




IV.A
VIII.A

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

Planning Commission Public Hearing and Vote Report

Meeting Date: October 22, 2018

From: Cassie Harashe, Planner 

Location: Between US Highway 40/Interstate 64 and Edison Avenue and East of RHL Drive.

Petition: **P.Z. 10-2018 THF Chesterfield Development LLC (The Commons):** A request to amend Ordinance 2081 to modify the legal description and development conditions pertaining to the Hours of Operation for retail uses within an existing “C-8” Planned Commercial District located between US Highway 40/Interstate 64 and Edison Avenue and East of RHL Drive. (17T130133, 17T110212, 17U340155, 17U330091, 17U340078, 17T140341, 17U340089, 17U330123, 17U330101, 17U330112, 17U340090, 17U340100, 17U320102, 17T130210, 17U340111, 17U340144, 17T130144, 17T130155, 17T130166, 17T140132, 17T140143, 17U340067, 17T130188, 17T130089, 17T140187).

SUMMARY

Pamela Heaps, on behalf of Lowe’s Home Centers, LLC, is requesting a text amendment to City of Chesterfield Ordinance 2081 with respect to the Hours of Operation for the western-most tenant space, currently occupied by Lowe’s Home Center in Chesterfield Commons and Chesterfield Commons North development. This amendment would revise the development restrictions in a “C-8” Planned Commercial district for a 160.8 acre tract of land located between US Highway 40/Interstate 64 and Edison Avenue and also between of RHL Drive and Chesterfield Commons East Road.

Additionally, the legal description for the current governing ordinance is incorrect. As a part of this process, Staff is correcting the legal description. The request is solely for a text amendment within the development restrictions of Ordinance 2081 in regards to the restrictions on Hours of Operation.

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. This resulted in the current governing ordinance 2081. In 2014, there was a petition to amend the Hours of Operation and outdoor storage regulations for the Chesterfield Commons. The hours requested at that time were 6 a.m. to 11 p.m. The Planning Commission recommended approval by a vote of 6-0, however the applicant requested to withdraw their petition prior to action by City Council.

In 2012, Ordinance 2725 amended Ordinance 2081 and 16 nearby ordinances within the Chesterfield Valley to add the following provision: The permitted Hours of Operation for retail establishments only may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit.

REQUEST

The current request would add to the existing Hours of Operation language as noted below.

Hours of Operation for retail sales will be limited to 7 a.m. to 11 p.m., except the Hours of Operation for retail sales with respect to the western-most anchor store of Chesterfield Commons will be as follows:

Normal Hours

6 a.m. to 11 p.m., Sunday – Thursday

6 a.m. to 12 midnight, Friday and Saturday

Seasonal Hours (from the 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 to three (3) days per promotion)

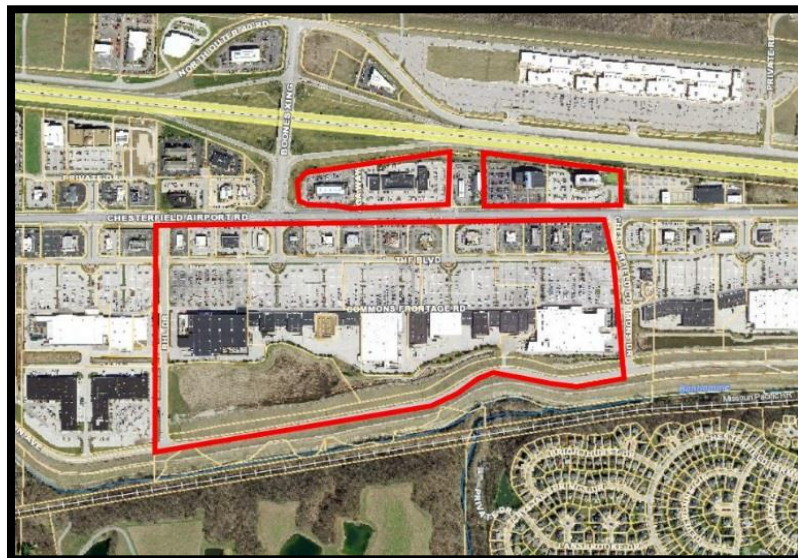


Figure 1: Aerial Photograph

SURROUNDING LAND USE AND ZONING

Direction	Zoning	Comprehensive Plan	Adjacent Subdivision
North	PC	Mixed Commercial Use	Chesterfield Outlets
South	NU	Park/Recreation	No Subdivision Ward 4
West	PC & PI	Mixed Use (Retail/Office/Warehouse)	Chesterfield Commons West
East	PC	Mixed Commercial Use	Chesterfield Commons East

