



VIII. C.

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

Planning Commission Staff Report

Subject: Rezoning Vote Report

Meeting Date: September 24, 2007

From: Mara M. Perry, AICP, Senior Planner of Site Plan Review

Location: An 8.3 acre tract of land located north of North Outer 40 west of Boone's Crossing (17U520148 & 17U520159)

Petition: P.Z. 32-2007 MPD Investments, LLC

Proposal Summary

MPD Investments, LLC is requesting a change of zoning from "C-8" Planned Commercial District to "PI" Planned Industrial District for an 8.3 acre tract of land located north of North Outer 40 west of Boone's Crossing (17U520148 & 17U520159).

Staff Recommendation

The Attachment A for this request meets all of the development requirements of the City of Chesterfield for a "PI" Planned Industrial District.

Zoning Analysis

A preliminary plan accompanies all rezoning requests when the change of zoning is to a Planned District. When a vote is taken on a rezoning request, the vote is to approve the change of zoning with an Attachment A written by Staff. The vote is not to approve the accompanying preliminary plan which is provided for informational purposes only.

While preparing the Attachment A for this development, Staff reviewed the conditions established in the Comprehensive Plan and Zoning Ordinance. The Attachment A requires that this development will adhere to the requirements of both. The Comprehensive Plan calls for this area to be Mixed Commercial and the petitioner is requesting to be rezoned to "PI" Planned Industrial.

Surrounding Land Use and Zoning

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

North: The property to the north is zoned "FPNU" Flood Plain Non-Urban District.

South: The property to the south is North Outer 40 and U.S. Highway 61/40

East: The property to the east is Larry Enterprises/Lynch Hummer, zoned "PI" Planned Industrial District.

West: The property to the west is Chesterfield Valley Power Sports, zoned "C-8" Planned Commercial District.



View looking north at the existing building.



View looking east along N. Outer 40 Road

Comprehensive Plan Analysis

The subject site is located within Sub Area 4 of the Chesterfield Valley. The Comprehensive Plan calls for this area to be Mixed Commercial. The petitioner

equipment and vehicles used by business, industry, and agriculture (excluding necessary outdoor storage).

2. The proposed uses were also compared to the uses identified for Sub Area 4 in the City of Chesterfield Comprehensive Plan. The Comprehensive Plan lists this area as Mixed Commercial Use with uses defined as being retail and office. A number of the proposed uses are not retail or office in nature. However, they are similar to the development to the east, Larry Enterprises/Lynch Hummer, which was zoned while the Comprehensive Plan was being developed.
3. Staff was asked whether this development could be accomplished under the "PC" Planned Commercial zoning versus the "PI" Planned Industrial. The following are not allowed uses under the "PC" Planned Commercial District: (j) Business, professional, and technical training schools; (k) Business service establishment; (dd) Mail order sale warehouses; (mm) Plumbing, electrical, air conditioning, and heating equipment sales, warehousing, and repair facilities; (oo) Printing and duplicating facilities; (rrr) Warehousing, storage, or wholesaling of manufactured commodities.

Traffic

Attached is a copy of the memorandum in regards to the traffic related concerns from Jeff Paskiewicz, Civil Engineer for the City of Chesterfield.

Open Space

Staff was asked to compare the open space of the existing sites within Sub Area 4 of the Comprehensive Plan. The Comprehensive Plan has an additional requirement for 50% open space for this Sub Area. There are five existing developments in Sub Area 4 and the average of the green space/open space requirements of those developments is 40.2%. The property to the east has a 31% green space requirement and the property to the west did not have a green space or open space requirement when it was developed. The petitioner is requesting 31% open space.

Request

Staff has reviewed the change of zoning request from "C-8" Planned Commercial District to "PI" Planned Industrial District and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield. Staff requests action on P.Z. 32-2007 MPD Investments, LLC.

Respectfully submitted,



Mara M. Perry, AICP
Senior Planner of Site Plan Review

Attachments

1. Letters from Mike Doster, dated September 5, 2007
2. Memorandum from Jeff Paskiewicz, Civil Engineer, dated August 2, 2007
3. Attachment A
4. Preliminary Plan

September 5, 2007

HAND DELIVERED

Ms. Mara M. Perry, Senior Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

Re: P.Z. 32-2007 MPD Investments, LLC

Dear Mara:

This letter is in response to the issues/comments letter dated July 30, 2007. The issues/comments and Petitioner's responses are as follows:

1. How does the list of uses compare to the list of approved uses for the adjacent Planned Industrial District to the east?

Petitioner's Response:

It is Petitioner's understanding that this will be addressed by staff.

2. What road improvements will be required from the Missouri Department of Transportation?

Petitioner's Response:

The Missouri Department of Transportation has issued comments (The comments are set forth in Issue No. 9).

3. How do the proposed uses fit with the uses identified for Sub Area 4 uses listed in the City of Chesterfield Comprehensive Plan?

