



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
 Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

**Planning and Development Services Division  
 Public Hearing Summary Report**

**P.Z. 11-2014 THF Chesterfield Development LLC (The Commons):** A request for an ordinance amendment to Ordinance 2081 to modify development criteria and use restrictions for a 160.195 acre tract of land zoned “C-8” Planned Commercial District located between US Highway 40/Interstate 64 and Edison Avenue and East of RHL Drive (17T140253, 17U340067, 17U330112, 17T130166, 17T110212, 17T140143, 17U320102, 17U340089, 17U340100, 17U340111, 17U340144, 17T140341, 17T130144, 17U340155, 17U330091, 17T130089, 17T140165, 17T130155, 17U340090, 17T130133, 17U330123, 17U330101, 17T140132, 17T130210, 17T140187, 17U340078, 17T130188, 17T140088, 17T140330, 17U330255, 17U330321, 17T120741, 17U330288, 17T140101).

**Summary**

Cedar Creek Consulting Inc., on behalf of THF Chesterfield Development LLC, has submitted a request for an ordinance amendment to extend normal operating hours, provide for extended seasonal and promotional operating hours, to remove seasonal restrictions on the outdoor storage permitted use, and to increase the area of outdoor storage permitted. The following table provides a summary of the details of the above mentioned requests:

	<b><u>Existing</u></b>	<b><u>Proposed</u></b>
<b>Normal Retail Hours</b> (All retail users)	7 a.m. – 11 p.m.	6 a.m. – 11 p.m.
<b>Seasonal Retail Hours</b> (All retail users)	None currently permitted	(Day after Thanksgiving through December 23) 6 a.m. - 12 midnight, Sunday – Thursday 6 a.m. – 1 a.m., Friday and Saturday
<b>Promotional Retail Hours</b> (All retail users)	None currently permitted	4 promotions per calendar year by permit only Seasonal Hours would apply, limit of 3 days per event
<b>Outdoor Storage/Sales (Time)</b> (Lowe’s Only)	Restricted to 3/15 through 10/15	All year
<b>Outdoor Storage/Sales (Area)</b> (Lowe’s Only)	3,200 sq. ft. located according to existing Exhibit A	Limited to areas on Revised Exhibit A, approximately 9,000 square feet

Due to the structure of the existing ordinance and the request as submitted by Lowe’s, if this request is approved, the items related to Outdoor Storage/Sales will be limited to the westernmost anchor tenant (currently occupied by Lowe’s). However, the extension of the hours of operation would apply to all retail establishments covered under Ordinance 2081. This would impact an estimated forty (40) retail establishments located in the Chesterfield Commons and Chesterfield Commons North developments. Additional information on this is provided later in this report.

### **Site History**

The subject site was incorporated into the City of Chesterfield under an “NU” Non-Urban District and an “M-3” Planned Industrial District from St. Louis County. The zoning was first amended by the City of Chesterfield through a site-specific ordinance in 1997 to a “C-8” Planned Commercial District. The site-specific ordinance was amended a second time in 2000 to amend the Permitted Use requirements for the addition of a financial institution. In 2004, there were two amendments that affected the permitted uses and development criteria including the addition of seasonal outdoor storage.

The most recent zoning amendment in 2004, Ordinance 2081, limits the seasonal outdoor storage use to the westernmost anchor store of Chesterfield Commons (currently occupied by Lowe’s) as well as limiting the seasonal timing of that use from March 15<sup>th</sup> until October 15<sup>th</sup> of each year. During the 2004 request, the issues discussed by the Planning Commission included but were not limited to:

- 1) Length of time (seasonally) for outdoor storage/sales,
- 2) The items allowed for sale in the outdoor area, and
- 3) The removal of parking spaces to accommodate the outdoor storage/sales.

The discussions resulted in the current restrictions that govern the site today which are summarized in the table on Page 1. Once these issues were addressed, the ordinance was eventually approved by the City Council in April of 2004.

### **Staff Analysis**

#### **Hours of Operation**

1. The requests included in this petition related to normal, seasonal, and promotional hours of operation would provide all retail users (including Lowe’s) entitlements to operate under similar restrictions as those that are currently permitted in the adjacent Chesterfield Commons West subdivision.
2. Due to how the existing ordinance restricts retail hours of operation and the way the request has been submitted by Lowe’s, the current request to extend hours of operation would pertain to all retail establishments in the Chesterfield Commons and Chesterfield Commons North. Staff estimates this to have an impact on approximately 40 retail establishments. If the retail hour amendments are considered, Staff recommends restrictions be established limiting this to the westernmost anchor only or other similar limitations. As you know, zoning entitlements and restrictions cannot be written as tenant specific, but can be tied to a physical space. Because zoning entitlements are tied to the land, if a tenant moves and is replaced by a new tenant, all pre-existing entitlements remain available to the new tenant.

#### **Outdoor Storage/Sales**

1. The current seasonal outdoor storage allowed on site is 3,200 square feet which is comparable to the approximate 3,000 square feet approved for the Chesterfield Commons West subdivision’s major western anchor tenant (currently occupied by Home Depot). The request to increase the area to approximately 9,000 square feet and to eliminate the seasonal restriction on said storage/sales area would increase the visual impact of outdoor storage along the western portion of this site.
2. The request does include the removal of parking spaces from the property. Staff has requested additional information to ensure that the minimum parking requirements for the entire shopping center will remain in compliance. The petitioner will not be permitted to reduce its parking to a level that does not meet the minimum parking requirements of the site.

**Miscellaneous**

1. The City requires authorization to be obtained from every property owner holding legal interest in property that is governed by a site-specific ordinance that is being amended. In larger zoning districts, like this one, this requirement can include a large number of parcels under different ownership. Attempts were made by the petitioner and staff to notify all property owners potentially affected by this request. The petitioner has also made efforts to obtain a Statement of Consent from each property owner affected. Despite these efforts, the applicant has been unable to obtain the consent from all of the numerous ownership entities involved at this point. Consent has been provided from THF Chesterfield which possesses ownership of all but three of the privately held parcels governed by Ordinance 2081.

