

## Public Hearing & Vote Staff Report

**To:** Planning Commission

**From:** Isaak Simmers, Planner

**Meeting Date:** June 10, 2024

**Location:** 16806 and 16775 Chesterfield Airport Road

**Description:** **P.Z. 04-2024 The Smokehouse:** A request to amend the legal description and the ordinance for an existing “C-8” Planned Commercial District located on the south side of Chesterfield Airport Road and west of Baxter Road (Ward 4).

### **PROPOSAL SUMMARY**

Doster, Nations, Ullom & Boyle, LLC, on behalf of the Thomas P. Sehnert Revocable Trust/Annie Gunn’s Smokehouse Market, has submitted a request to amend the legal description and the ordinance for an existing “C-8” Planned Commercial District located on the south side of Chesterfield Airport Road and west of Baxter Road, commonly known as Annie Gun’s Smokehouse.

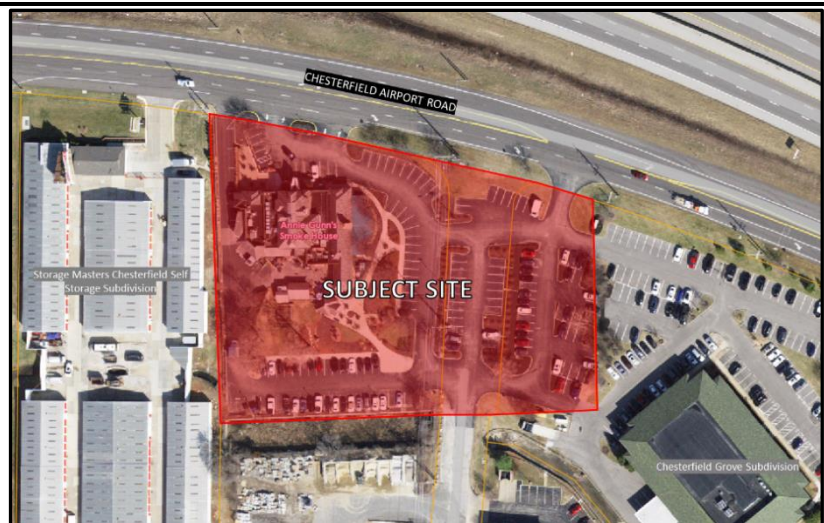


Figure 1: Subject Site

### **SITE HISTORY**

The site was zoned “NU” Non-Urban under St. Louis County zoning prior to City of Chesterfield incorporation. In 1993, the site was rezoned to “C-8” – Planned Commercial District with the intention of permitting the operation of a market, outdoor dining, residence and accessory uses upon the subject property. In 2004, the site-specific ordinance was amended to allow for revisions to the Floor Area Ratio.

The Smokehouse has since amended their site development plan and architectural elevations again in 2022.

**ZONING & LAND USE**

The subject site is zoned “C-8” Planned Commercial District under governing [Ordinance 2125](#) and the Land Use designation is Regional Commercial.

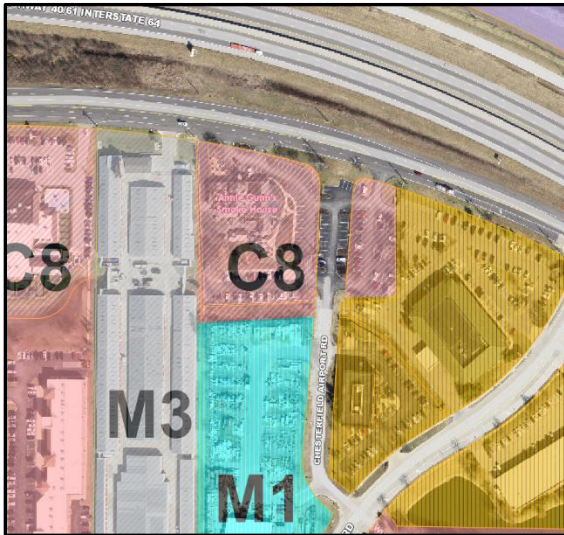


Figure 2: Zoning Map



Figure 3: Land Use Map

Direction	Zoning	Land Use
North	N/A (Interstate 64)	Highway
South	"M1" Industrial District	Regional Commercial
East	"C3" Shopping District	Regional Commercial
West	"M3" Planned Industrial District	Regional Commercial

