

IIIJ.

Memorandum
Department of Planning & Public Works



To: Planning and Zoning Committee
From: Charlie Campo, Project Planner
Date: 10/120/2008
RE: **P.Z. 28-2007 THF Chesterfield Seven Development (THF Chesterfield Seven Development LLC):** A request for a change of zoning from “NU” Non-Urban District to “PC” Planned Commercial District for a 6.7 acre tract of land located on the north side of Chesterfield Airport Road, one half mile west of the corner of Chesterfield Airport Road and Boone’s Crossing. (17U510028)

Summary

Michael Doster, on behalf of THF Chesterfield Seven LLC, has submitted a request for a change of zoning from “NU” Non-Urban District to “PC” Planned Commercial District per the regulations of the City of Chesterfield Zoning Ordinance Section 1003.140. The site is located on the north side of Chesterfield Airport Road, one half mile west of the corner of Chesterfield Airport Road and Boone’s Crossing.

At the October 13, 2008 City of Chesterfield Planning Commission meeting, a recommendation for approval of the above-referenced matter was approved by a vote of 7-1.

The Planning Commission also voted on three issues which required separate votes.

1. The petitioner requested a minimum openspace percentage of 30% in lieu of the required 40%, which was approved by a vote of 6-2.
2. The petitioner requested a building setback of 15 ft. from the western boundary of the site in lieu of the required 35 ft. setback, which was approved by a vote of 8-0.
3. The petitioner requested an increase in the maximum building height allowed from two stories to three stories or 45 ft., which was approved by a vote of 6-2.

Attached, please find a copy of Staff’s report, the Attachment A, and the preliminary plan.

Respectfully submitted,



Charlie Campo
Project Planner

Respectfully submitted,



Mara Perry
Senior Planner

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



VIII.A

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Planning Commission Staff Report

Subject: Rezoning Vote Report

Meeting Date: October 13, 2008

From: Charlie Campo, Project Planner

Location: 17457 Chesterfield Airport Rd.

Petition: P.Z. 28-2007 THF Chesterfield Seven Development (THF Chesterfield Seven Development LLC)

Proposal Summary

Michael Doster, on behalf of THF Chesterfield Seven LLC, has submitted a request for a change of zoning from “NU” Non-Urban District to “PC” Planned Commercial District per the regulations of the City of Chesterfield Zoning Ordinance Section 1003.140. The site is located on the north side of Chesterfield Airport Road, one half mile west of the corner of Chesterfield Airport Road and Boone’s Crossing.

Staff Recommendation

The Attachment A for this request meets all of the development requirements of the City of Chesterfield for a “PC” Planned Commercial District.

Development Process

Change of zoning requests to any planned district are regulated under the requirements of Section 1003.178 of the City of Chesterfield Zoning Ordinance. The City of Chesterfield Zoning Ordinance requires only the following items be shown on a preliminary plan:

1. Conceptual location of buildings
2. Existing and proposed contours
3. Proposed uses

4. Location of tree masses
5. Cross section of the site
6. Proposed ingress and egress
7. Sanitation and drainage facilities
8. Legal description

Surrounding Land Use and Zoning

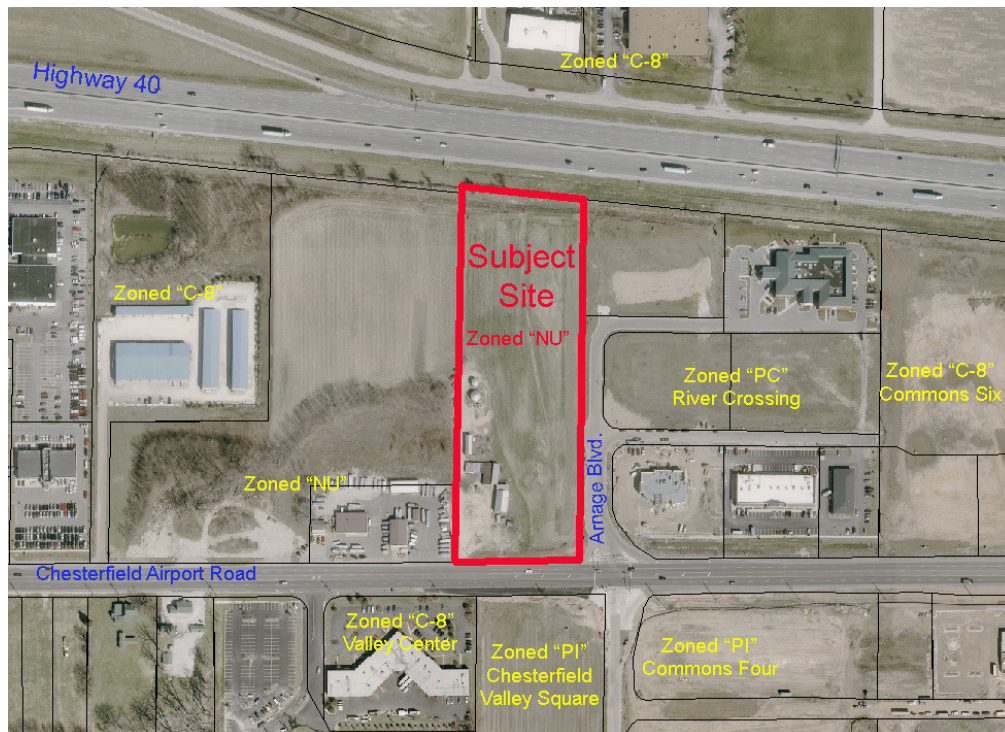
The land use and zoning for the properties surrounding this parcel are as follows:

North: The property is bordered on the north by Highway 40.