**Surrounding Land Use and Zoning**

The land use and zoning for the properties surrounding this parcel are shown in Figure 1 and are as follows:

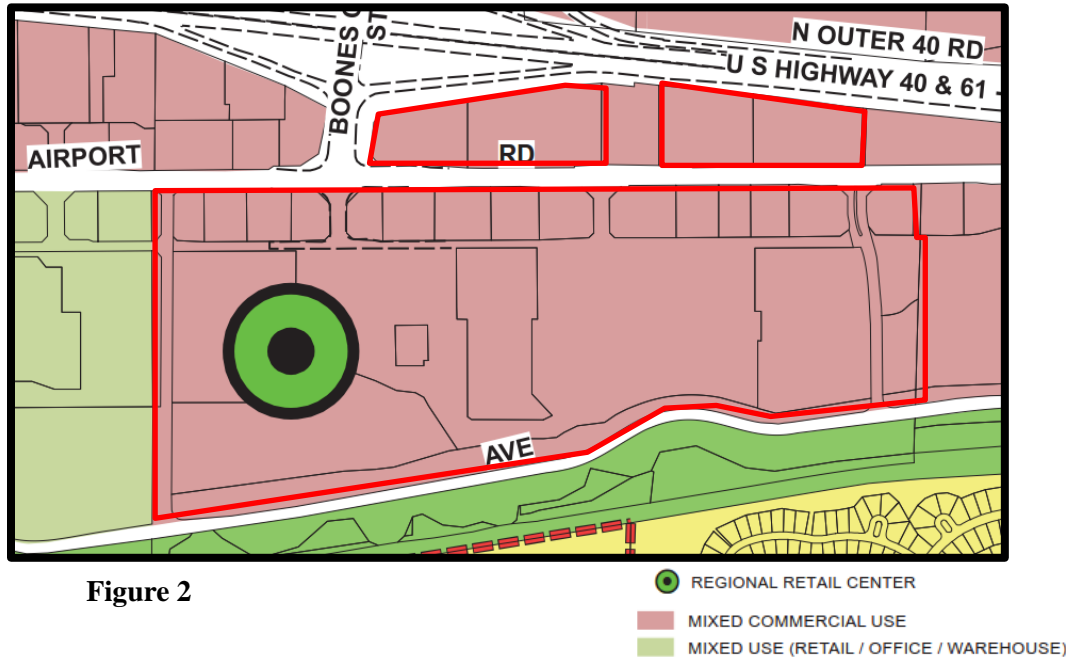
- North:** The property to the north across Interstate 64/Highway 40 is the Chesterfield Outlets commercial subdivision zoned Planned Commercial. Current uses on this property include retail at the Taubman Prestige Outlets.
- South:** The properties to the south across Edison Avenue include the Monarch-Chesterfield Levee and the Monarch-Chesterfield Levee Trail.
- East:** The property to the east is the Chesterfield Commons East commercial subdivision zoned “PC” Planned Commercial District. Current uses include mixed retail/restaurant.
- West:** The properties to the west are the Chesterfield Commons West and McBride & Son Center commercial subdivisions zoned “PC” Planned Commercial District. Current uses include mixed office/retail/restaurant.



**Figure 1**

**Comprehensive Plan Analysis**

The subject site is located within the Mixed Commercial Use land use designation as seen in Figure 2. The Comprehensive Plan defines Mixed Commercial Use as “Appropriate uses in this designation would be retail and office. Depending on location, some areas may combine warehousing and distribution with the office development”. The current amendment request does not include any land use change from the current mixed commercial uses.



The existing ordinance (Ordinance 2081) for this property can be found at the following location:  
<http://www.chesterfield.mo.us/webcontent/ordinances/2004/ord2081.pdf>.

A public hearing further addressing the request will be held at the October 13, 2014, City of Chesterfield Planning Commission meeting. Attached, please find a copy of the Public Hearing Notice, Applicant Project Narrative, Exhibit A showing the proposed outdoor storage/sales areas, and the Existing Ordinance 2081.

Respectfully submitted,

Jonathan D. Raiche, AICP  
Senior Planner

**Attachments**

1. Public Hearing Notice
2. Applicant Project Narrative
3. Exhibit A
4. Existing Ordinance 2081

cc: Aimee Nassif, Planning and Development Services Director

**NOTICE OF PUBLIC HEARING  
CITY OF CHESTERFIELD  
PLANNING COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Chesterfield will hold a Public Hearing on Monday, October 13, 2014 at 7:00 p.m. in the City Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:

**P.Z. 11-2014 THF Chesterfield Development LLC (The Commons)**: A request for an ordinance amendment to Ordinance 2081 to modify operating conditions for a 160.195 acre tract of land zoned "PC" Planned Commercial District located between US Highway 40/Interstate 64 and Edison Avenue and East of RHL Drive (17T140253, 17U340067, 17U330112, 17T130166, 17T110212, 17T140143, 17U320102, 17U340089, 17U340100, 17U340111, 17U340144, 17T140341, 17T130144, 17U340155, 17U330091, 17T130089, 17T140165, 17T130155, 17U340090, 17T130133, 17U330123, 17U330101, 17T140132, 17T130210, 17T140187, 17U340078, 17T130188, 17T140088, 17T140330, 17U330255, 17U330321, 17T120741, 17U330288, 17T140101).

