary Plan. The maximum F.A.R. permitted in the "PC" Planned Commercial District is 0.55.

Response: Revisions made to the Preliminary Plan.

5. There is some hatching missing around the existing building on the Preliminary Plan. Please amend the plan and provide labels as necessary.

Response: Revisions made to the Preliminary Plan.

6. Amend the ordinance numbers listed under the existing zoning for the site. The site is governed by both Ordinance 1902 and Ordinance 2116.

Response: Revisions made to the Preliminary Plan.

7. List the proposed landscape buffers along Hwy 40 and Chesterfield Airport Road in the Project Notes table.

Response: Revisions made to the Preliminary Plan. Pursuant to a separate letter, Petitioner has submitted a new request for a variance from the landscape buffer requirements for a portion of the property along Hwy 40.

8. Show the proposed side yard setbacks on the plan.

Response: Revisions made to the Preliminary Plan.

9. Label the sidewalk width along Chesterfield Airport Road. Be advised, a minimum 5 foot sidewalk along Chesterfield Airport Road in conformance with ADA standards will be required.

Response: Revisions made to the Preliminary Plan.

10. Include a note on the plan referencing the effective FIRM Flood Insurance Rate Maps (FIRM) for the site and show any special flood hazards area on or adjacent to the site.

Response: Revisions made to the Preliminary Plan.

11. Include a note on the plan that slopes shall not exceed 3 horizontal to 1 vertical.

Response: Revisions made to the Preliminary Plan.

12. The Preliminary Plan should include the existing and proposed sanitary and storm sewers.

Response: Revisions made to the Preliminary Plan.

13. Indicate the proposed number of stories for Building Area B on the Section AA and Section BB.

Response: Revisions made to the Preliminary Plan.

14. During the Public Hearing, Mr. Doster noted that Building Area A, the existing building, may be increased to 3 stories; however the plan shows it as 1 story. Please amend the plan as necessary to show requested maximum building height as well.

Response: Petitioner does not plan to increase the height of the building and has made requested revisions shown above to the Preliminary Plan.

15. Be advised, unrestricted cross access is required across this site. Label cross access accordingly and include a note on the plan that cross access easement(s) shall be provided for the adjacent properties as required by the City of Chesterfield and St. Louis County Department of Transportation.

Response: Recorded Access Agreements already exist for both parcels and are noted accordingly on the Preliminary Plan.

The following are advisory/warning comments related to this project:

1. It appears the existing lot may be split in the future to create two lots. Ensure adequate area for water quality (and other storm water improvements as may be necessary) is available on both future lots.
2. Be advised that it appears areas of this site are located within the supplemental protection area(s) as defined in Section 31-05 Flood Damage Prevention. In general the supplemental protection area is the area within 200-feet of a special flood hazard area.
3. Access management principals to be applied to this development can be found in Article 04-10 of the Unified Development Code of the City of Chesterfield.

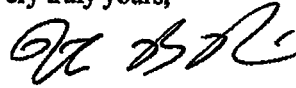
Response: Petitioner acknowledges each of these advisory comments

June 21, 2016

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Please contact the undersigned if you have any questions or wish to further discuss. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. B. Remis', written in a cursive style.

William B. Remis

WBR/kml

cc: Ken Capps
Mike Doster

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. Administrative Offices for Educational or Religious Institutions
 - b. Church and other Places of Worship
 - c. Community Center
 - d. Library
 - e. Postal Stations
 - f. Public Building Facilities Owned or Leased by the City of Chesterfield
 - g. Public Safety Facility
 - h. Art Gallery
 - i. Art Studio
 - j. Auditorium
 - k. Banquet Facility
 - l. Club
 - m. Gymnasium
 - n. Museum
 - o. Reading Room
 - p. Recreation Facility
 - q. Office, Dental
 - r. Office, General
 - s. Office, Medical
 - t. Automotive Retail Supply
 - u. Bakery