South: The property to the south across Chesterfield Airport Road is Chesterfield Valley Square and is zoned "PI" Planned Industrial District.

East: The property to the east is River Crossing and is zoned "PC" Planned Commercial District.

West: The property to the west is zoned "NU" Non-Urban District with a commercial operation at 17505 Chesterfield Airport Rd.





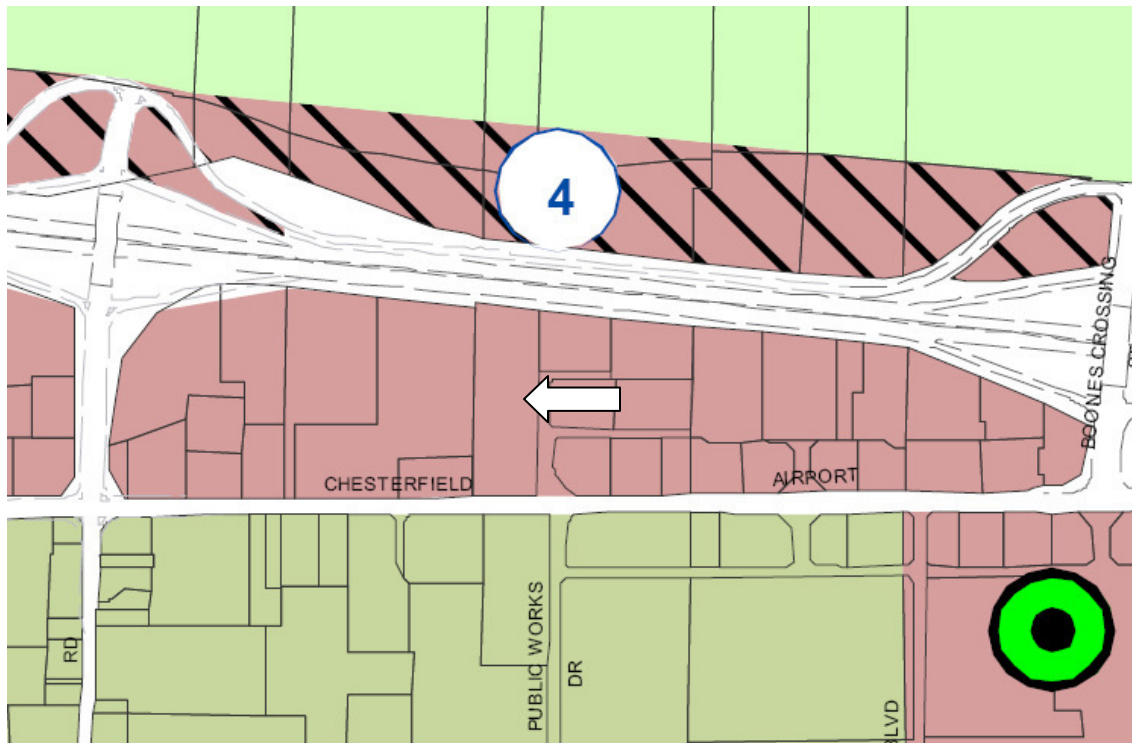
Looking north toward Highway 40/64.



Looking south toward Chesterfield Airport Road

Comprehensive Plan Analysis

The subject site is located within Ward 4 of the City of Chesterfield. The Comprehensive Plan calls for this area to be Mixed Commercial. This subject site is not located in any sub-area identified by the Comprehensive Plan; therefore there are no additional development guidelines for this site.



Site Area History

The site is currently zoned "NU" Non-Urban District.

Issues

A Public Hearing was held on April 28, 2008. At the time issues were identified. Those issues along with the petitioner's responses are attached. An Issues Meeting was held on September 8, 2008 when the petitioner addressed all but the three issues below.

The following issues remain open with staff as they require a separate vote by Planning Commission.

1. The petitioner is requesting a minimum open space percentage of 30%. City of Chesterfield Ordinance 1747 which provides performance standards for retail development requires that there be "40% Minimum Open Space for retail development adjacent to commercial uses."

The Planning Commission has the authority to grant amendments to these performance standards if it may be demonstrated that said amendments will encourage, promote, and reward good architecture and urban planning. This amendment procedure requires a separate two-thirds vote (6 Commissioners) by the Planning Commission.

2. The petitioner is requesting a fifteen (15) foot building setback from the Western boundary. City of Chesterfield Ordinance 1747 which provides performance standards for retail development states that "No minimum building setback is required for development adjacent to commercial/industrial uses" and also that "A minimum of a 35 foot setback is required for development adjacent to R-3, NU, AG, E-1, E-2 and E-3 districts and all other residential districts of comparable density.

The property to the west is zoned "NU" Non-Urban District and is mostly vacant. However there is a commercial business on a lot adjacent to Chesterfield Airport Road.

The Planning Commission has the authority to grant amendments to these performance standards if it may be demonstrated that said amendments will encourage, promote, and reward good architecture and urban planning. This amendment procedure requires a separate two-thirds vote (6 Commissioners) by the Planning Commission.

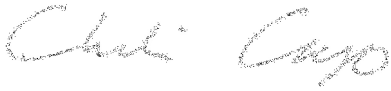
3. The petitioner has requested a maximum building height of three (3) stories of forty-five (45) feet. City of Chesterfield Ordinance 1747 which provides performance standards for retail development states that "The maximum building height shall be two level stories from floor elevation at grade (exclusive of mechanical equipment)."