Ms. Mara M. Perry, Senior Planner
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September 5, 2007
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Petitioner's Response:

It is Petitioner's understanding that this will be addressed by staff, but the requested uses are consistent and compatible with uses that have been permitted in the "mixed commercial use" designation. Lynch Hummer, Phase One of MPD (formerly Larry Enterprises) and US Turf (currently zoned C-8 and the subject of this rezoning request) are existing developments in this Sub Area with similar uses.

4. The plan shows three existing curb cuts will all of these remain?

Petitioner's Response:

Yes.

5. Compare the open space of the existing sites within Sub Area 4 of the Comprehensive Plan.

Petitioner's response:

Phase One of MPD (formerly Larry Enterprises) has a 31% green space requirement. Lynch Hummer has a 31% green space requirement. US Turf has no green space requirement. Petitioner is developing the subject site as a part of Phase One of MPD and submits that the open space should be 31% to be consistent. The subject site also has challenges in that it is the narrowest site along the stretch from Lynch Hummer West. The narrowing is the result of the levee, seepage berm and stormwater drainage improvements, all of which are regional improvements.

6. Has a traffic study be(en) completed for North Outer 40 Road?

Petitioner's Response:

It is Petitioner's understanding that this will be addressed by staff.

7. What other precedent has been set for speculative zoning in this area?

Petitioner's Response:

It is commonplace in the Valley to "pre-zone" and "pre-plan" larger tracts of ground for anticipated development even when there are no specific users identified at the time. The list is long, but the adjoining property (and Phase One of MPD) is a "PI" zoning that included multiple and varied uses even though the specific users were not identified at the time of the

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zoning. There are similar examples South of 40/61, including all of the developments North and South of Long Road Crossing. "Pre-zoning" allows developments to compete favorably for desirable, quality users.

8. Would you like to request a sign package for this development?

Petitioner's Response:

Yes.

9. The Missouri Department of Transportation has submitted the following comments:

- a. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require permit. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.**
- b. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right of way.**
- c. We (MoDOT) request that all drainage storage facilities be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.**

Petitioner's Response:

Petitioner acknowledges these comments.

10. The Monarch-Chesterfield Levee District has the following comments:

- a. A seepage berm located within this site will limit the use in that area and the improvements allowed. These limitations are located in the Permanent Underseepage Berm easement.**
- b. All improvements proposed within the Permanent Underseepage Berm easement will need to be forwarded for review by the Monarch - Chesterfield Levee District.**

Petitioner's Response:

Petitioner acknowledges these comments.

The conditions and Petitioner's responses are as follows:

Openspace

- 1. A minimum of 50% openspace will be required for this development.**

Petitioner's Response:

Petitioner is requesting 31%.

Landscaping

- 1. A thirty (30) foot landscape buffer is required along arterial streets.**

Petitioner's Response:

Petitioner is requesting a twenty (20) foot landscape buffer due to the narrowing of this site as a result of the levee, seepage berm and stormwater drainage improvements and the need to have adequate parking on the site including parking in front of the building.

- 2. Since landscaping is not permitted in the underseepage berm area, landscape provisions for said area, including but not exclusive to landscaped parking islands and perimeter landscaping requirements, will not be required to adhere to the City of Chesterfield Tree Manual. In this event, landscaping plans shall be approved by the Planning Commission during the appropriate site development plan (Concept or Section) review. The landscaping plans will include additional landscaping provisions in the front portion of the building area which will buffer the lack of landscaping in the rear of the property. The landscaping plans will include additional landscaping that will not only be comprised of additional plantings but will also include landscape features which may include but not be limited to water features, brick planters and outdoor artwork.**

Petitioner's Response:

Petitioner acknowledges these conditions.

Setbacks

- 1. No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:**
 - a. Fifty (50) feet from the right-of-way of N. Outer 40.**
 - b. Forty (40) feet from the western property lines of this development.**

- c. **Twenty (20) feet from the eastern property lines of this development.**
- d. **One Hundred and Sixty-five (165) feet from the northern property line of this development.**
- e. **Fifteen (15) feet from internal property lines of this development.**

Petitioner's Response:

Petitioner acknowledges these conditions.

- 2. **No parking stall or loading space, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:**
 - a. **Thirty-five (35) feet from the right-of-way of N. Outer 40.**
 - b. **Five (5) feet from the eastern property lines of this development, with the exception of shared driveways.**
 - c. **Ten (10) feet from the western property lines of this development.**
 - d. **Thirty (30) feet from the northern property line of this development.**
 - e. **Five (5) feet from the internal property lines, with the exception of shared driveways.**

Petitioner's Response:

Petitioner acknowledges these conditions but requests a twenty (20) foot setback for the reasons stated in "Landscaping 1." above.

Access

- 1. **The western entrance to the site from North Outer Forty Road shall be as close to the west property line as practical to allow for cross access to the adjacent parcel as directed by the Department of Public Works and the Missouri Department of Transportation.**

Petitioner's Response:

Petitioner's development plan complies.