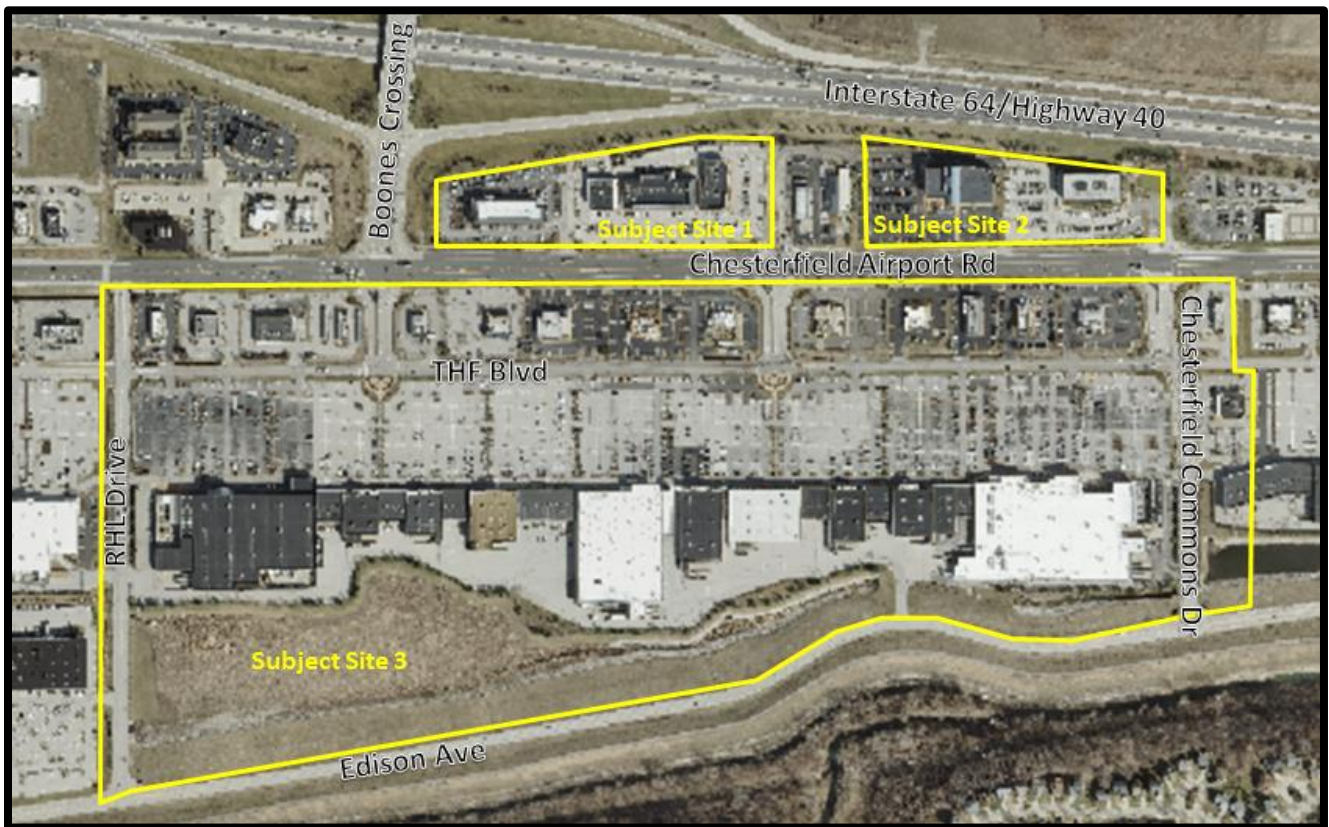
Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available for review in the Department of Public Services at Chesterfield City Hall, 690 Chesterfield Parkway West during weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you should need additional information about this project, please contact Mr. Jonathan Raiche, Senior Planner, by telephone at 636-537-4736 or by email at [jraiche@chesterfield.mo.us](mailto:jraiche@chesterfield.mo.us)

CITY OF CHESTERFIELD  
Mike Watson, Chair  
Chesterfield Planning Commission

**PROPERTY ADDRESSES**

17090 Chesterfield Airport Rd, Chesterfield MO 63017  
17253 Chesterfield Airport Rd, Chesterfield MO 63017  
17308 Chesterfield Airport Rd, Chesterfield MO 63017  
17146 Chesterfield Airport Rd, Chesterfield MO 63017  
17159 Edison Ave A, Chesterfield MO 63017  
17100 Chesterfield Airport Rd, Chesterfield MO 63017  
17159 Edison Ave, Chesterfield MO 63017  
17300 Chesterfield Airport Rd, Chesterfield MO 63017  
17276 Chesterfield Airport Rd, Chesterfield MO 63017  
17258 Chesterfield Airport Rd, Chesterfield MO 63017  
17222 Chesterfield Airport Rd, Chesterfield MO 63017  
100 THF Blvd, Chesterfield MO 63017  
17198 Chesterfield Airport Rd, Chesterfield MO 63017  
220 THF Blvd, Chesterfield MO 63017  
290 THF Blvd, Chesterfield MO 63017  
17201 Chesterfield Airport Rd, Chesterfield MO 63017  
96 THF Blvd, Chesterfield MO 63017

17164 Chesterfield Airport Rd, Chesterfield MO 63017  
17294 Chesterfield Airport Rd, Chesterfield MO 63017  
17204 Chesterfield Airport Rd, Chesterfield MO 63017  
17304 Chesterfield Airport Rd, Chesterfield MO 63017  
17312 Chesterfield Airport Rd, Chesterfield MO 63017  
17132 Chesterfield Airport Rd, Chesterfield MO 63017  
110 THF Blvd, Chesterfield MO 63017  
17107 Chesterfield Airport Rd, Chesterfield MO 63017  
196 THF Blvd, Chesterfield MO 63017  
17151 Chesterfield Airport Rd, Chesterfield MO 63017  
17094 Chesterfield Airport Rd, Chesterfield MO 63017  
86 THF Blvd B, Chesterfield MO 63017  
17360 Chesterfield Airport Rd A, Chesterfield MO 63017  
300 THF Blvd Unit A, Chesterfield MO 63017  
17099 Edison Ave, Chesterfield MO 63017  
380 THF Blvd Unit A, Chesterfield MO 63017  
94 THF Blvd A, Chesterfield MO 63017





May 20, 2014

City of Chesterfield Missouri  
Attn: Aimee Nassif, AICP  
690 Chesterfield Parkway West  
Chesterfield, MO 63017-0760



Reference: Change of Zoning/Special Procedure Application relating to ORD #2081

Mrs. Nassif:

The purpose of this letter is for use as a narrative statement to the Change of Zoning and Special Procedure Application Enclosed. Lowe's Home Centers, LLC. located in Chesterfield Commons, would like to request amendments to Ordinance No. 2081. The following changes to the existing ordinance are requested:

*(Existing)* I.B.3 Hours of operation for retail sales will be limited to 7 a.m. to 11 p.m.

*(Proposed)* I.B.3 Hours of operation for retail sales will be limited to 6 a.m. to 11 p.m.

Normal Hours

6 a.m. to 11 p.m.