The Planning Commission has the authority to grant amendments to these performance standards if it may be demonstrated that said amendments will encourage, promote, and reward good architecture and urban planning. This amendment procedure requires a separate two-thirds vote (6 Commissioners) by the Planning Commission.

Request

Staff has reviewed the change of zoning from “NU” Non-Urban District, to “PC” Planned Commercial District and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield. Staff requests that additional issues be identified at this time.

Respectfully submitted,



Charlie Campo
Project Planner

Respectfully submitted,



Mara M. Perry, AICP
Senior Planner

Attachments

1. Petitioners Response to issues
2. Attachment A
3. Preliminary Plan

Attachment A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. Specific Criteria

A. PERMITTED USES

1. The uses allowed in this "PC" Planned Commercial District shall be:
 - a. Animal hospitals, veterinary clinics, and kennels
 - b. Associated work and storage areas required by a business, firm, or service to carry on business operations
 - c. Barber shops and beauty parlors
 - d. Bookstores
 - e. Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications
 - f. Child care centers, nursery schools, and day nurseries
 - g. Colleges and universities
 - h. Dry cleaning drop-off and pick-up stations
 - i. Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours
 - j. Film drop-off and pick-up stations
 - k. Financial institutions
 - l. Hotels and motels
 - m. Medical and dental offices
 - n. Offices or office buildings

- o. Postal stations
- p. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, tennis courts, and gymnasiums, and indoor theaters
- q. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith
- r. Restaurants, fast food
- s. Restaurants, sit down
- t. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles except that trucks (except pick up trucks and SUV's), trailers, construction equipment, agricultural equipment and boats shall be stored indoors only
- u. Sales, servicing, repairing, cleaning, renting, and leasing of equipment and vehicles used by business, industry, and agriculture
- v. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training
- w. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises
- x. Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods
- y. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind,

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

- z. Vehicle repair facilities for automobiles
 - aa. Vehicle service centers for automobiles
 - bb. Vehicle washing facilities for automobiles
2. The above uses in this "PC" District shall be restricted as follows:
- a. Uses r., z., aa. and bb. shall be limited to the parcels south of the parcel adjacent to Highway 64/40.
3. The following uses shall be allowed as Ancillary Uses in this "PC" Planned Commercial district:
- a. Automatic Vending facilities for:
 - i. Ice and solid carbon dioxide (dry ice)
 - ii. Beverages
 - iii. Confections
 - b. Cafeterias for employees and guests only
 - c. Vehicle repair facilities for automobiles
 - d. Vehicle service centers for automobiles
 - e. Vehicle washing facilities for automobiles
4. Hours of Operation
- a. Hours of operation for this development shall not be restricted.

B. HEIGHT AND BUILDING REQUIREMENTS

- 1. The maximum height of the building, exclusive of roof screening, shall not exceed three (3) stories or forty-five (45) feet.
- 2. A minimum of thirty percent (30%) openspace is required for this development.

C. SETBACKS

1. No building or structure, other than a freestanding project identification sign, boundary and retaining walls, light standards or flag poles shall be located within the following setbacks:
 - a. Fifteen (15) feet from the eastern boundary of this "PC" district.
 - b. Fifteen (15) feet from the western boundary of this "PC" district.
 - c. Sixty (60) feet from the northern boundary of this "PC" district.
 - d. One hundred (100) feet from the southern boundary of this "PC" district.
2. No parking stall, loading space, internal driveway or roadway, except points of ingress or egress, shall be located within the following setbacks:
 - a. Ten (10) feet from the eastern and western boundaries of this "PC" district.
 - b. Fifty (50) feet from the northern boundary of this "PC" district.
 - c. Thirty (30) feet from the southern boundary of this "PC" district.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development shall be as required in the City of Chesterfield Code.
2. No parking shall be permitted within any cross access way in or adjacent to the development, and the developer shall post signs accordingly. The parking restriction and requirement for signage shall be indicated on the Site Development Plan and improvement plans. Signage shall be posted within 30 days of the placement of pavement.
3. Construction Parking

- a. No construction related parking shall be permitted within the Chesterfield Airport Road right-of-way.
 - b. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
 - c. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
4. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

The developer shall adhere to the Tree Manual of the City of Chesterfield Code.

F. SIGN REQUIREMENTS

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

G. LIGHT REQUIREMENTS

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

H. ARCHITECTURAL

1. The developer shall submit architectural elevations, including but not limited to, color renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.

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

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development shall be from Chesterfield Airport Road via the cross access easement/drive known as Arnage Boulevard, located on the adjacent property to the east.
2. The main access to Arnage Boulevard shall be located approximately 300 feet from the Chesterfield Airport Road right-of-way, generally aligning with the existing east-west drive known as Arnage Road. Said main access shall extend from the east to west property lines of the development, and be designed to current City standards, as directed by the Department of Public Works.
3. The centerline of any secondary access to Arnage Boulevard shall be at least 150 feet north of the main access and 150 feet south of the north section of Arnage Road, or align with the north section of Arnage Road, as directed by the Department of Public Works.
4. Cross access shall be provided between lots in the development.
5. Additional cross access for properties to the west of the development shall be provided.
6. The main access road and related improvements shall be constructed prior to or concurrently with construction on the first lot developed and completed prior to the occupancy of any building on that lot.

J. PUBLIC PRIVATE ROAD IMPROVEMENTS INCLUDING PEDESTRIAN CIRCULATION

1. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road frontage of the site. The sidewalk shall be privately maintained; therefore, no public easements shall be required.
2. Any work within Missouri Department of Transportation right-of-way will require a permit. All proposed work must comply with standards, specifications and conform to Access Management Guidelines with detailed construction plans being received and approved by the Missouri Department of Transportation.
3. All drainage detention storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right-of-way line, whichever is greater.
4. Hydraulic calculations will be required any time drainage work will affect Missouri Department of Transportation right-of-way.