- 2. **The eastern entrance to the site from North Outer Forty Road shall be located as dictated by ordinance 2055 which governs the Jim Lynch/Larry Enterprises development.**

Petitioner's Response:

Petitioner's development plan complies.

- 3. Provide cross access easements as necessary to provide the adjacent parcels to the east and west full access to the eastern and western entrances off of North Outer Forty Road.**

Petitioner's Response:

Petitioner acknowledges this condition.

Parking

- 4. No construction related parking shall be permitted within the North Outer Forty Road right of way.**

Petitioner's Response:

Petitioner acknowledges this condition.

Storm Water and Floodplain

- 5. The Chesterfield Valley Master Storm Water Plan indicates an 8' by 5' box culvert shall be constructed along the south property line (North Outer Forty Road frontage) of this site and that drainage from this site is to be directed to the west to the pump station located near Long Road. The developer shall be responsible for construction of the required storm water improvements and coordination with the owners of the properties affected by construction of the required improvements. In the event that the ultimate required improvements cannot be constructed concurrently with this development, the developer shall provide interim drainage facilities and establish sufficient escrows as guarantee of future construction of the required improvements, including removal of interim facilities. Interim facilities shall be sized to handle runoff from the 100-year, 24-hour storm event as produced by the Master Storm Water Plan model. The interim facilities shall provide positive drainage and may include a temporary pump station, if necessary. Interim facilities shall be removed promptly after the permanent storm water improvements are constructed.**

The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the Director of

Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Director of Public Works determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.

Petitioner's Response:

Petitioner acknowledges these conditions except that it is Petitioner's understanding that the storm water improvements will be constructed by the City and with the further exception that the standard for the interim facilities cannot be met given the current downstream offsite property conditions; both of these items have been discussed among MoDOT, the City's Department of Public Works and Petitioner's Civil Engineer. See attached correspondence.

- 6. Provide a Chesterfield Valley Storm Water Easement along the south property line to accommodate the future construction of the Chesterfield Valley Master Storm Water Plan improvements in that area, and depict the improvements on the Site Development Plan and improvement plans. Maintenance of the required improvements shall be the responsibility of the property owner.**

Petitioner's Response:

Petitioner acknowledges these conditions.

- 7. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.**

Petitioner's Response:

Petitioner acknowledges this condition.

Ms. Mara M. Perry, Senior Planner
City of Chesterfield
September 5, 2007
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Furthermore, the following general conditions shall be applied to the petition.

Geotechnical Report

G-4. 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 Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and improvement plans.

Petitioner's Response:

Petitioner acknowledges these conditions.

Final Release of Subdivision Deposits

G-6. 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.


Petitioner's Response:

Petitioner acknowledges this condition.

Please contact me if you have any questions. Thank you.

Respectfully submitted,

Doster Mickes James Ullom,
Benson & Guest L.L.C.

By 
Michael J. Doster



3961

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

July 17, 2007

RECEIVED

Mr. Jim Bodart
Missouri Department of Transportation
1590 Woodlake Drive,
Chesterfield, MO 63017

JUL 18 2007

Stock and Associates
Consulting Engineers, Inc

Re: MPD Investments – Drainage Ditch

Dear Jim:

As part of the MPD Investment project, a box culvert will be constructed within a Chesterfield Valley Stormwater Easement adjacent to the outer road, from the MPD site to the western edge of the Chesterfield Valley Power Sports parcel. The culvert will discharge, on a temporary basis, into the existing temporary drainage system that is located within MoDOT right of way, adjacent to the Save Gasoline parcel. This system conveys stormwater to the existing pump station to the west.

When either the Long Road interchange is constructed, or when the Save Gasoline parcel is developed, an open channel will be constructed within an easement which will allow the culvert to drain to the existing pump station.

If you have any questions or need any additional information please give us a call at 636-537-4764.

Sincerely,

Brian K. McGownd, P.E.
Deputy Director of Public Works/Assistant City Engineer

Cc: Michael O. Geisel, Director of Public Works/City Engineer
Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway
St. Louis, Missouri 63005

Linda Johnson

From: Linda Johnson
Sent: Thursday, July 19, 2007 4:14 PM
To: 'jwillems@stockassoc.com'
Subject: C:\Sharpdesk Desktop\IMAGE (66).TIF;

Attachments: IMAGE (66).TIF



IMAGE (66).TIF
(111 KB)

C:\Sharpdesk Desktop\IMAGE (66).TIF;

George Stock

3961.1

From: James.Bodart@modot.mo.gov
Sent: Monday, July 16, 2007 11:55 AM
To: George Stock; Karen.Yeomans@modot.mo.gov
Cc: Brian McGownd; John Willems
Subject: Re: FW: \Sharpdesk Desktop\IMAGE.PDF; MPD Investments 3961.1

Attachments: IMAGE.PDF



IMAGE.PDF
(121 KB)

Thanks, George. As we discussed, MODOT would like some type of documentation, directed to MoDOT, to confirm that the drainage feature will be relocated to the proper easement upon development of the property.