Seasonal Hours

(From day after Thanksgiving through December 23)

6 a.m. to 12 midnight, Sunday – Thursday

6 a.m. to 1 a.m., Friday and Saturday

Four promotions per calendar year

(By permit only; same as "Seasonal Hours" – limit three (3) days per promotion)

and

*(Existing)* I.B.6 The use listed in A(8) above shall be limited to the western-most anchor store of Chesterfield Commons, directly east of RHL Boulevard for the period of March 15<sup>th</sup> until October 15<sup>th</sup> of each year and the following shall also apply:

*(Proposed)* I.B.6 The use listed in A(8) above shall be limited to the western-most anchor store of Chesterfield Commons and the following shall also apply:

and


and

*(Existing)* I.B.6.a. The area to be utilized for seasonal outdoor storage shall be limited to 3,200 sq. ft as delineated on the attached Exhibit A.

*(Proposed)* I.B.6.a. The area to be utilized for seasonal outdoor storage shall be limited to the areas delineated on the attached *(revised)* Exhibit A.

Attached you will find the completed Change of Zoning/Special Procedure Application Packet with Application Fee as well as the revised Exhibit A. Our intent is to use the survey on record for this submittal. At this time we have not met with surrounding property owners but will make sincere attempts to do so before public hearing. If you need any additional information please contact me at (405)778-3385.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Mills", with a long horizontal flourish extending to the right.

Lance Mills, PE

Attachments:

Application Fee (\$250.00 check)  
Change of Zoning/Special Procedure Application Packet  
Exhibit A (Sketch Plan)





**AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCES 1600 AND 1627 AND CONSOLIDATING THEIR CONDITIONS INTO A SINGULAR ORDINANCE, WITH THE ADDITION OF SEASONAL OUTDOOR STORAGE FOR THE WESTERN MOST ANCHOR STORE OF CHESTERFIELD COMMONS, DIRECTLY EAST OF RHL BOULEVARD. (P.Z. 24-2003 THF CHESTERFIELD DEVELOPMENT LLC-THE COMMONS)**

**WHEREAS**, the petitioner, THF Chesterfield Development has requested amendments to City of Chesterfield Ordinances 1600 and 1627 to allow for seasonal outdoor storage for the westernmost anchor store of Chesterfield Commons, located directly east of RHL Boulevard s from March 15<sup>th</sup> until October 15<sup>th</sup> of each years, and;

**WHEREAS**, a public hearing before the City of Chesterfield Planning Commission regarding the above-referenced was held on December 8, 2003; and,

**WHEREAS**, the request was considered by the Planning Commission and upon review, the Commission recommended approval with conditions regarding visibility of merchandise within the fenced area over the fence line and screening of the said area by a vote of 6-3; and,

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

**Section 1.** City of Chesterfield Ordinance Numbers 1600 and 1627 are hereby repealed and replaced with a new ordinance the conditions of which are established in the Attachment A.

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

**Section 3.** The City Council, pursuant to the request filed by THF Chesterfield Development requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 8th day of December 2003, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under

Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

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

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

Passed and approved this 19<sup>th</sup> day of April, 2004

  
MAYOR

ATTEST:

Matthew A. DeMay

taken from ordinance 1600

Exhibit #1, pg #1

September 22, 1999

CF

Re: Additional Zoning  
5259-18

A tract of land being part of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 and part of Lots 3 and 4 of the subdivision of Ludwell Bacon's Estate, in U.S. Surveys 125 and 2031, Township 45 North - Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at a point in the East line of property conveyed to Chesterfield Industrial Investors by deed recorded in Book 7853 page 1771 of the St. Louis County Records (Parcel One), said point being distant South 00 degree 21 minutes 46 seconds West 1264.23 feet from the South right of way line of Chesterfield Airport Road, 100 feet wide; thence South 89 degrees 37 minutes 56 seconds East 177.39 feet to a point; thence North 00 degree 24 minutes 45 seconds West 135.35 feet to a point; thence North 89 degrees 23 minutes 38 seconds East 633.23 feet to a point; thence North 00 degree 24 minutes 52 seconds West 46.67 feet to a point; thence North 44 degrees 35 minutes 04 seconds East 55.86 feet to a point; thence North 89 degrees 15 minutes 52 seconds East 783.43 feet to a point; thence South 67 degrees 11 minutes 31 seconds East 101.37 feet to a point; thence South 00 degree 24 minutes 51 seconds East 46.94 feet to a point; thence North 89 degrees 35 minutes 04 seconds East 60.00 feet to a point; thence North 00 degree 24 minutes 55 seconds West 43.50 feet to a point; thence North 89 degrees 35 minutes 12 seconds East 127.03 feet to a point; thence North 80 degrees 09 minutes 52 seconds East 68.15 to a point; thence North 89 degrees 35 minutes 11 seconds East 689.89 feet to a point; thence South 45 degrees 04 minutes 02 seconds East 13.52 feet to a point; thence South 00 degree 24 minutes 43 seconds East 77.43 feet to a point; thence North 89 degrees 35 minutes 11 seconds East 616.69 feet to a point; thence North 80 degrees 35 minutes 24 seconds East 451.76 feet to the West line of property conveyed to Virginia M. Stone and Elizabeth Willi by deed recorded in Book 8603 page 1164 of the St. Louis County Records (Property D, Parcel No. 3); thence South 01 degree 36 minutes 59 seconds West 131.91 feet to a point; thence South 81 degrees 50 minutes 20 seconds West 669.67 feet to a point; thence along a curve to the right, whose radius point bears North 08 degrees 09 minutes 40 seconds West 558.00 feet from the last mentioned point, a distance of 221.19 feet to a point; thence North 75 degrees 26 minutes 57 seconds West 163.48 feet to a point; thence along a curve to the left whose radius point bears South 14 degrees 33 minutes 03 seconds West 630.00 feet from the last mentioned point, a distance of 505.21 feet to a point; thence South 58 degrees 36 minutes 17 seconds West 188.92 feet to a point; thence along a curve to the right, whose radius point bears North 31 degrees 23 minutes 43 seconds West 570.00 feet from the last mentioned point, a distance of 210.56 feet to a point; thence South 79 degrees 46 minutes 13 seconds West 1418.01 feet to a point; thence South 81 degrees 29 minutes 07 seconds West 363.31 feet to a point; thence South 84 degrees 16 minutes 09 seconds West 262.60 feet to a point; thence South 81 degrees 29 minutes 07 seconds West 166.15 feet to said East line of property conveyed to Chesterfield Industrial Investors; thence North 00 degree 21 minutes 46

September 22, 1999

CF  
page two

Re: Additional Zoning  
5259-18

seconds East 516.74 feet along said East line of property conveyed to Chesterfield Industrial Investors to the point of beginning and containing 34.4 acres according to calculations by Volz, Inc. during September, 1999.