K. POWER OF REVIEW

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

L. STORMWATER

1. The Chesterfield Valley Master Storm Water Plan indicates a 10 foot flat bottom ditch is required along the north property line of this site with drainage directed westerly to the reservoir at Long Read. The developer shall be responsible for completion of the required channel along the property frontage and for providing positive drainage thereof. Depict the channel on all Site Development Plans and improvement plans.
2. Provide any additional Chesterfield Valley Storm Water Easement along the north property line as required and directed by the Department of Planning and Public Works to accommodate the

Chesterfield Valley Master Storm Water Plan channel in that area, and depict the easement on all Site Development Plans and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.

3. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.
4. Treatment for water quality, in accordance with MSD regulations dated February 2006, shall be required.

M. SANITARY SEWERS

1. Formal plan submittal and approval is required by the Metropolitan Sewer District prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.
2. The sanitary discharge from this development goes to the Chesterfield Commons Pump Station #4 (P.S. No 810) built under MSD P-23429-01. The construction of this project was started on 11/07/02 and it still does not have Metropolitan Sewer District Construction Approval. Until this project receives construction approval, the plans for this development can not be approved by the Metropolitan Sewer District.

N. GEOTECHNICAL REPORT

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

O. MISCELLANIOUS

1. All utilities will be installed underground.
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of

the City of Chesterfield, Missouri Code shall be required where applicable.

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

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

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT CONCEPT PLAN SUBMITTAL REQUIREMENTS

- 1. Any site development concept plan shall show all information required on a preliminary plat as required in the City of Chesterfield Code.

2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

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

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.)
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs.
10. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.

11. Floodplain boundaries.
12. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
13. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
18. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
19. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

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

traffic generation assessment contribution prior to issuance of building permits for each phase of development.

Roads

The roadway improvement contribution is based on land and building use. The roadway contribution is necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. The amount of the developer’s contribution to this fund shall be computed based on the following:

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

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

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

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

Water Main

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

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

Storm Water

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,077.15 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasurer, St. Louis County".

Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek Impact Fee and is subject to a surcharge of \$2,750 per acre.

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

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2008 shall be adjusted on that date on the first day of January in each succeeding year thereafter in accordance 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.

VI. RECORDING

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

VII. ENFORCEMENT

A. The City of Chesterfield Missouri will enforce the conditions of this ordinance in accordance with the Site Development Concept Plan and Site Development Section Plan approved by the City of Chesterfield and the terms of this Attachment A.

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



DOSTERGUIN
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William B. Remis
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August 15, 2008

SENT VIA EMAIL TRANSMISSION AND FIRST CLASS MAIL

Mr. Charlie Campo, Project Manager
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017-0760

RE: P.Z. 28-2007 THF Chesterfield Seven Development

Dear Mr. Campo:

We are in receipt of your issues letter dated May 7, 2008 and offer the following responses:

Issues

1. Please provide an amended list of requested permitted uses, with particular focus on uses (kk) and (ll).

Petitioner's response: Petitioner will agree to revise (kk) and (ll) to read as follows:

(kk) Sales, rental and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats as well as associated repairs and necessary outdoor storage of said vehicles except that trucks (except pick up trucks), trailers, construction equipment, agricultural equipment and boats shall be stored indoors only.

(ll) Sales, services, repairing, cleaning, renting, leasing and necessary outdoor storage of equipment used by business, industry, and agriculture.

2. Will a sign package be requested for this site?

Petitioner's response: Yes

The following conditions related to site specific issues will be applied to the rezoning petition:

Open Space

1. The development shall have a minimum open space percentage of forty-five percent (45%) per City of Chesterfield Ordinance 1747.

Petitioner's response: Petitioner requests 30% as an average over the entire site as this is consistent with adjacent developments and developments in the surrounding area (River Crossings – Lamborghini of St. Louis, for example is at 31 % and that percentage is an average of the entire development).

Setbacks

(The Setback requirements listed below are preliminary and based on the original plan and the setbacks required in the City of Chesterfield Zoning Ordinance.)

1. No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:
 - a. Fifteen (15) feet from the eastern boundary of this "PC" district.
 - b. Thirty five (35) feet from the Western boundary of this "PC" district (Per City of Chesterfield Ordinance 1747)
 - c. Sixty (60) feet from the Northern Boundary of this "PC" district
 - d. One hundred (100) feet from Southern boundary of this "PC" district

Petitioner's response: Petitioner is requesting a fifteen (15) foot setback from the Western boundary as there is no minimum setback required for development adjacent to commercial/industrial uses. The use to the West is clearly commercial/industrial and would not be redeveloped for residential given the Comprehensive Plan and the existing uses in the surrounding area.

Petitioner is also requesting a 30 foot setback from the Southern boundary of the PC district to provide some flexibility for locating the proposed building (as you know, the preliminary plan is only conceptual). This setback is consistent with the setback for the Chesterfield Six Development.

2. No parking space or drive aisle will be located within the following setbacks:
 - a. Ten (10) feet from the Eastern and Western boundaries of this "PC" District.
 - b. Fifty (50) feet from the Northern boundary of this "PC" District.
 - c. Thirty (30) feet from the Southern boundary of this "PC" District.

Petitioner's response: Petitioner is requesting a Ten foot setback from the Southern boundary of the PC district consistent with the Chesterfield Six Development.

Building Height

1. The maximum building height shall be two level stories from floor elevation at grade (Per City of Chesterfield Ordinance 1747).