"George Stock"
<george.stock@stockassoc.com>

07/13/2007 04:30 PM

"John Willems"
<john.willems@stockassoc.com>,
"Brian McGownd"
<BMcGownd@chesterfield.mo.us>

To

cc

<james.bodart@modot.mo.gov>

Subject

FW: \Sharpdesk Desktop\IMAGE.PDF;
MPD Investments 3961.1

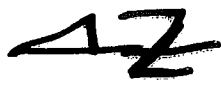
<<IMAGE.PDF>> John/Brian, I spoke with Jim Bodart this afternoon. Jim said he has reviewed the attached solution with Karen and they are in agreement with this solution as a "Temporary " solution. Assuming that the property at such time as they zone or move forward to develop will be obligated to build the ultimate channel or enclosed structure as directed by the City. Thanks, George

-----Original Message-----

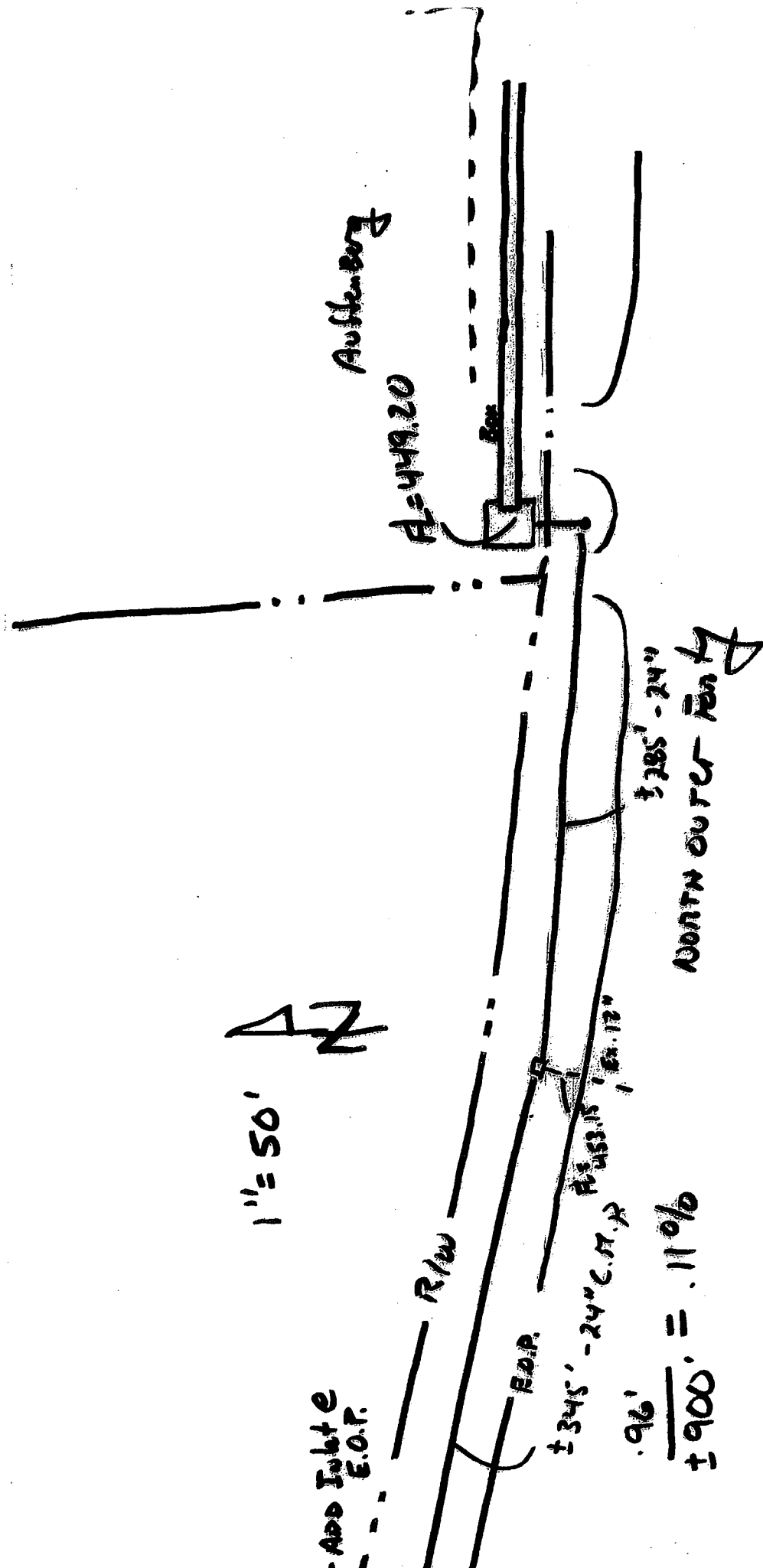
From: George Stock
Sent: Friday, June 15, 2007 12:59 PM
To: James.Bodart@modot.mo.gov
Cc: Janet Taylor
Subject: C:\Sharpdesk Desktop\IMAGE.PDF; MPD Investments 3961.1

Jim, Attached is a sketch of a solution for North Outer Forty at MPD investments. Would you be available to meet me Wednesday morning, the 20th? Thanks, George C:\Sharpdesk Desktop\IMAGE.PDF; Would (See attached file: IMAGE.PDF)

1" = 50'



Add Inbte
E.O.P.