- v. Bar
- w. Bowling Center
- x. Brewpub
- y. Coffee Shop
- z. Grocery, Community
- aa. Grocery, Neighborhood
- bb. Newspaper Stand
- cc. Restaurant, Sit Down
- dd. Restaurant, Take Out
- ee. Restaurant, Fast Food
- ff. Retail Sales Establishment, Community
- gg. Retail Sales Establishment, Neighborhood
- hh. Tackle and Bait Shop
- ii. Animal Grooming Service
- jj. Barber or Beauty Shop
- kk. Broadcasting Studio
- ll. Commercial Service Facility
- mm. Drug Store and Pharmacy
- nn. Dry Cleaning Establishment
- oo. Film Drop-Off and Pick-Up Stations
- pp. Financial Institution
- qq. Hospital
- rr. Hotel and Motel
- ss. Hotel and Motel, Extended Stay
- tt. Professional and Technical Service Facility
- uu. Research Laboratory and Facility
- vv. Theatre, Indoor
- ww. Veterinary Clinic
- xx. College/University
- yy. Vocational School

- zz. Telecommunications Structure
 - aaa. Telecommunications Tower or Facility
2. Hours of Operation.
- a. Uses “t”, “z”, “aa”, “bb”, “ff”, “gg”, “hh”, “mm”, and “oo”, above shall be restricted to hours of operation open to the public from 6:00 AM to 11:00 PM. Hours of operation for said use may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday.
 - b. All deliveries and trash pick-ups shall be limited to the hours from 7:00 AM to 11:00 PM.

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

1. Height
- a. The maximum height of the building, exclusive of roof screening, shall not exceed forty (40) feet.
2. Building Requirements
- a. A minimum of thirty-five percent (35%) openspace is required for this development.
 - 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:
- a. Thirty (30) feet from the right-of-way of Chesterfield Airport Road on the southern boundary of the “PC” District.
 - b. Five (5) feet from the eastern boundary of the “PC” District.
 - c. Ten (10) feet from the western boundary of the “PC” District.

d. Thirty (30) feet from the northern boundary of the “PC” 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. Thirty (30) feet from the right-of-way of Chesterfield Airport Road on the southern boundary of the “PC” District.
- b. Five (5) feet from the eastern boundary of the “PC” District.
- c. Ten (10) feet from the western boundary of the “PC” District.
- d. Thirty (30) feet from the northern boundary of the “PC” District except where shown otherwise on the Preliminary Plan.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. No construction related parking shall be permitted within right of way, on any existing roadways, or adjacent properties. All construction related parking shall be confined to the development.
3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
4. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. Landscape buffers shall be as shown on the Preliminary Plan attached hereto and marked at Attachment “B”.

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. Installation of a Landscaping and Ornamental Entrance Monument or Identification Signage 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 and approved 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 development 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. Access to the development from Chesterfield Airport Road shall be as directed by the City of Chesterfield and St. Louis County Department of Transportation, as applicable, and located opposite Chesterfield Commons Drive.
2. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield and the St. Louis County Department of Transportation.

3. Provide cross access easements and temporary slope construction licenses or other appropriate legal instruments or agreements guaranteeing permanent access between this site and adjacent properties as directed by the City of Chesterfield and St. Louis County Department of Transportation.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide and/or improve sidewalk and curb ramps, in conformance with ADA standards, to a minimum five (5) foot walk along Chesterfield Airport Road. The sidewalk shall provide connectivity to adjacent developments and/or roadways or maintain existing connectivity. The sidewalk shall be privately maintained and may be located within right-of-way controlled by another agency, if permitted by that agency or on private property.
2. Existing sidewalk and curb ramps shall be evaluated and any sidewalk or curb ramp that does not conform to ADA standards shall be removed and replaced.
3. Internal sidewalks shall be provided to the site from the sidewalk along Chesterfield Airport Road creating accessible pedestrian paths to the proposed buildings.
4. Improve Chesterfield Airport Road to one half of the ultimate section including all storm drainage facilities as directed by the St. Louis County Department of Transportation.
5. Construct a two-hundred (200) foot right turn deceleration lane with eight (8) foot shoulders on Chesterfield Airport Road as directed by St. Louis County Department of Transportation.
6. Traffic signal modifications shall be as directed by the St. Louis County Department of Transportation.
7. Obtain approvals from the City of Chesterfield and the St. Louis County Department of Transportation and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, signage, and roadway improvements.