Christopher Ferrante  
Mo. Reg. L.S. #2494

November 4, 1998

CF

Re: Chesterfield Commons  
Old Olive Street Road Vacation  
B5259-18

A tract of land being part of Old Olive Street Road, 60 feet wide, in U.S. Survey 2031, Township 45 North —Range 4 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the North right of way line of Old Olive Street Road, 60 feet wide, with the West line of property conveyed to Florinda S. Abichandani, by deed recorded in Book 8436 page 604 of the St. Louis County Records; thence South 01 degree 36 minutes 59 seconds West 60.64 feet along the Southward prolongation of said West line of property conveyed to Florinda S. Abichandani to the South right of way line of said Old Olive Street Road, 60 feet wide; thence Westwardly along said South right of way line of Old Olive Street Road, 60 feet wide, the following courses and distances: North 80 degrees 01 minute 40 seconds West 716.51 feet, North 73 degrees 02 minutes 57 seconds West 1,449.64 feet and North 79 degrees 53 minutes 57 seconds West 290.80 feet to the South right of way line of Chesterfield Airport Road, 100 feet wide; thence North 89 degrees 35 minutes 06 seconds East 260.31 feet along said South right of way line of Chesterfield Airport Road, 100 feet wide to a point; thence Eastwardly along the proposed South right of way line of Chesterfield Airport Road, South 86 degrees 36 minutes 03 seconds East 120.27 feet and North 89 degrees 35 minutes 06 seconds East 187.58 feet to the West line of property conveyed to Peter Willi by deed recorded in Book 2182 page 30 of the St. Louis County Records; thence South 00 degrees 21 minutes 46 seconds West 70.10 feet along said West line of property conveyed to Peter Willi to said North right of way line of Old Olive Street Road, 60 feet wide; thence Eastwardly along said North right of way line of Old Olive Street Road, South 73 degrees 02 minutes 57 seconds East 1,170.29 feet and South 80 degrees 01 minutes 40 seconds East 704.04 feet to the point of beginning and containing 3.335 acres or 145,292.46 square feet according to calculations by Volz, Inc. during September, 1998.

Christopher Ferrante  
Mo. Reg. L.S. #2494

**ATTACHMENT A**

In keeping with the following Comprehensive Plan policies, these conditions have been developed:

1.4 Quality New Development	7.2.3 Maintain Proper Traffic Flow
1.5 Diversity of Development	7.2.5 Right-of-Way Dedication
1.6 Lighting Plan and Program	7.2.6 Cross-Access Circulation
1.7 Chesterfield Valley	7.2.9 Access Management
3.1 Quality Commercial Development	8.1 Provision of Utilities - The City of Chesterfield should ensure the provision of utility service for the safety and quality of life of all City residents.
3.1.1 Quality of Design	8.2.1 Coordinated Growth
3.5 Chesterfield Valley	8.2.2 Underground Electric Service
3.5.1 Chesterfield Valley Regional Retail and Low Intensity Industry	8.3 Stormwater Management
3.5.2 Chesterfield Valley Airport Compatibility	8.3.1 New Development Review for Stormwater Control

**I. PERMITTED USES**

**A. The uses allowed this “C-8” Planned Commercial District shall be:**

1. Retail
2. Offices
3. Hotel and motels
4. Restaurants, sit down
5. Restaurants, Fast Food
6. Recreational and entertainment facilities, including indoor theaters.
7. Financial Institutions
8. Seasonal outdoor storage

**B. The above uses in the “C-8 Planned Commercial District shall be restricted as follows:**

1. The number of buildings constructed shall be based on the development’s ability to comply with the parking regulations of the City of Chesterfield Zoning Ordinance
2. Total square footage of buildings in this development shall not exceed 1,185,400 square feet. The square footage constructed shall be based on the development’s ability to comply with the parking regulations of the City of Chesterfield Zoning Ordinance.

3. Hours of operation for retail sales will be limited to 7 a.m. to 11 p.m.
4. All deliveries and trash pick-ups shall be limited to the hours from 7 a.m. to 10 p.m.
5. No vehicles shall remain on the premises with idling engines between 11 p.m. and 7 a.m.
6. The use listed in A(8) above shall be limited to the western-most anchor store of Chesterfield Commons, directly east of RHL Boulevard for the period of March 15<sup>th</sup> until October 15<sup>th</sup> of each year and the following shall also apply:
  - a. The area to be utilized for seasonal outdoor storage shall be limited to 3,200 sq. ft as delineated on the attached Exhibit A.
  - b. Materials in the storage area shall include only plant materials, potting soil, top soil and cypress mulch and shall not be stored in shipping containers.
  - c. A 44 inch wide aisle in front of each gate, giving clear access to the drive aisle on the north side of the area shall be provided.
  - d. Materials stored inside existing fencing on the site shall not extend or be visible above the fence line.
  - e. The privacy screening shall be extended from the rear to the western portion of the fenced area.
7. No retail sales, storage or displays are permitted outside of enclosed buildings except as listed above.

## **8. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS**

- A. The following requirements will apply to the permitted uses:

### **1. HEIGHT**

- a. Buildings shall be limited to three (3) stories or forty-five (45) feet, whichever is less, as measured from the average finished ground elevation of the building. The above shall be exclusive of roof-top equipment.

### **III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

Within eighteen (18) months from the preliminary development plan approval date by the City of Chesterfield and prior to issuance of any building permit, the developer shall submit to the City of Chesterfield for their review and approval a Site Development Concept Plan. Within twelve (12) months of the Site Development Concept Plan approval date, the developer shall submit the first Site Development Section Plan to the City of Chesterfield for review and approval. Where due cause is shown by the developer, this time interval may be extended by the City of Chesterfield.

### **IV. GENERAL CRITERIA - CONCEPT PLAN**

A. The Site Development Concept Plan shall include the following:

1. Outboundary plat and legal description of the property.
2. Conceptual location, design (with design statement), materials, and size, including height, of all proposed buildings, parking and loading areas, and lots.
3. Specific structure and parking setbacks along all roadways and property lines.
4. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
5. Existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site.
6. Preliminary stormwater and sanitary sewer facilities.
7. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
8. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
9. The scale to which the Site Development Concept Plan will be drawn shall be no greater than one (1) inch equals one hundred (100) feet.