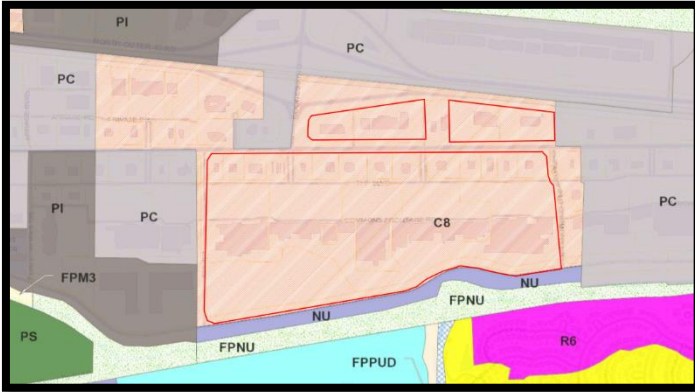


Figure 2: Current Zoning



Figure 3: Comprehensive Land Use Plan

COMPREHENSIVE PLAN ANALYSIS

The subject site is located within Ward 4 of the City of Chesterfield. The City of Chesterfield Comprehensive Land Use Plan indicates the area is within the Mixed Commercial Use. As seen from the figures and table above, the subject site has Mixed Commercial Use to the north and east. The south is designated Park/Recreation, and Mixed Use (Retail/Office/Warehouse) is to the west. This subject site is located within the Chesterfield Valley Sub Area within the Comprehensive Plan. The Residential Development Policy 2.2 specifically states that residential development should be limited to areas outside of the Chesterfield Valley. Policy 3.5 identifies specific projects for the Chesterfield Valley and it states that regional retail and low-intensity industrial developments should be located in the Chesterfield Valley. These include mixed-use office/retail-planned developments, low-intensity industrial assembly, distribution, and research development business parks, and corporate campuses.

Chesterfield Commons and Chesterfield Commons North fully conform to the Comprehensive Plan as it is a planned district that contains mixed commercial uses.

STAFF ANALYSIS

The Petitioner is requesting a text amendment to the current governing Ordinance 2081 with respect to the Hours of Operation for the western-most anchor store.

The hours requested are similar to the neighboring Chesterfield Commons East subdivision, Chesterfield Commons West, Bluestone Commons, and Clocktower Plaza.

Although the applicant is requesting language similar to the surrounding developments, it is not identical. The change in the Hours of Operation is for retail uses in the western-most anchor store only, while the surrounding developments have the same hours for all retail uses. Should the amendment be approved, the existing Hours of Operation, 7 a.m. to 11 p.m., would remain in place for all other retail tenants within Chesterfield Commons and Chesterfield Commons North. The proposed changes promote consistency in Hours of Operation within Chesterfield Valley. Staff has no concerns with the proposed changes.

The image and table below identify the neighboring subdivisions and their current Hours of Operation. Also seen on the image is the closest residential property to Chesterfield Commons. The nearest existing residential property is located approximately 600 feet to the south of the southeast corner of Chesterfield Commons and has an elevation gain of about 65 feet. The western-most tenant space is north of the recently approved Fienup Farms. The closest home will be approximately 1,000 feet south of the Lowe’s tenant space.