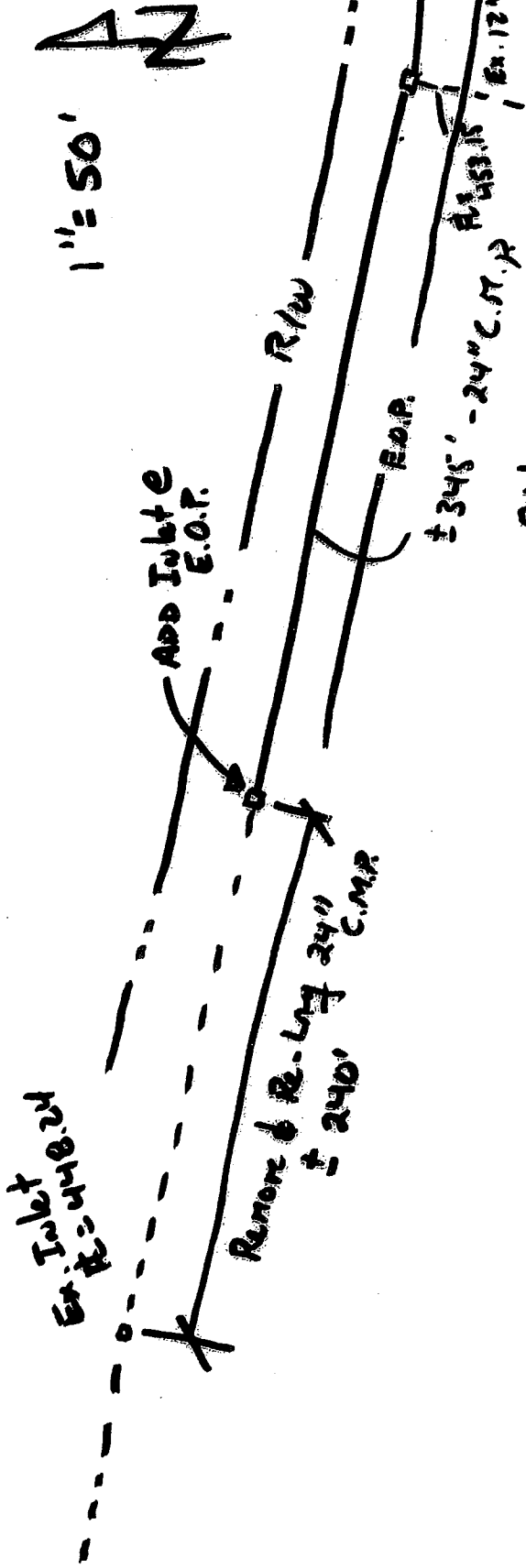
± 345' - 24% C.M.P.
P_{453.15} | 60.17'

± 385' - 24%
NORTH OUTER FENBY

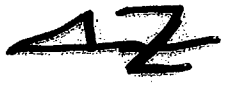
± 449.20

Auffenberg

$$\frac{.96'}{900'} = .11\%$$



1" = 50'



$$\frac{.96'}{\pm 900'} = .11\%$$

ADAPT. 2

September 5, 2007

HAND DELIVERED

Ms. Mara M. Perry, Senior Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

Re: P.Z. 32-2007 MPD Investments, LLC

Dear Mara:

This letter is in response to the issues/comments letter dated August 21, 2007. The issues/comments and Petitioner's responses are as follows:

1. Is the number of proposed uses going to be shortened?

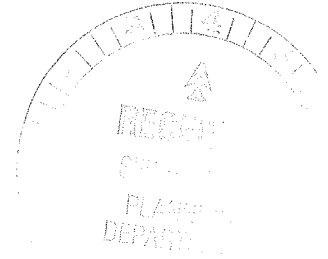
Petitioner's Response:

Petitioner believes the proposed uses are consistent and compatible with permitted uses in the immediate vicinity and are desired by users seeking to locate in this area.

2. Can this development be accomplished under the "PC" Planned Commercial zoning versus the "PI" Planned Industrial zoning?

Petitioner's Response:

No, not without sacrificing important uses that are only available in "PI".



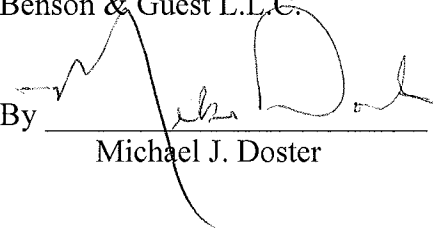
Ms. Mara M. Perry, Senior Planner
City of Chesterfield
September 5, 2007
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Please contact me if you have any questions. Thank you.

Respectfully submitted,

Doster Mickes James Ullom,
Benson & Guest L.L.C.