Petitioner's response: Petitioner is requesting three (3) stories or forty-five (45) feet. This is consistent with developments in the surrounding area including River Crossings (Lamborghini of St. Louis).

Access

1. Access to this development shall be from Chesterfield Airport Road via the cross access easement/drive, known as Arnage Boulevard, located on the adjacent property to the east.

Petitioner's response: The preliminary plan as revised shows compliance with this requirement.

2. The main access to Arnage Boulevard shall be located approximately 300 feet from the Chesterfield Airport Road right of way, generally aligning with the existing east-west drive known as Arnage Road. Said main access shall extend from the east to west property lines of the development, and be designed to current City standards, as directed. Entrances off either side of the main access road shall be a minimum of 200 feet from Arnage Boulevard and shall generally align.

Petitioner's response: The preliminary plan as revised shows compliance with this requirement.

3. The centerline of any secondary access to Arnage Boulevard shall be at least 150 feet north of the main access and 150 feet south of the north section of Arnage Road, or align with the north section of Arnage Road, as directed by the Department of Public Works.

Petitioner's response: The preliminary plan as revised shows compliance with this requirement.

4. Cross access shall be provided between lots in the development.

Petitioner's response: The preliminary plan as revised shows compliance with this requirement.

5. Additional cross access for properties to the west of the development shall be provided along the west property line of the development and extend a minimum of 350 feet north and 175 feet south from the main access referenced above.

Petitioner's response: Due to the alignment with existing Arnage Road and the East-West section of Arnage Boulevard, Petitioner is showing the cross access at the Western boundary consistent with that alignment.

6. The main access road and related improvements shall be constructed prior to or concurrently with construction on the first lot developed and completed prior to the occupancy of any building on that lot.

Petitioner's response: Petitioner acknowledges this requirement.

Pedestrian Circulation

1. Provide a 5 foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road frontage of the site. The sidewalk shall be privately maintained; therefore, no public easements shall be required.

Petitioner's response: The preliminary plan as revised shows compliance with this requirement.

Parking

1. No construction related parking shall be permitted within the Chesterfield Airport Road right of way.

Petitioner's response: Petitioner acknowledges this requirement.

2. No parking shall be permitted within any cross access way in or adjacent to the development and the developer shall post signs accordingly. The parking restriction and requirement for signage shall be indicated on the Site Development Plan and improvement plans. Signage shall be posted within 30 days of the placement of pavement.

Petitioner's response: Petitioner acknowledges this requirement.

3. Parking for this development shall be 5 spaces for every 1,000 square feet of building space.

Petitioner's response: Petitioner acknowledges this requirement.

Storm Water and Floodplain

1. The Chesterfield Valley Master Storm Water Plan indicates a 10 foot flat bottom ditch is required along the north property line of this site, with drainage directed westerly to the reservoir at Long Road. The developer shall be responsible for completion of the required channel along the property frontage and for providing positive drainage thereof. Depict the channel on all Site Development Plans and improvement plans.

Petitioner's response: Petitioner acknowledges this requirement.

2. Provide any additional Chesterfield Valley Storm Water Easement along the north property line as required and directed by the Department of Public Works to accommodate the Chesterfield Valley Master Storm Water Plan channel in that area, and depict the easement on all Site Development Plans and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.

Petitioner's response: Petitioner acknowledges this requirement.

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

Petitioner's response: Petitioner acknowledges this requirement.

Agency Comments

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

- a. Any improvements within MoDOT's right of way will require permit.

Petitioner's response: Petitioner acknowledges this requirement.

- b. All proposed work in MoDOT's right of way must comply with MoDOT standards, specifications, conform to MoDOT's Access Management Guidelines with detailed construction plans being received and approved by MoDOT.

Petitioner's response: Petitioner acknowledges this requirement.

- c. We request that all drainage detention storage facilities be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.

Petitioner's response: Petitioner acknowledges this requirement.

- d. Hydraulic calculations will be required any time drainage work will affect MoDOT right of way.

Petitioner's response: Petitioner acknowledges this requirement.

2. The Metropolitan St. Louis Sewer District has submitted the following comments:

- a. Certification will be required from the City of Chesterfield that stormwater will be controlled as required by the Chesterfield Valley Master Facility Plan.

Petitioner's response: Petitioner acknowledges this requirement.

- b. Treatment for water quality, in accordance with MSD regulations dated February 2006, shall be required.

Petitioner's response: Petitioner acknowledges this requirement.

- c. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750 per acre.

Petitioner's response: Petitioner acknowledges this requirement.

- d. The sanitary discharge from this development goes to the Chesterfield Commons Pump Station #4 (P.S. No 810) built under MSD P-23429-01. The Construction of this project was started on 11/07/02 and it still does not have MSD Construction Approval. Until this project receives construction approval, the plans for this development can not be approved by MSD

Petitioner's response: Petitioner is working with MSD on resolving this matter and acknowledges this requirement.

- e. Formal plan submittal and approval is required by MSD prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

Petitioner's response: Petitioner acknowledges this requirement.

3. The St. Louis County Department of Highways and Traffic has submitted the following comments:

- a. The developer shall be required to contribute to the Chesterfield Valley Trust Fund. (Specific amounts will be included in the Attachment A)

Petitioner's response: Petitioner acknowledges this requirement.

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

- a. The drainage channel as designed along the north side of the development near Hwy 40/61/I-64 has an unknown invert elevation. In lieu of a more detailed underseepage analyses, we recommend installation of an inverted/ reverse filter in

those areas within 1000 feet of the levee centerline where the interior drainage swale/ channel excavation extends below elevation 461 feet. The filter shall consist of a minimum 10 oz. non-woven geotextile fabric, 6 inches of 2 inch minus budding stone and 19 inches of 4 to 10 inch gabion stone riprap layer.