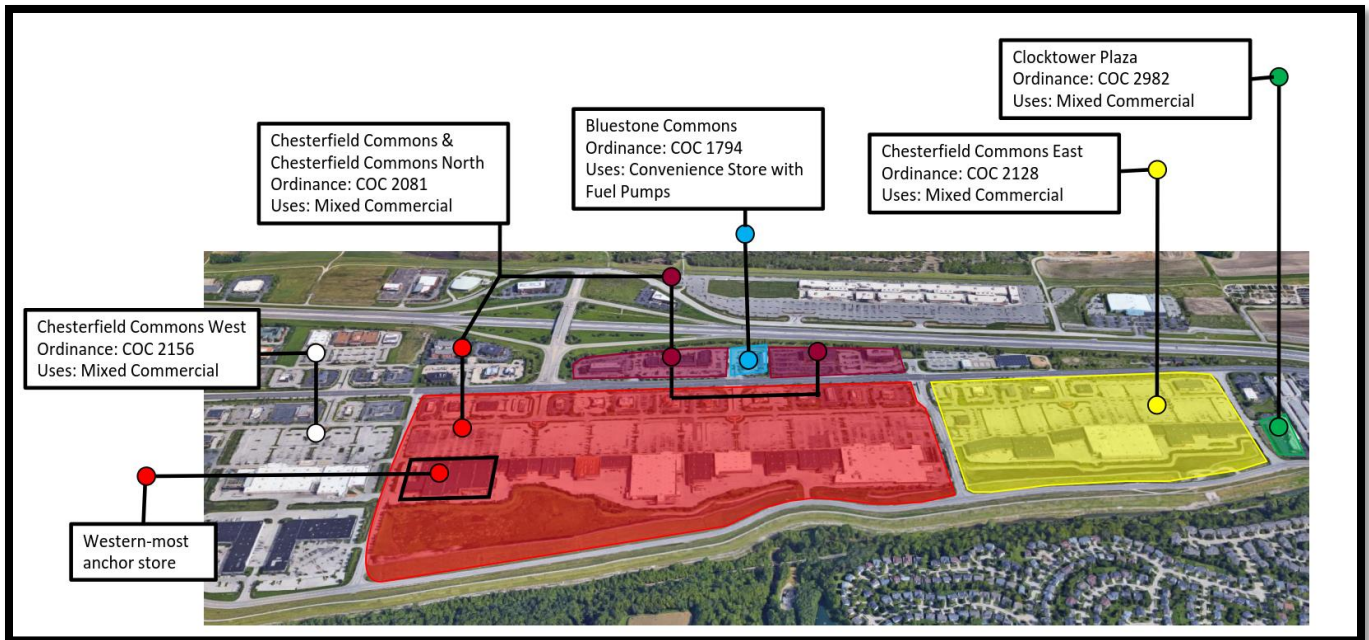


Figure 4: Neighboring Subdivisions

Subdivision	Neighboring Hours of Operation	Promotional events
<i>Subject Site</i> Chesterfield Commons & Chesterfield Commons North	7 a.m. to 11 p.m.	No restrictions
Chesterfield Commons East	Retail only; Normal - 6 a.m. to 11 p.m Sun-Thurs, 6 a.m. to 12 midnight Fri-Sat Seasonal -6 a.m. to midnight Sun-Thurs, 6 a.m. to 1 a.m. Fri-Sat	Four by Special Activities Permit, 3 days in length, seasonal hours
Clocktower Plaza	Retail only; Normal - 6 a.m. to 11 p.m Sun-Thurs, 6 a.m. to 12 midnight Fri-Sat Seasonal -6 a.m. to midnight Sun-Thurs, 6 a.m. to 1 a.m. Fri-Sat	Four by Special Activities Permit, 3 days in length, seasonal hours
Chesterfield Commons West	Retail only; Normal - 6 a.m. to 11 p.m Sun-Thurs, 6 a.m. to 12 midnight Fri-Sat Seasonal -6 a.m. to midnight Sun-Thurs, 6 a.m. to 1 a.m. Fri-Sat	Four by Special Activities Permit, 3 days in length, seasonal hours
Bluestone Commons	Retail only; Normal - 6 a.m. to 11 p.m Sun-Thurs, 6 a.m. to 12 midnight Fri-Sat Seasonal -6 a.m. to midnight Sun-Thurs, 6 a.m. to 1 a.m. Fri-Sat	Four by Special Activities Permit, 3 days in length, seasonal hours

Ordinance Changes

Staff has reviewed the request for a text amendment and provided the proposed amendment language below, should the Planning Commission elect to recommend approval of this request.