8. Additional right-of-way and road improvements shall be provided, as required by the St. Louis County Department of Transportation and the City of Chesterfield.
9. Any work within MoDOT right of way will require a MoDOT permit.
10. All proposed work in MoDOT right of way must comply with MoDOT standards, specifications, conform to MoDOT's Access Management Guidelines with detailed construction plans being received and approved by MoDOT.
11. Due to the close proximity to Interstate 64, sound mitigation is the responsibility of the owner/developer. MoDOT will not provide any noise mitigation measures for this development.
12. Prior to Special Use Permit issuance by the St. Louis County Department of Transportation, 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 Transportation to guarantee completion of the required roadway improvements.
13. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment 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.
14. 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. No gate installation will be permitted on public right-of-way.
15. 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.

K. TRAFFIC STUDY

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

L. POWER OF REVIEW

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

M. STORM WATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system.
2. Storm water quality management shall be provided as required by the City of Chesterfield and the Metropolitan Saint Louis Sewer District.

3. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield.
4. The receiving storm system(s) shall be evaluated to ensure adequate capacity and to ensure that the project has no negative impacts to the existing system(s).
5. Storm water features shall be in compliance with the Chesterfield Valley Storm Water Master Plan.
6. 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 percent (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).

N. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.
2. Connection to public sanitary sewers is required, which would require that sanitary sewers be extended to the sites to be developed. The developer of this property will be required to provide any off-site easements necessary to connect the properties to be developed to existing public sewers.
3. The receiving sanitary sewer system(s) shall be evaluated to ensure adequate capacity and to ensure the project has no negative impacts to the existing system(s).
4. This project is located within the Caulks Creek Surcharge area. This surcharge will be collected prior to development plan approval by Metropolitan St. Louis Sewer District.

O. GEOTECHNICAL REPORT

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

P. MISCELLANEOUS

1. All utilities will be installed underground.
2. If any development in, or alteration of, the floodplain or supplemental protection area is proposed, the developer may be required to submit a Floodplain Study and/or a Floodplain Development Permit/Application to the City of Chesterfield for approval. The Floodplain Study must be approved by the City of Chesterfield prior to the approval of the Site Development Plan, as directed. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development. Elevation Certificates will be required for any structures within the Special Flood Hazard Area or the Supplemental Protection Area. Consult Article 5 of the Unified Development Code for specific requirements.
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 Code shall be required where applicable.

4. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the City of Chesterfield and Saint Louis County Department of Highways and Traffic. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

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

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

III. COMMENCEMENT OF CONSTRUCTION

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

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT CONCEPT PLAN

1. Any Site Development Concept Plan shall show all information required on a preliminary plat as required in the City of Chesterfield Code.
2. Include a Conceptual Landscape Plan in accordance with the City of Chesterfield Unified Development Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a Lighting Plan in accordance with the City of Chesterfield Unified Development Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer 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 SECTION PLAN SUBMITTAL REQUIREMENTS

The Site Development Section Plan shall adhere to the above criteria and to the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.

7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs.
10. Zoning district lines, subdivision name, lot number, lot dimensions, lot area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. Depict existing and proposed improvements within one hundred fifty (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 one hundred fifty (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 one hundred fifty (150) feet beyond the limits of the site as directed.
16. Address trees and landscaping in accordance with the City of Chesterfield Unified Development Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Unified Development 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, the Metropolitan St. Louis Sewer 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.

C. 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, Metropolitan St. Louis Sewer District (MSD) 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

Traffic Generation Assessment Rates

The amount of all required contributions for roadway, storm water and primary water line improvements, if not submitted by January 1, 2017, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Transportation.

A. ROADS

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

<u>Type of Development</u>	<u>Required Contribution</u>
General Retail	\$2,223.29/parking space
Restaurant, Sit Down	\$2,223.29/parking space
Loading Space	\$3,638.14/parking space

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

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

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

2. As this development is located within a trust fund area established by St. Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development shall be retained in the appropriate trust fund.

3. Road Improvement Traffic Generation Assessment contributions shall be deposited with Saint Louis County Department of Transportation. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Transportation or prior to the issuance of building permits in the case where no Special Use Permit is required. If development phasing is anticipated, the developer shall provide the Traffic Generation Assessment contribution prior to the 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 \$894.19 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the Saint Louis County Department of Transportation. The deposit shall be made before Saint Louis County approval of the Site Development Plan unless otherwise directed by the Saint Louis County Department of Transportation. Funds shall be payable to Treasurer, Saint 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 \$2,837.06 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 Transportation. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Transportation or prior to the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to Treasurer, Saint Louis County.

D. SANITARY SEWER

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

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

VI. RECORDING

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

VII. ENFORCEMENT

- A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