#### **IV. GENERAL CRITERIA - SECTION PLANS**

A. Site Development Section Plans shall include the following:

1. Location and size, including height, of all uses, buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and landscaping.
2. Existing and proposed contour intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site.
3. Existing and proposed roadway, drives, and walkways on and adjacent to the property in question, including location of curb cuts.
4. Location and size of all parking areas.
5. A landscape plan, including, but not limited to, location, size and type of all plant and other material to be used.
6. Area of each building phase.
7. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.

#### **V. SITE DEVELOPMENT PLAN SUBMITTAL OPTION**

In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may instead submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the Preliminary Development Plan by the City. Said Plan shall be submitted in accord 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

#### **VI. GENERAL CRITERIA FOR SITE DEVELOPMENT PLAN**

A. The Site Development Plan will include the following:

1. Outboundary plat and legal description of the property.
2. Location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.
3. Location map, north arrow, and plan scale.

4. Parking calculations.
5. Architectural elevations (with design statement) and materials of the proposed buildings.
6. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
7. Specific structure and parking setbacks along all roadways and property lines.
8. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
9. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
10. Existing improvements within 150 feet of the site as directed. Road and driveways on the opposite side of roadways adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed will be included.
11. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements and rights-of-way required for utilities, storm water drainage, grading, or other improvements.
12. Prior to Site Development Plan approval, show all existing or proposed easements and right-of-way on site. The Site Development Plan and Tree Preservation Plan must be approved prior to clearing or grading.
13. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
14. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
15. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
16. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.
17. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, the Spirit of St. Louis Airport, the Monarch

Chesterfield Levee District, and the Missouri Department of Transportation.

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.

## VII. SPECIFIC CRITERIA

- A. The Site Development Concept and Section Plans or Site Development Plan shall illustrate adherence to the following specific design criteria. Information to be shown on the Site Development Concept Plan shall be limited to those items specified in Section A, General Criteria-Concept Plan.
  1. Structure Setbacks

Structure setbacks will be determined on the Site Development Concept Plan. No building or structure, other than boundary walls, retaining walls, signs, light standards, flagpoles or fences, shall be located within the setbacks
  2. Parking and Loading Space Setbacks

Parking and loading space setbacks will be determined on the Site Development Concept Plan.
  3. Parking and Loading Requirements

Parking and loading requirements shall be as specified in Section 1003.165 Off-Street Parking and Loading Regulations of the City of Chesterfield Zoning Ordinance.
  4. Access
    - a. The number, location and geometry of access points to this development from Chesterfield Airport Road shall be limited to four entrances on the south side and three entrances on the north side in accordance with the addendum to the traffic impact study dated September 15, 1997, exception being: the eastbound right turn lane on Chesterfield Airport Road at the development entrance opposite Boone's Crossing should be retained; dual northbound left turn lanes on the main development entrance should be retained; the easternmost driveway should contain channelization island on the southeast as well as the southwest corners.
    - b. Access to the office development should have no intersecting drive closer than 200 feet on the main entrance and 100 feet on the two

secondary entrances as directed by the St. Louis County Department Highways and Traffic.

- c. Outlots shall have no direct access to Chesterfield Airport Road. Cross access shall be provided between outlets. An interior loop road shall be provided.

5. Public/Private Road Improvements, Including Pedestrian Circulation

Roadway improvements include new interchanges on Highway 40/61, the extension of Edison Avenue through the southern portion of the site to Chesterfield Airport Road/Baxter Road, relocation of Old Olive Street to improve intersection geometrics and widening of Chesterfield Airport Road to five traffic lanes with additional paved shoulders on both sides.

- a. Improve Chesterfield Airport Road full width across the entire frontage to a five-lane cross section with ten (10) foot stabilized shoulders in order to conform to the typical section with required tapers and including all storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic. Verify handling of surface runoff will not require additional easement dedication.
- b. The developer shall provide any additional right-of-way and construct any improvements related to the construction of a full interchange on Highway 40/64 east of Boone's Crossing as required by the Missouri Department of Transportation, St. Louis County Department of Highways and Traffic, and/or the City of Chesterfield Department of Public Works.
- c. Provide right of way dedication for Edison Avenue from the west property line of the site, adjacent to the Chesterfield Monarch Levee, to the connection with Old Olive Street. Right-of-way shall consist of a forty (40) foot right-of-way, with additional roadway improvement, maintenance, utility and drainage easement on both sides. The width of easements shall be a minimum of ten (10) feet. The City of Chesterfield Department of Public Works may require additional width. The centerline radius of Edison Avenue shall be a minimum of 575 feet; other standards shall be determined by the City of Chesterfield Department of Public Works.
- d. On both sides of the subject development, provide forty (40) foot right-of-ways, with ten (10) foot minimum roadway improvement, maintenance, utility and drainage easements on both sides, between Edison Avenue and Chesterfield Airport Road. Construct a minimum twenty-six (26) foot pavement with seven (7) foot shoulders on both sides, and appurtenant storm drainage facilities as required by the City of Chesterfield Department of Public

Works. Additional widening at each end shall be provided to accommodate separate right and left turn approach lanes at the intersection. Parking shall be prohibited along both sides of this roadway. No curb cuts shall be permitted within two hundred (200) feet of the intersection of Chesterfield Airport Road and Edison Avenue with RHL Drive, Chesterfield Commons Crossing, JW Drive, or THF Boulevard.

- e. Traffic signals shall be required along Chesterfield Airport Road at both main entrance intersections and the intersection with Boone's Crossing as directed by the St. Louis County Department of Highways and/or the City of Chesterfield Department of Public Works.
  - f. Provide a five (5) foot wide sidewalk, conforming to St. Louis County ADA standards, adjacent to the north side of Chesterfield Airport Road as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works. Sidewalks shall be required on both sides of the three easternmost access drives on the south side of Chesterfield Airport Road. The sidewalks shall be constructed within public right-of-way or easement that provides sufficient width as determined by the Department.
  - g. Utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation costs shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
6. Traffic Study

A traffic study including internal and external circulation will be provided for review and approval by the City of Chesterfield Planning Department, the City of Chesterfield Department of Public Works, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation.