Redline changes:

I. B.

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

~~3. Hours of Operation for retail sales will be limited to 7 a.m. to 11 p.m.~~

3. Hours of Operation

- a. Retail sales will be limited to 7 a.m. to 11 p.m.
- b. In the western-most anchor store only, Hours of Operation for retail sales shall be:
 - i. Normal Hours
 - 6 a.m. to 11 p.m., Sunday – Thursday
 - 6 a.m. to 12 midnight, Friday and Saturday
 - ii. Seasonal Hours (from the day after Thanksgiving through December 23)
 - 6 a.m. to 12 midnight, Sunday – Thursday
 - 6 a.m. to 1 a.m., Friday and Saturday
 - iii. Four Promotions per Calendar Year

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

4. All deliveries and trash pick-ups shall be limited to the hours from 7 a.m. to 10 p.m.

A Public Hearing further addressing the request will be held at the Monday, October 22, 2018, City of Chesterfield Planning Commission meeting. Attached, please find a copy of the Public Hearing Notice and Narrative Statement for this request as required by City Code.

Staff has reviewed the request for a text amendment and has found that the request is compliant with the City of Chesterfield Unified Development Code and consistent with neighboring developments. Staff requests action on P.Z. 10-2018 THF Chesterfield Development, LLC (The Commons).

Attachments

1. Public Hearing Notice
2. Narrative Statement
3. Draft Attachment A

**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 October 22, 2018 at 7:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield Missouri 63017.

Said Hearing will be as follows:

P.Z. 10-2018 THF Chesterfield Development LLC (The Commons): A request to amend Ordinance 2081 to modify the legal description and development conditions pertaining to the hours of operation for retail uses within an existing “C-8” Planned Commercial District located between US Highway 40/Interstate 64 and Edison Avenue and East of RHL Drive. (17T130133, 17T110212, 17U340155, 17U330091, 17U340078, 17T140341, 17U340089, 17U330123, 17U330101, 17U330112, 17U340090, 17U340100, 17U320102, 17T130210, 17U340111, 17U340144, 17T130144, 17T130155, 17T130166, 17T140132, 17T140143, 17U340067, 17T130188, 17T130089, 17T140187).

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 Planning and Development 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 or for a list of requested uses, please contact Ms. Cassie Harashe, Planner, by telephone at 636-537-4745 or by email at CHarashe@chesterfield.mo.us

CITY OF CHESTERFIELD
Merrell Hansen, Chair
Chesterfield Planning Commission

PROPERTY DESCRIPTION

A TRACT OF LAND BEING A PART OF LOTS 1, 2, 3 AND 4 OF THE SUBDIVISION OF LUDWELL BACONS ESTATE, AND PART OF LOTS 1-10 OF THE HERMAN FICKE ESTATE SUBDIVISION, IN US SURVEYS 125 AND 2031, AND MORE RECENTLY DESCRIBED AS LOTS 1-5, 6, 7 AND 8 OF CHESTERFIELD COMMONS SUBDIVISION RECORDED IN PLAT BOOK 848, PAGES 554-564, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI CONTAINING 160.8 ACRES



June XX, 2018

City of Chesterfield Missouri
Attn: Justin Wyse, AICP, PTP
690 Chesterfield Parkway West
Chesterfield, MO 63017-0760

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

Mr. Wyse:

Lowe's Home Centers, LLC a tenant currently 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 am to 11 pm

(Proposed) I.B.3 Hours of operation for retail sales will be limited to 7a.m. to 11pm, except the hours of operation for retail sales with respect to the western-most anchor store of Chesterfield Commons will be as follows:

Normal Hours

6am to 11pm, Sunday – Thursday
6am to 12 midnight, Friday and Saturday

Seasonal Hours

(From day after Thanksgiving through December 23)
6am to 12 midnight, Sunday – Thursday
6am to 1am, Friday and Saturday