By

A handwritten signature in black ink, appearing to read "Michael J. Doster", written over a horizontal line. The signature is stylized and cursive.

Michael J. Doster



MEMORANDUM

DATE: August 2, 2007
TO: Mara Perry, Senior Planner of Plan Review
FROM: Jeff Paskiewicz, Civil Engineer
RE: MPD Investments – Traffic Concerns Related to P.Z. 32-2007

The Planning Commission identified traffic and road capacity issues related to P.Z. 32-2007, MPD Investments. Specifically, the Commission inquired as to whether traffic studies had been completed previously. P.Z. 32-2007 is located on North Outer 40 Road approximately 2,500 feet west of the Boone's Crossing interchange. Access to I-64/US 40 is currently provided via the Boone's Crossing interchange. Boone's Crossing also provides access for the development to Chesterfield Airport Road.

As part of the Chesterfield Valley Master Plan effort, beginning in 1991, a valley wide traffic study was completed by Crawford, Bunte, Brammeier in March of 1996. The March 1996 study evaluated the entire valley, under fully developed conditions, identified required road improvements and was subsequently submitted through the Missouri Department of Transportation forwarded to the Federal Highway Administration. The study modeled the areas bound by I-64/US 40 on the south and the Monarch Chesterfield Levee on the north to develop as moderate density commercial which closely emulates the proposed conditions for MPD Investments. The study provides for half-diamond interchanges at Baxter Road and Spirit Boulevard, full-diamond at both Boone's Crossing and Long Road. It provides for the construction of a Collector-Distributor road system parallel to the Interstate as well as a new bridge south of the existing two Missouri River Crossings. In addition the report gave reference to the following improvements that were being planned at the time of the report; widening of Chesterfield Airport Road to 5 lanes, realignment of Chesterfield Airport along the Old Olive Road alignment as it approaches Baxter Road, the extension of Edison Road from Chesterfield Airport Road to Long Road, and the widening of Long Road to accommodate 5 lanes of traffic from Chesterfield Airport Road to Wild Horse Creek Road.

To date, improvements have been made at the Boone's Crossing interchange, I-64/US 40 through the valley has been widened to six lanes, Chesterfield Airport Road has been improved to a 5 lane section, and Edison Road has been extended. The Chesterfield Valley TDD provides more than \$5 million towards the local share of a federally funded overpass at Long Road. The State, County, City, TDD and the developers of the ACI site are jointly funding the half-diamond interchange at Spirit Boulevard. The new bridge, the collector-distributor road system and the Long Road overpass are identified on the regional transportation future projects list.

In addition to those planned improvements, MoDOT has begun to require North Outer 40 Road improvements associated with development, to create a 3 lane section with additional deceleration and turn bays where necessary. Such requirements are being proposed for the MPD Investments development. The recommended improvements, per the March 1996 study,

are large scale regional projects and not directly associated with adjacent development. Traffic carrying capacity is not an issue with the anticipated development and the three lane section provides for minimal disruption of through traffic while allowing for left turns.

cc: Mike Geisel, Director of Planning and Public Works
Sue Mueller, Principal Engineer
Bonnie Hubert, Superintendent of Engineering/Assistant City Engineer

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. Animal hospitals, veterinary clinics and kennels;
 - b. Business, professional, and technical training schools;
 - c. Business service establishments;
 - d. Financial institutions;
 - e. Hotels and motels;
 - f. Mail order sale warehouses;
 - g. Medical and Dental offices;
 - h. Offices or office buildings;
 - i. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities;
 - j. Printing and duplicating services;
 - k. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
 - l. Restaurants, sit down;
 - m. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles;
 - n. Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture;
 - o. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind,

including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises;

- p. Vehicle repair facilities;
- q. Vehicle service centers;
- r. Vehicle washing facilities;
- s. Warehousing, storage, or wholesaling of manufactured commodities;

2. The following ancillary uses shall be permitted:

- a. Automatic vending facilities for:
 - i. Ice and solid carbon dioxide (dry ice);
 - ii. Beverages;
 - iii. Confections.
- b. Cafeterias for employees and guests only.
- c. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles.

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

1. HEIGHT

Any building exceeding thirty (30) feet in height shall be reviewed in accordance with the City's architectural design review including conformance to the sky exposure plane guideline.

2. BUILDING REQUIREMENTS

A minimum of thirty-one percent (31%) open space is required for this development.

C. SETBACKS

1. STRUCTURE SETBACKS

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

- a. Fifty (50) feet from the right-of-way of North Outer Forty Road.

- b. Forty (40) feet from the western property lines of this "PI" District.
- c. Twenty (20) feet from the eastern property lines of this "PI" District.
- d. One Hundred and Sixty-five (165) feet from the northern property lines of this "PI" District.
- e. Fifteen (15) feet from internal property lines of this "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. Thirty-Five (35) feet from the right-of-way of North Outer Forty Road. For the parking for the existing structure on the site, twenty (20) feet from the right-of-way of North Outer Forty Road. Upon the removal of the existing structure, the thirty-five (35) foot setback shall be in effect.
- b. Ten (10) feet from the western property lines of this "PI" District.
- c. Five (5) feet from the eastern property lines of this "PI" District with the exception of shared driveways.
- d. Thirty (30) feet from the northern property lines of this "PI" District.
- e. Five (5) feet from internal property lines of this "PI" District with the exception of shared driveways.