Petitioner's response: Petitioner acknowledges this requirement

Occupancy Permit

1. Prior to the issuance of any occupancy permit, the storm water channel located at this site shall be regraded to restore the channel to the line and grade required by the Chesterfield Valley Master Storm Water Plan and positive drainage of the channel shall be restored if necessary.

Petitioner's response: Petitioner acknowledges this requirement.

Please be advised, the Department of Public Works has the following comments on the preliminary plan:

- Please be advised that cross access will be required to be provided to 17505 Chesterfield Airport road which is located to the west of this site. The revised plan does not show that cross access can be provided.

Petitioner's response: Petitioner understands from conversations with staff that this requirement has been deleted.

Finally, the petitioner should be advised of the following requirements of the City Code which may impact the project during the later stages of the development process.

- A portion of the site is located in Supplemental Protection Areas related to floodplain. Consult Chapter 14 of the City Code for specific requirements.

Petitioner's response: Petitioner acknowledges this requirement.

- The controlling regulatory 100 year water surface elevation for the site is 456. Any structure within the Supplemental Protection Area must have the lowest floor at an elevation of at least 457. A certification of the actual elevation of the constructed floor will be required prior to occupancy of the building.

Petitioner's response: Petitioner acknowledges this requirement.

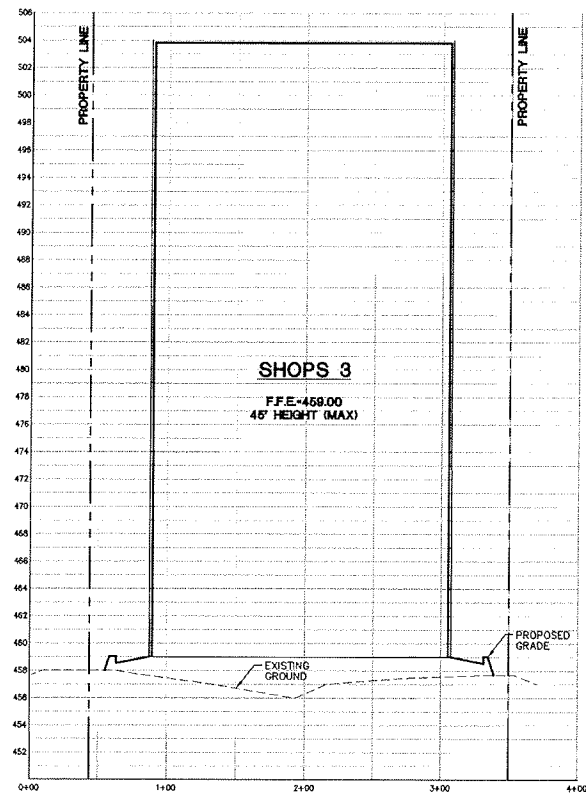
- The Chesterfield Valley Storm Water Plan indicates the flow line of the 10 foot flat bottom ditch along the north property line should be 451.32 near the east property line of the site and slope downstream to the west at 0.10%.

Petitioner's response: Petitioner acknowledges this requirement.

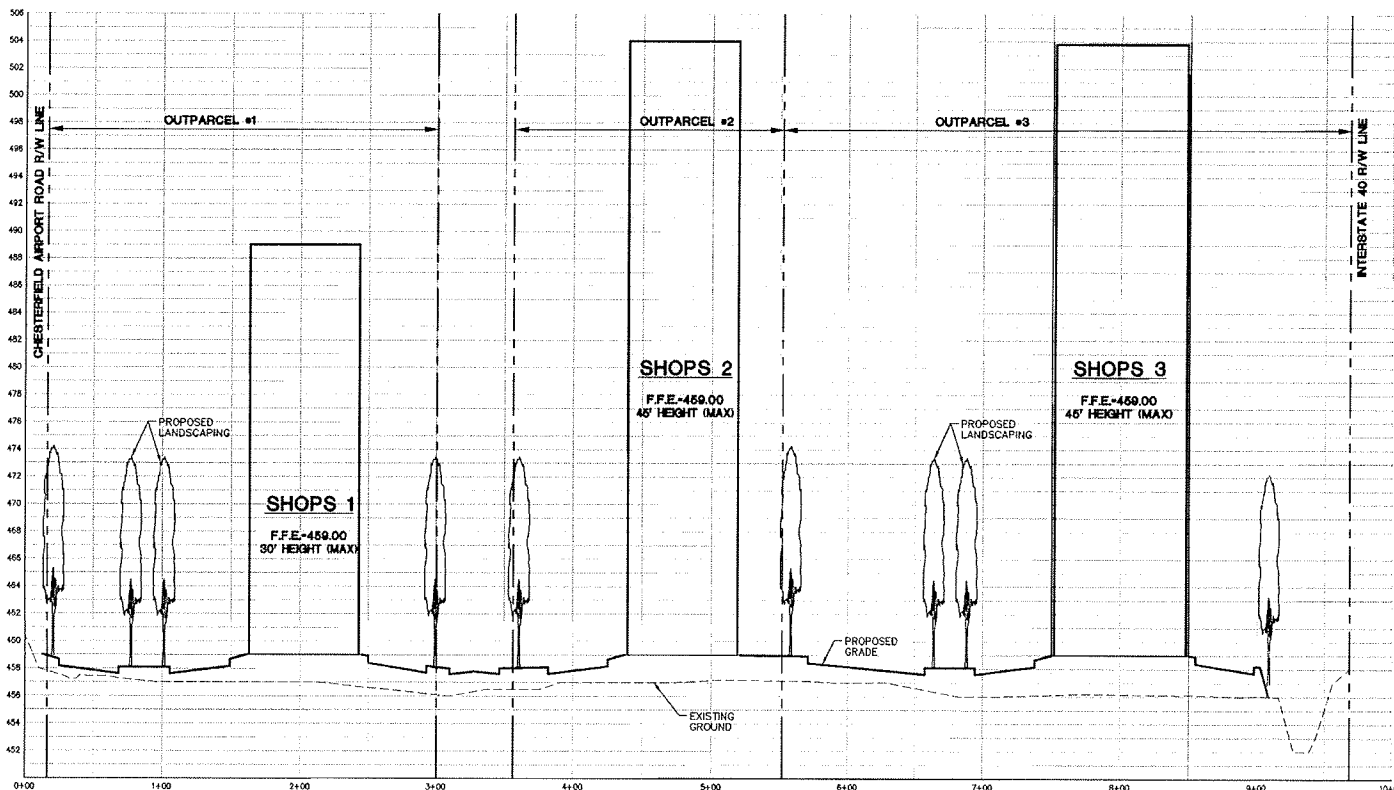
Respectfully submitted,
Doster Guin James Ullom
Benson & Mundorf, LLC