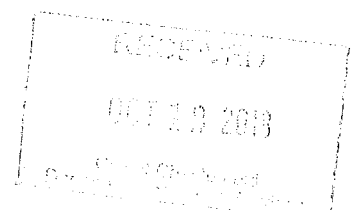
Four promotions per calendar year

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

Sincerely,

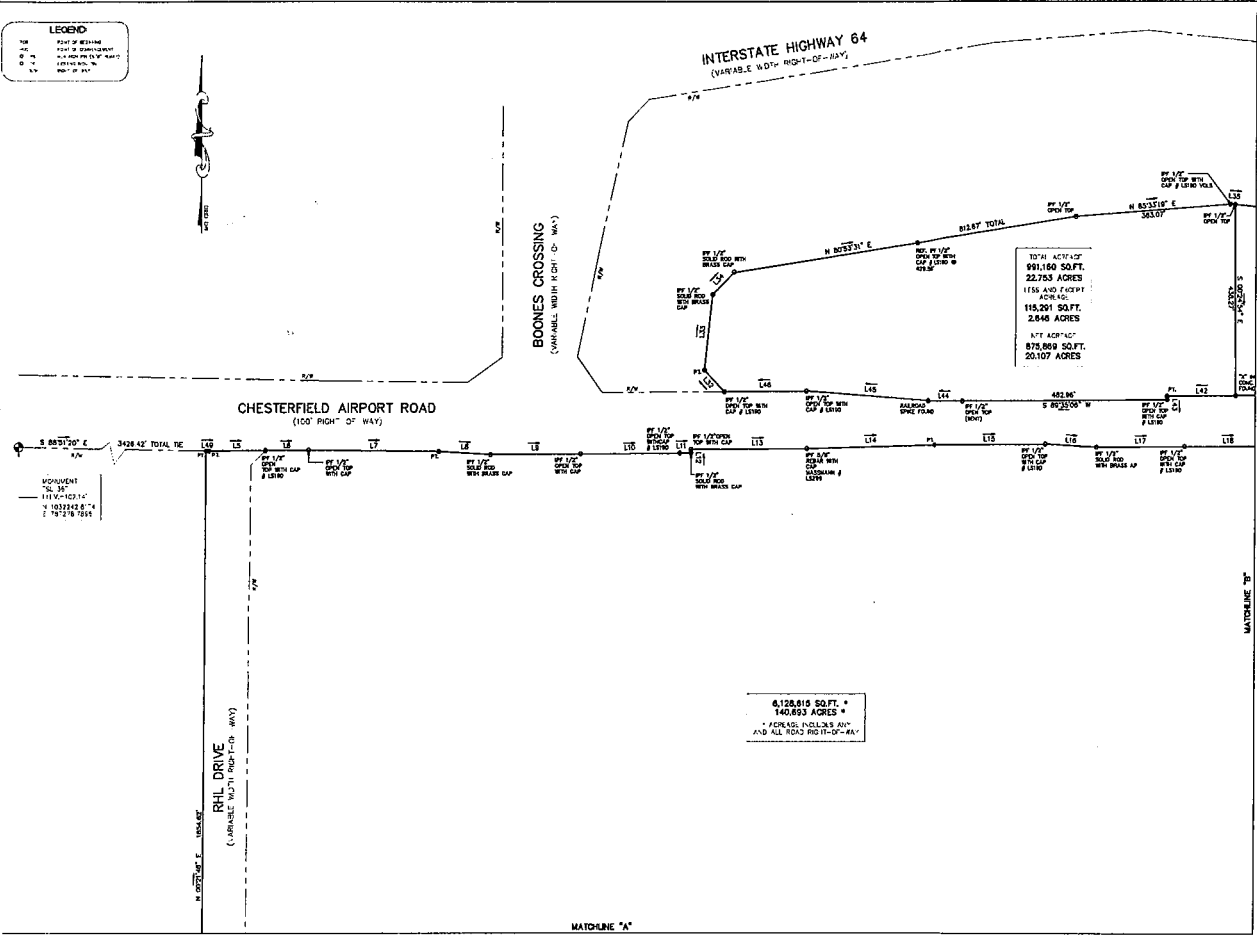
A handwritten signature in black ink, appearing to read 'P. Heaps', is written over a faint, illegible stamp.

Pamela Heaps, Store Manager
Lowe's of Chesterfield, MO #731



LEGEND

- ROAD RIGHT-OF-WAY
- PROPERTY BOUNDARY
- EASEMENT
- EASEMENT
- EASEMENT



BASE OF BEARING AND BENCHMARK:
 1983 RECONSTRUCTION SURVEY BENCH MARK ON GPS "ST. LOUIS" COORDINATE SYSTEM
 MONUMENT "SL 38"
 NAD 83 (2011) - NAVD 83