#### 7. Landscape Plan

- a. The developer shall submit a landscape plan in accord with the Landscape Guidelines adopted by the Planning Commission, either as part of the appropriate Site Development Concept Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:
  - 1. A landscape buffer shall be required on both sides of Chesterfield Airport Road on the Site Development Concept Plan.

2. All new required landscaping material shall meet the following criteria:

- (a) Deciduous trees - two (2) inch minimum caliper.
- (b) Evergreen trees - four (4) feet minimum height.
- (c) Shrubs - eighteen (18) inch minimum diameter.

b. If the estimated cost of new landscaping indicated on the Site Development Section Plans as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.

c. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

#### 8. Sign Requirements

a. A sign package will be submitted to the Department of Planning in conjunction with the Site Development Concept Plan.

b. Freestanding project identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. If the outline area and/or a height increase for the freestanding project identification sign is requested, the required landscaping for the sign will be subject to Planning Commission approval.

c. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.

d. No advertising signs, temporary signs, portable signs or attention getting devices shall be permitted in this development.

#### 9. Light Requirements

The location and height of all light standards shall be as approved by the Planning Commission on the appropriate development plan. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways. Illumination levels shall comply with the provisions of Section 1005.320 Street and Parking Area Lighting of the City of Chesterfield Subdivision Ordinance.

10. Architectural elevations

- a. Architectural elevations shall be as approved by the Planning Commission in conjunction with the Site Development Concept Plan

11. Monarch-Chesterfield Levee District

The developer shall dedicate necessary property and construct improvements to the levee as directed by the Monarch Chesterfield Levee District.

12. Miscellaneous

1. All trash areas shall be enclosed by such means as approved by the Planning Commission on the Site Development Concept Plan.
- b. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission
- c. If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluating the impacts of the proposed work shall be provided as directed by the City of Chesterfield Department of Public Works. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.

## VI. TRUST FUND CONTRIBUTION

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

The trust contribution consists of four components representing the improvement categories.

### A. Road

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 on the basis of the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Industrial	\$3,685.05/acre of gross acreage

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

Credits for roadway improvements required in condition will be awarded as directed by the St. Louis County Department of Highways and Traffic. Any portion of the roadway improvement contribution which remains, following completion of road improvements required by the development shall be retained in the trust fund.

The roadway improvement contributions shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. 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 \$486.43 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 contributions shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

C. Stormwater

The stormwater 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 stormwater from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed on the basis of \$1,534.99 per acre for the total area as approved on the Site Development Plan.

The stormwater contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

D. Sanitary Sewer

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

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

The amount of this required contribution for the roadway, stormwater and primary waterline improvements, if not submitted by January 1, 1998 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. 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.

## VII. VERIFICATION PRIOR TO APPROVAL

A. Prior to approval of the Site Development Plan, the developer will provide the following:

1. Roadway Improvements and Curb Cuts.

- a. Road improvements, right-of way and roadway easement dedication shall be completed prior to issuance of a St. Louis County Department of Highways and Traffic Special Use Permit. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
- b. Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit must be established with the St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements, and location or permitted curb cuts.
- c. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

2. Stormwater and Sanitary Sewer.

- a. Verification to the St. Louis County Department of Public Works and the City of Chesterfield of adequate sanitary services.
- b. A preliminary engineering plan approved by the City of Chesterfield, the St. Louis County Department of Highways and Traffic and MSD showing that adequate handling of the stormwater drainage of the site is provided.
  1. The proposed site improvements shall not conflict with the proposed Chesterfield Valley Master Plan. Equivalent stormwater detention/retention and routing functionality shall be provided as required by the City of Chesterfield Department of Public Works. If modifications to the Stormwater Plan are proposed, routing calculations, signed and sealed by a registered professional engineer licensed to practice in the State of Missouri, demonstrating functionally equivalent operation shall be submitted. The calculations shall be performed using identical methods as the initial analysis, AdICPR software. Maintenance of the stormwater system shall be the responsibility of the property owner. The petitioner is to provide:

- a. An 18" sanitary sewer running along the south side of Chesterfield Airport Road on the north edge of the Outlot Parcels. The sanitary sewer, including gravity lines, a lift station and force main, is to continue along Chesterfield Airport Road and Old Olive Street to tie into the existing 18" sanitary sewer near the Caulks Creek "B" Pump Station.
  - b. Extensive stormwater improvements include, but are not limited to, a large dry reservoir extending along the entire south side of the development, smaller dry reservoirs, flat-bottom ditches and several culverts. In addition, a 19.2 acre lake is to be provided immediately to the east of the site on the south side of Old Olive Street Road.
2. The site shall provide for the positive drainage of stormwater and it shall be discharged at an adequate natural discharge point by means of bleeder ditches and/or construction portions of the main channel as outlined in the Chesterfield Valley Master Drainage Plan or by other means that may be approved by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. This may require extensive off site sewer ditch work and appropriate easements. Emergency overflow drainage ways to accommodate the 100 year storm shall be provided.
  3. Show all off-site easements required for utility, grading and/or stormwater drainage improvements.
- b. Indicate the location where the proposed sanitary sewer will connect to the existing system.

### **3. Geotechnical Report.**

Provide a geotechnical report prepared by a Professional Engineer licensed to practice in the State of Missouri. Said report shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. This report shall address the existence of any potential sinkholes, ponds, septic fields, etc., and recommendations for treatment.

### **2. Grading and Improvement Plans.**

- a. A clearing/grading permit or improvement plan approval is required prior to any grading on the site. The Site Development Plan and Tree Preservation Plan must be approved prior to issuance of clearing and grading. No change in watershed shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required. A

floodplain development permit must be obtained prior to any work in the regulated floodplain.

- b. Interim storm water drainage control in the form of siltation control and/or siltation basins is required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to approval of any clearing or grading. The SWPPP will address required erosion control practices specific to site conditions. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP's) to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. The SWPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.
- c. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
- d. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions will be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the Director of Public Works/City Engineer upon demand.
- e. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized erosion, if adequate storm water detention and erosion control devices have not been established.
- f. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area. Parking on non-surface areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked on the pavement causing hazardous roadway and driving conditions. The contractor will keep the roads in the area clear of mud and debris related to his construction at all times. The streets surrounding this development and any street used for construction access thereto will be cleaned at the end of each day.
- g. This development may require an NPDES Permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five or more acres. A copy of the NPDES permit must be submitted to the City of Chesterfield Department

of Public Works prior to issuance of a grading permit or approval of improvement plans.