By: 

William B. Remis



CROSS SECTION A-A
SCALE: 1"=50' HORIZONTAL
1"= 5' VERTICAL



CROSS SECTION B-B
SCALE: 1"=50' HORIZONTAL
1"= 5' VERTICAL

SHOPS #3 SITE ANALYSIS

SHOPS 3	21,000 S.F.
PARKING REQUIRED (REQ. PARKING 5.50/1000)	116 SPACES
PARKING PROVIDED	116 SPACES
OUTPARCEL 3 (127,350 SF)	2.924 ACRES
OPEN SPACE (42,835 SF)	33.64 %

SHOPS #2 SITE ANALYSIS

SHOPS 2	11,200 S.F.
PARKING REQUIRED (REQ. PARKING 5.50/1000)	62 SPACES
PARKING PROVIDED	62 SPACES
OUTPARCEL 2 (59,517 SF)	1.366 ACRES
OPEN SPACE (20,964 SF)	35.22 %

Parcels 1 & 2 of Title Commitment

A tract of land being part of Shores 4 and 5 of the Subdivision of the Estate of Peter Steffen, according to the plat accompanying Commission's Report a certified copy of which is recorded in Book 80 page 457 of the St. Louis County Records, in U.S. Survey 125, Township 45 North Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the intersection of the East line of said Shore 4 of with the North line of Chesterfield Airport Road, 100 feet wide, thence Westwardly along North line of Chesterfield Airport Road, 100 feet wide, South 89 degrees 35 minutes 06 seconds West 315.74 feet to the East line of property described in deed to HBE Corp, as recorded in Book 10270 page 1672 of the St. Louis County Records said point being distant 10.00 feet from the East line of said Shore 5; thence Northwardly and parallel with said East line of Shore 5, North 00 degrees 34 minutes 14 seconds East 200.00 feet to a point; thence North 89 degrees 35 minutes 06 seconds East 10.00 feet to said East line of Shore 5; thence Northwardly along said East line of Shore 5, North 00 degrees 34 minutes 14 seconds East 758.83 feet to the South line of Missouri Interstate Highway 64, varying width; thence Eastwardly along said South line of Missouri Interstate Highway 64, varying width, South 84 degrees 08 minutes 54 seconds East 307.02 feet to the aforementioned East line of Shore 4; thence Southwardly along said East line South 00 degrees 34 minutes 14 seconds West 935.13 feet to the point of beginning and containing 6,727 acres according to a survey by Volz, Inc. during March 2005.

Parcel 3 of Title Commitment

Cross Access Easement according to plat thereof recorded in Plat Book 350 page 205 of the St. Louis County Records.

SHOPS #1 SITE ANALYSIS

SHOPS 1	16,000 S.F.
PARKING REQUIRED (REQ. PARKING 5.50/1000)	88 SPACES
PARKING PROVIDED	88 SPACES
OUTPARCEL 1 (88,579 SF)	2.034 ACRES
OPEN SPACE (22,797 SF)	25.74 %