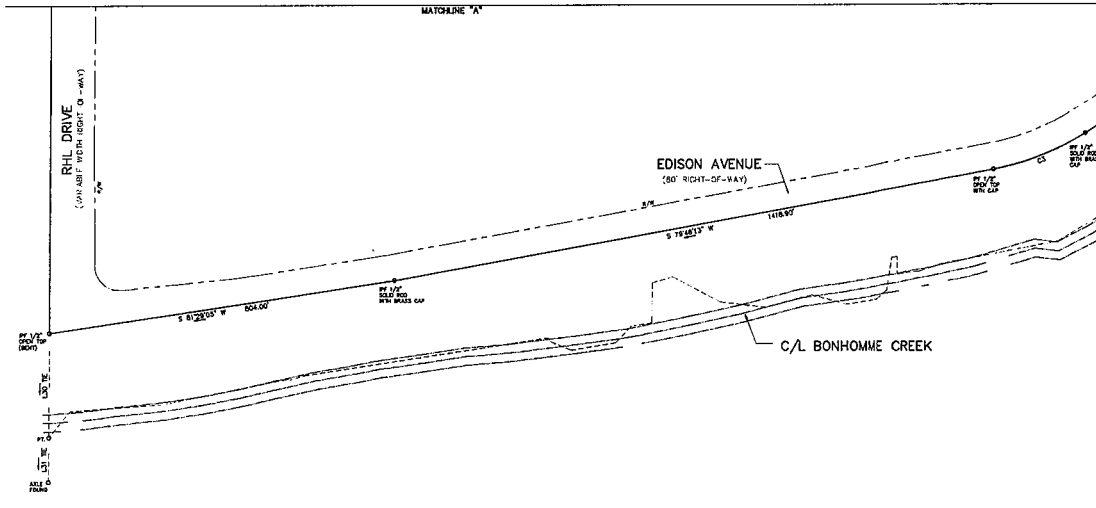
FREELAND
 FREELAND & ASSOCIATES, INC.
 333 WEST STATE AVE.
 GREENVILLE, SC 29609
 TEL: (803) 374-4824 FAX: (803) 333-8915
 EMAIL: INFO@FREELAND-ENGINEERS.COM

DATE OF SURVEY	04-20-2014
DATE OF PLAN	05-12-2014
DATE OF REVISION	
BY	JK
CHECKED BY	JK
SCALE	AS SHOWN



STATE OF MISSOURI
 ST. LOUIS COUNTY
 CITY OF CHESTERFIELD
 TWP. 42N - R4E
 BOUNDARY
 SURVEY FOR
 TOWN OF CHESTERFIELD
 (ZONING ORDINANCE)
 P.L. 2014-00015
 OFFICER FOR AIRPORT ROAD
 2/12/2014, 1:02 PM

SEE SHEET 1 OF 4 FOR FULL
 WRITTEN DESCRIPTION AND NOTES
SHEET 1 OF 4



BASIS OF BEARINGS AND BENCHMARK:
 THIS SURVEY IS BASED ON THE FEDERAL BENCHMARK
 ON GROUND "1" - CORNER OF W. 30th
 HIGHWAY "B" - NAD 83
 ELEVATION 100.00

FRELAND	
FRELAND & ASSOCIATES, INC.	
201 WEST 10TH AVE.	
ST. LOUIS, MISSOURI 63102	
TEL: (314) 241-4424 FAX: (314) 241-2914	
EMAIL: info@freland.com	
DATE OF SURVEY	04/11/2011
BY	J.P. FRELAND
SCALE	AS SHOWN



STATE OF MISSOURI
 ST. LOUIS COUNTY
 CITY OF CHESTERFIELD
 TWP 45N - R4E
 BOUNDARY
 SURVEY FOR
 TOWN OF CHESTERFIELD
 (ZONING ORDINANCE)
 2111 1/2 AVENUE
 CHESTERFIELD, MO

SEE SHEET 4 FOR UIC TABLE
 WITH DIMENSIONS AND NOTES

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
 - a. Retail sales will be limited to 7 a.m. to 11 p.m.
 - b. In the western-most anchor store only, hours of operation for retail sales shall be:
 - i. Normal Hours
6 a.m. to 11 p.m., Sunday – Thursday
6 a.m. to 12 midnight, Friday and Saturday
 - ii. Seasonal Hours (from the day after Thanksgiving through December 23)
6 a.m. to 12 midnight, Sunday – Thursday
6 a.m. to 1 a.m., Friday and Saturday
 - iii. Four Promotions per Calendar Year
(By permit only; same as “Seasonal Hours” – limit to three (3) days per promotion)
 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 western-most anchor store of Chesterfield Commons, directly east of RHL Boulevard for the period of March 15th until October 15th of each year and the following shall 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.