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.
 - c. No construction related parking shall be permitted within the North Outer Forty Road right of way.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. Since landscaping is not permitted in the underseepage berm area, landscape provisions for said area, including but not exclusive to landscaped parking islands and perimeter landscaping requirements, will not be required to adhere to the City of Chesterfield Tree Manual. In this event, landscaping plans shall be approved by the Planning Commission during the appropriate site development plan (Concept or Section) review. The landscaping plans will include additional landscaping provisions in the front portion of the building area which will buffer the lack of landscaping in the rear of the property. The landscaping plans will include additional landscaping that will not only be comprised of additional plantings but will also include landscape features which may include but not be limited to water features, brick planters and outdoor artwork.

F. SIGN REQUIREMENTS

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

G. LIGHT REQUIREMENTS

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

H. ARCHITECTURAL

1. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location, 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. An opportunity for recycling will be provided.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. The western entrance to the site from North Outer Forty Road shall be as close to the west property line as practical to allow for cross access to the adjacent parcel as directed by the Department of Public Works and the Missouri Department of Transportation.
2. The eastern entrance to the site from North Outer Forty Road shall be located as dictated by ordinance 2055 which governs the Larry Enterprises /Jim Lynch development.
3. Provide cross access easements as necessary to provide the adjacent parcels to the east and west full access to the eastern and western entrances off of North Outer Forty Road.

4. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require permit. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a left turn lane be constructed on North Outer Forty Road for this development as required by MoDOT.
2. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the Missouri Department of Transportation. No gate installation will be permitted on public right of way.
3. 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. MONARCH-CHESTERFIELD LEVEE DISTRICT

1. The Monarch-Chesterfield Levee District retains a Permanent Underseepage Berm Easement for the area covered by the seepage berm. Any use or improvements proposed within the Permanent Underseepage Berm Easement are subject to Protective Restrictions.
2. No improvements or use that would alter, diminish, damage or interfere with the performance of the Monarch-Chesterfield Levee including Underseepage Berm is permitted.
3. No building or structure other than boundary walls, retaining walls, signs, light standards, flag poles or fences, shall be located within one-hundred fifty (150) feet from the southern toe of the Monarch-Chesterfield Levee.
4. Trees, vegetation and landscaping which have roots which extend more than six (6) inches in depth below the ground are not permitted in the Permanent Underseepage Berm Easement. Buildings or structures are not permitted in the Permanent Underseepage Berm Easement.

5. Any required or existing easements for access to the Monarch Chesterfield Levee and Monarch-Chesterfield Levee District owned property need to be shown on all plans.

L. POWER OF REVIEW

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

M. STORMWATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. Detention/retention and other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.
3. The property bound by this ordinance shall be required to conform to the Chesterfield Valley Master Storm Water Plan as directed by the City of Chesterfield. Drainage from this property site shall be directed to the west to the pump station located near Long Road. In the event that the ultimate required off-site improvements cannot be constructed concurrently with this development, the developer shall be required to provide interim drainage facilities to effectively manage the stormwater until such time as the ultimate improvements are in place. The interim facilities shall provide positive drainage and may include a temporary pump station, if necessary. Interim facilities shall be removed promptly after the permanent storm water improvements are constructed.

With the mutual consent of the City and the Developer, the Developer may construct off-site improvements as necessary and directed by the City, the costs of which would be reimbursed by the City. No work should commence or otherwise be authorized until

the City has reviewed and approved any and all costs related to off-site work including but not limited to written contractor bids.

The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the Director of Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Director of Public Works determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.

4. Provide a Chesterfield Valley Storm Water Easement along the south property line to accommodate the future construction of the Chesterfield Valley Master Storm Water Plan improvements in that area, and depict the improvements on the Site Development Plan and improvement plans. Maintenance of the required improvements shall be the responsibility of the property owner.
5. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.
6. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right of way.
7. All drainage storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.

N. SANITARY SEWER

1. Certification will be required from the City of Chesterfield that stormwater will be controlled as required by the Chesterfield Valley Master Facility Plan.
2. Treatment for water quality, in accordance with Metropolitan Sewer District regulations dated February 2006, shall be required.
3. This project is in the Caulks Creek Surcharge area and at least a portion of this site is subject to a surcharge of \$2,750 per acre.
4. Formal plan submittal and approval is required by the Metropolitan Sewer District prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

O. GEOTECHNICAL REPORT.

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

P. MISCELLANEOUS

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

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 SUBMITTAL REQUIREMENTS

- 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 Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

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, dimensions, and 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, and significant natural features, such as wooded areas and rock formations, 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, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.