ARNAGE RD. SITE ANALYSIS

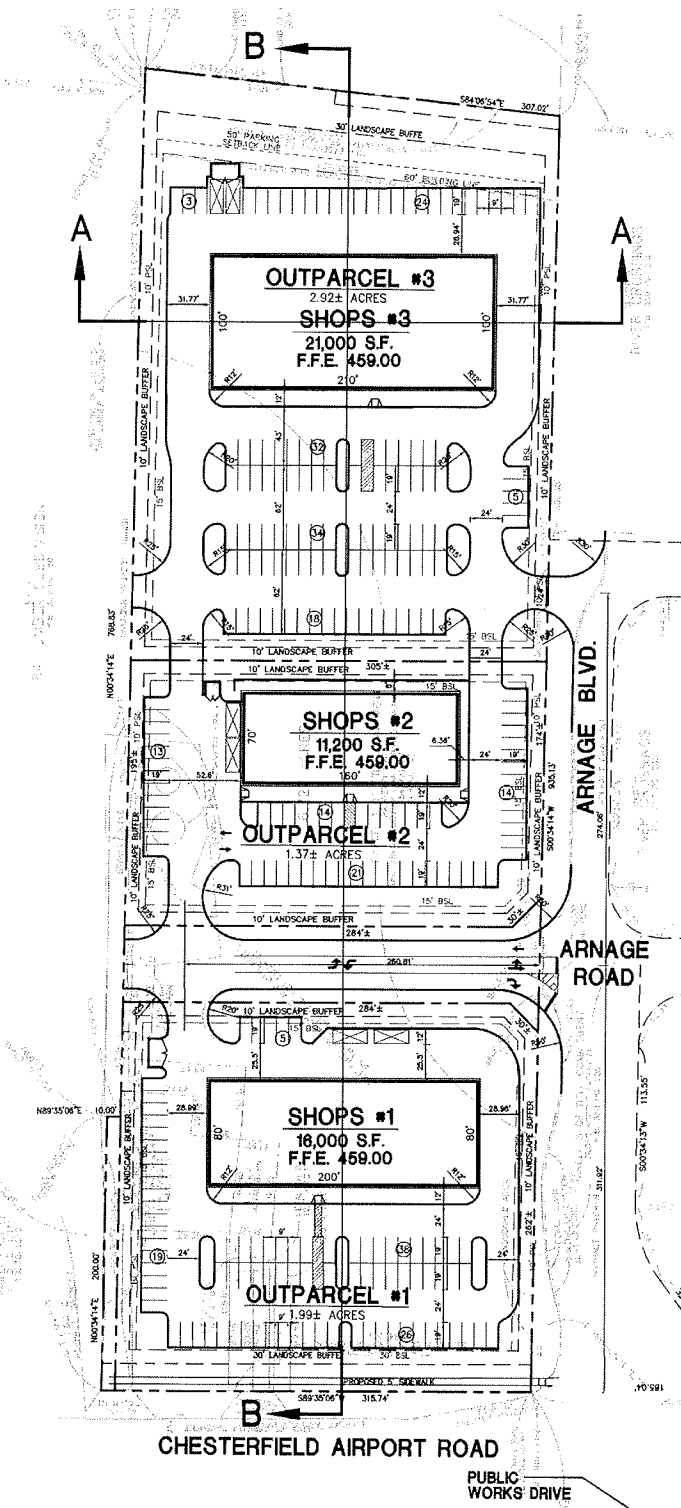
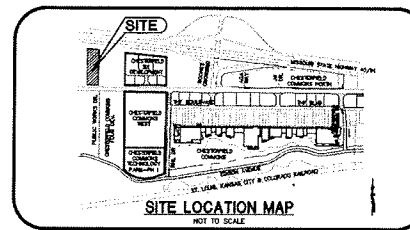
ARNAGE ROAD	(17,572 SF)	0.403 ACRES
OPEN SPACE	(5,129 SF)	29.18 %

OVERALL SITE AREA

OUTPARCEL 3 (127,350 SF)	2.924 ACRES
OUTPARCEL 2 (59,517 SF)	1.366 ACRES
OUTPARCEL 1 (88,579 SF)	2.034 ACRES
ARNAGE ROAD (17,572 SF)	0.403 ACRES
TOTAL SITE (291,017 SF)	6.727 ACRES
OPEN SPACE (91,725 SF)	31.52 %

NOTE: MAXIMUM BUILDING HEIGHT, EXCLUDING EQUIPMENT AND SCREENING IS THREE (3) STORIES OR FOURTY-FIVE (45) FEET (AS MEASURE FROM GRADE) WHICHEVER IS LESS

NOTE: THERE ARE NOT ANY EXISTING TREES ON-SITE



PLAN
SCALE: 1"=50' HORIZONTAL
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

Wolvertson & Associates
Consulting Engineers & Land Surveyors
6745 Supercenter - Suite 105
St. Louis, Missouri 63121
Phone: (314) 429-0900 • Fax: (314) 429-0999
www.wolvertson-associates.com

PROPOSED DEVELOPMENT
CHESTERFIELD SEVEN DEVELOPMENT
CHESTERFIELD, ST. LOUIS COUNTY, MO.
THE CHESTERFIELD SEVEN DEVELOPMENT, L.L.C.
ST. LOUIS, MO.

REVISIONS	BY

DRAWN BY: CRP/RD
CHECKED BY: DMW
DATE: 02/07/08
SCALE: 1"= 50'
JOB NO.: 04-124
SHEET NUMBER
RZ-1
1 OF 1 SHEETS

REZONING PLAN & CROSS SECTION PROFILES

OWNER/DEVELOPER:
THE CHESTERFIELD SEVEN DEVELOPMENT, L.L.C.
2127 INNERBELT BUSINESS CENTER DRIVE
SUITE 200 / ST. LOUIS, MO. 63114
CONTACT: MR. DARRIN RIDENHOUR
PHONE (314) 429-0900 / FAX (314) 429-0999

NOTE:
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DESIGN MAY VARY DEPENDING ON ACTUAL TOPOGRAPHIC AND BOUNDARY SURVEY, DRAINAGE, ETC. THIS ADDITIONAL INFORMATION COULD CAUSE CHANGES IN TOTAL SITE AREA REQUIRED DUE TO SLOPES, PARKING, ETC. THE CONCEPTUAL SITE PLAN IS FOR THE PURPOSE OF DEVELOPING A CONCEPT ONLY, AND DECIDING WHETHER OR NOT TO CONDUCT MORE DETAILED INVESTIGATION. THIS CONCEPTUAL SITE PLAN IS PREPARED FOR CLIENT WHOSE NAME IS SHOWN IN TITLE BLOCK ONLY. IT IS NOT TO BE USED OR RELED UPON BY ANY OTHER PERSON OR ENTITY.

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