## **VIII. 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 by the Planning Commission.

## **X. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL**

Prior to improvement plan approval, the developer will provide the following:

1. Comments/approvals from St. Louis County Department of Highways and Traffic, the Missouri Department of Transportation, the Monarch Chesterfield Levee District, the Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Missouri Department of Natural Resources and the Chesterfield Fire Protection District
2. Location of all off-site easements needed for utility main extensions shall be shown. Copies of the recorded easements for utility main extensions, including book and page, shall be required prior to approval of the Improvement Plans as directed by the City of Chesterfield Department of Public Works.

## **XI. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS**

- A. Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements will be met:

1. Notification of Department of Planning

Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

2. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer will be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

## **XII. OCCUPANCY PERMIT/FINAL OCCUPANCY**

- A. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
- B. Prior to final occupancy of any building the developer will provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.
- C. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit.

## **XIII. FINAL RELEASE OF ESCROW**

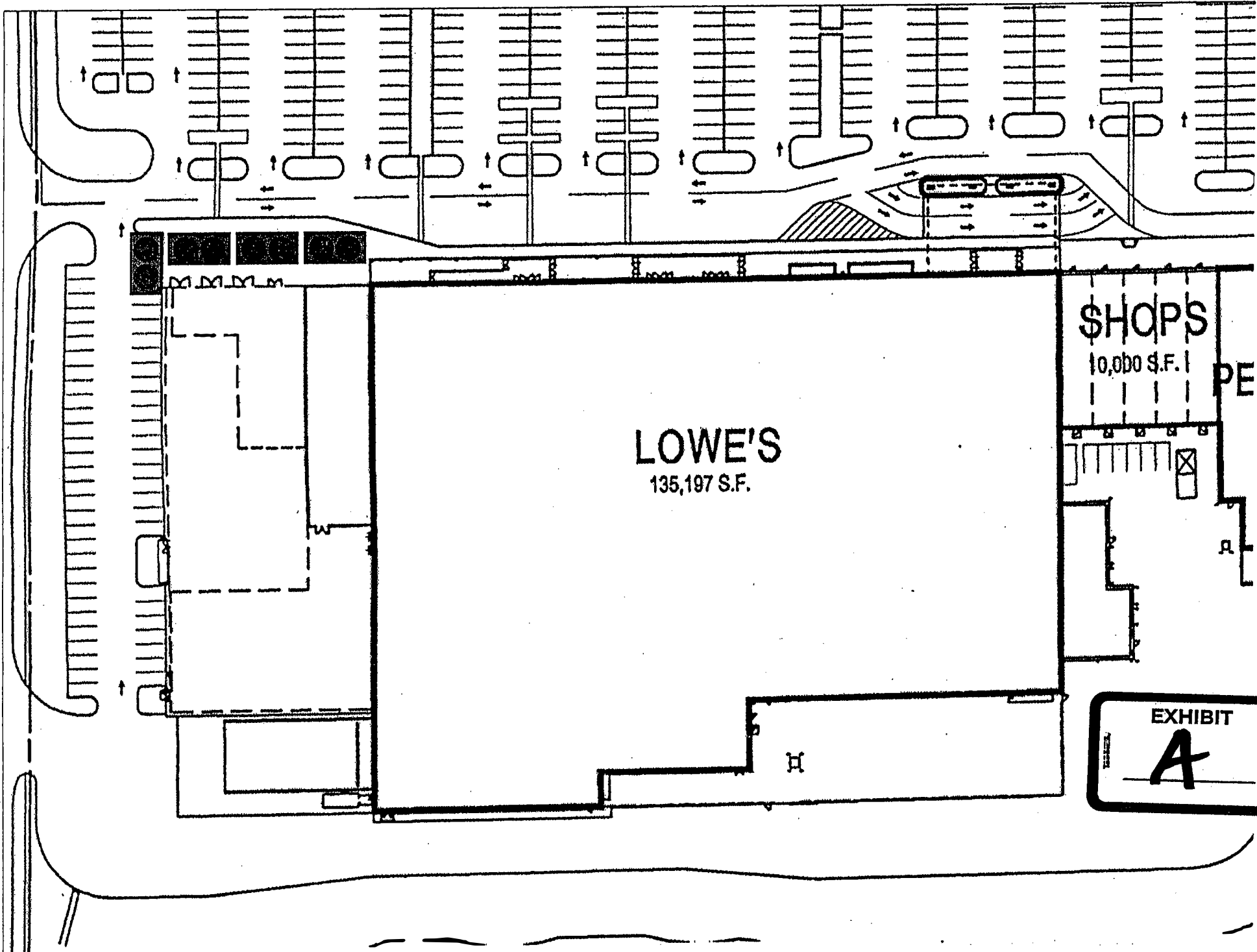
Prior to the release of final escrow, the developer will provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

## **XVI. GENERAL DEVELOPMENT CONDITIONS**

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
  - 1. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
  - 2. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accord with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
  - 3. All loading docks are to be screened by sound proofing material.
  - 4. The City of Chesterfield has completed a Valley Master Development Plan that sets forth the scope, location, and type of infrastructure improvements desired to facilitate quality development within Chesterfield Valley. Said Plan has been incorporated into the City of Chesterfield Comprehensive Plan. During review of Site Development Concept and Section Plans, due

consideration will be given to the Valley Master Plan which may be in effect at the time. The conceptual Valley Master Plan depicts stormwater, road and interchange improvements in the vicinity of the subject rezoning

5. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach on right of way.
  6. The developer will cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
  7. Parking, circulation, and other applicable site design features shall comply with Chapter 1001, Section 310."Physically Handicapped and Aged" of SLCRO 1974, as amended.
- B. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments and Commissions.
- C. The City of Chesterfield, Missouri shall enforce the conditions of this ordinance in accord with the Site Development Concept Plan approved by the City of Chesterfield and any Site Development Section Plans approved by the City of Chesterfield
- D. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.



**LOWE'S**  
135,197 S.F.

**SHOPS**  
10,000 S.F.

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EXHIBIT  
**A**