II. 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.

V. 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.

VI. 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.

VII. 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.

VIII. 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

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

- a. 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.

IX. 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.

X. 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. 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 to prevent 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.

XI. 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.

XII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

- A. 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.

XIII. 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.

XIV. 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.

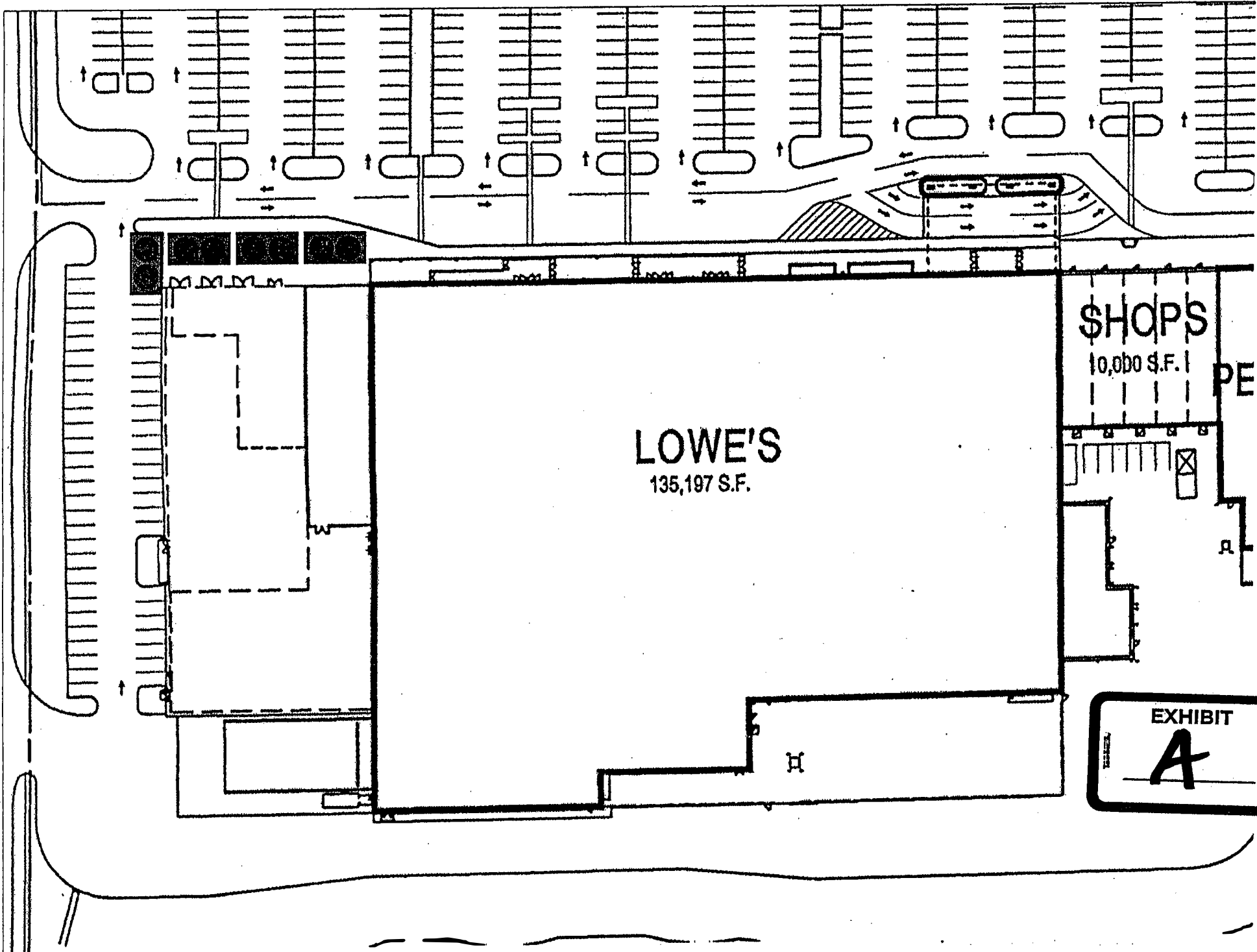
XV. FINAL RELEASE OF ESCROW

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.

EXHIBIT
A