V. CHESTERFIELD VALLEY TRUST FUND

- A. The developer shall be required to contribute to the Chesterfield Valley Trust Fund. Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

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:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$2.07/sq.ft. of building space
Office	\$1.44/sq.ft. of building space
Industrial	\$4,986.59/acre

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

If types of development differ from those listed, St. Louis County Department of Highways and Traffic will provide rates.

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

The roadway improvement contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance any a Special Use Permit (SUP) by St. Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, St. Louis County."

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

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2007 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.

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$654.66 per acre for that total area as approved on the Site Development Plan to be used solely to help defray the cost of construction the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasurer, Saint Louis County".

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 MSD. The amount of storm water contribution will be computed based on \$2,077.15 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 (SUP) by Saint Louis County Department of Highways and Traffic. Funds shall be payable to the "Treasurer, Saint Louis County."

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 MSD 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, 2007 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.

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

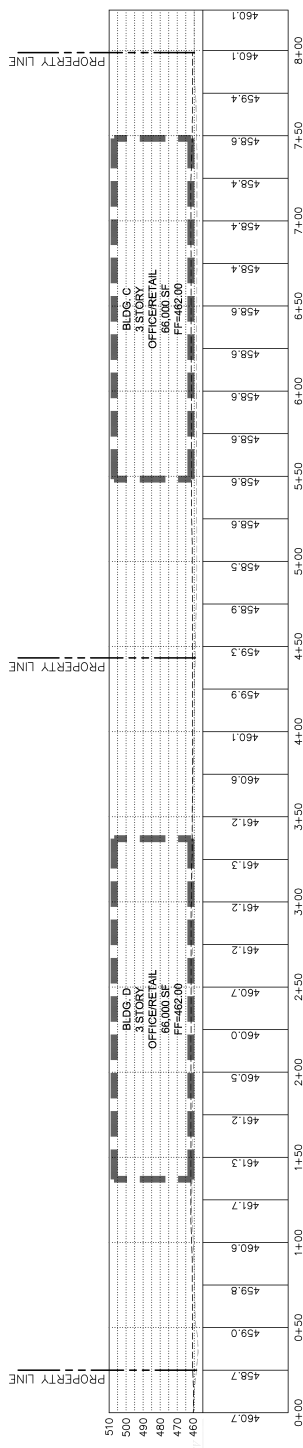
VI. RECORDING

Within 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.

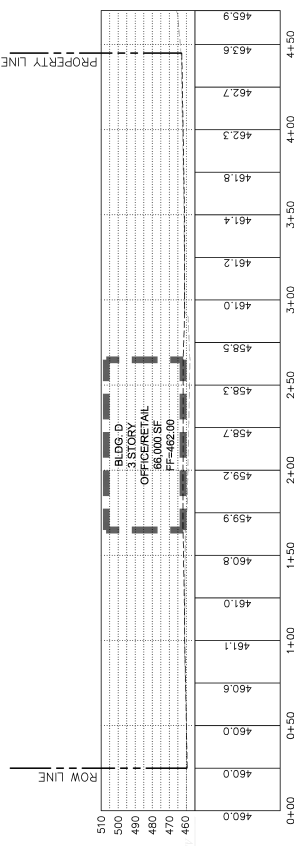
VII. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Concept Plan and the Site Development Section 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.

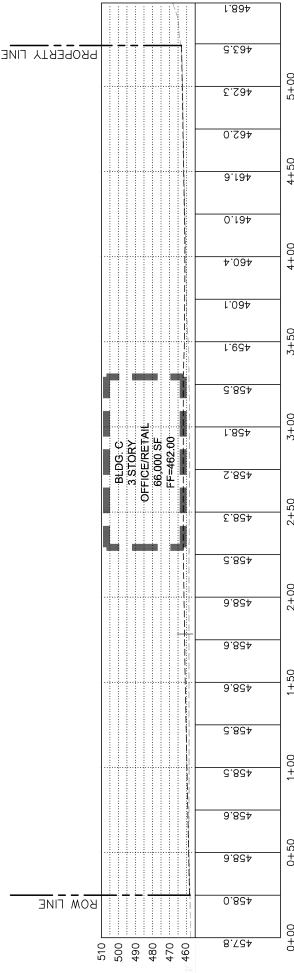
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.



SECTION A-A
SCALE= 1"=30' HORIZONTAL
1"=30' VERTICAL



SECTION B-B
SCALE= 1"=30' HORIZONTAL
1"=30' VERTICAL



SECTION C-C
SCALE= 1"=30' HORIZONTAL
1"=30' VERTICAL

Δ 09/12/07 REVISED PER CITY LETTERS 07/25/07 AND 08/27/07

MPD INVESTMENTS DEVELOPMENT
PRELIMINARY PLAN - SECTIONS

STOCK & ASSOCIATES
Consulting Engineers, Inc.

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DATE OF PLOTTING: 04/25/07
DATE OF SCALE: 04/25/07
JOB NO.: 206-3961.1
SHEET: 2 of 2