Figure 4: Zoning and Land Use Table

**COMPREHENSIVE PLAN**

The subject site is located within Ward 4 of the City of Chesterfield. The City of Chesterfield Land Use Plan indicates the subject site as being part of the Regional Commercial land use designation. The description states; “Areas that serve regional commercial needs (emphasizing retail, dining, entertainment, hotel, and leisure components) and draw visitors from both Chesterfield and the surrounding areas. Multiple buildings planned and developed together using unified project development standards”.

**STAFF ANALYSIS**

The primary goal for this ordinance amendment is to update the legal description. This “C-8” Planned Commercial District is comprised of two parcels which are separated by a piece of right-of-way that has remained unused following the relocation of Baxter Road. In 2023, the City and the County executed a quitclaim deed for this portion of right-of-way. This ordinance amendment would incorporate the right-of-way into the existing “C-8” district.



There is only one change to the Attachment A. The building and parking setbacks were previously established with language predicated on the parcel's separation by the right-of-way. These setbacks have been revised to avoid any potential future conflicts but does not impact the amount of land that may/may not be developed versus what is permitted today.



Figure 5: Parcel diagram with correct legal description

**STAFF RECOMMENDATION**

Staff has reviewed the petition and found it to be in compliance with the City's Comprehensive Plan and Unified Development Code and City Staff has no further comments. Staff recommends action on the request to amend the legal description and the Attachment A for an existing "C-8" Planned Commercial District to encompass the Smokehouse/Restaurant, quitclaim right-of-way, and parking lot.

**MOTION**

The following options are provided to the Planning Commission for consideration relative to this application:

- 1) "I move to approve (or deny) P.Z. 04-2024 The Smoke House, as presented.
- 2) "I move to approve P.Z. 04-2024 The Smokehouse with the following conditions..."  
(Conditions may be added, eliminated, altered or modified)

	Language from Ordinance 2125	Proposed Changes to Attachment A
Structure Setbacks	Forty ( 40) feet from the new right of way of Chesterfield Airport Road on the northern boundary of the western parcel of the "C-8" Planned Commercial District.	Forty (40) feet from Chesterfield Airport Road.
	Seventy (70) feet from the southern boundary of the western parcel of the "C-8" Planned Commercial District.	Seventy (70) feet from the southern boundary of the "C-8" Planned Commercial District.
	Sixty (60) feet from the eastern boundary of the western parcel of the "C-8" Planned Commercial District.	Two-hundred twenty-five (225) feet from the eastern boundary of the "C-8" Planned Commercial District.
	Twenty (20) feet from the western boundary of the western parcel of the "C-8" Planned Commercial District.	Twenty (20) feet from the western boundary of the "C-8" Planned Commercial District.
Parking Setbacks	Ten (10) feet from the southern right of way of east bound Chesterfield Airport Road.	Ten (10) feet from Chesterfield Airport Road.
	Five (5) feet from the southern boundary of the "C-8" Planned Commercial District, western parcel. Ten ( 10) feet from the southern boundary of the "C-8" Planned Commercial District, eastern parcel.	Five (5) feet from the eastern, western, and southern boundary of the "C-8" Planned Commercial District.
	Five (5) feet from the western boundary of the "C-8" Planned Commercial District, western parcel. Ten (10) feet from the western boundary of the "C-8" Planned Commercial District, eastern parcel.	

Figure 6: Language from Ord. 2125 and the proposed changes

Attachments:

1. Applicant's Narrative Statement
2. Proposed Legal Description
3. Attachment A

## Exhibit A

### Narrative Statement

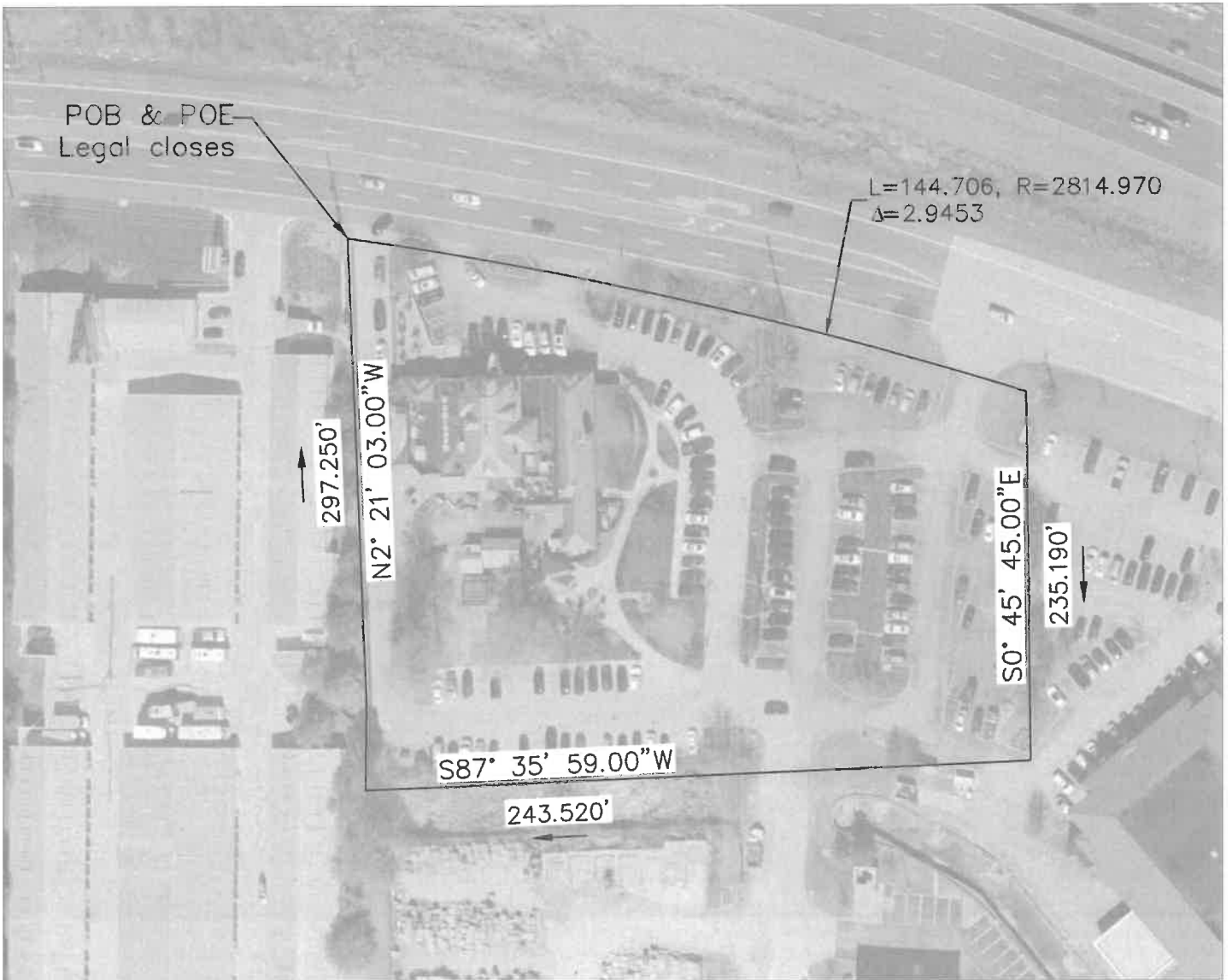
This application concerns the property located at 16806 and 16775 Chesterfield Airport Rd., encompassing the Smokehouse Market and Annie Gunn's ("Smokehouse/Restaurant") and the adjacent parking lot to the east. Owner has submitted this application because the original legal description of the Third Amended Site Development Plan for the Property is not correct. The original legal description for the Smokehouse/Restaurant does not include the parking lot nor the right-of-way that was transferred to the Thomas P. Sehnert Revocable Trust dated October 29, 1999 via quitclaim deeds from St. Louis County and from the City of Chesterfield, both recorded on July 20, 2023. Owner requests that the legal description of the Smokehouse/Restaurant be corrected to that of the description included as part of this application, in order to encompass the Smokehouse/Restaurant, quitclaimed right-of-way, and parking lot. It should be noted that the current approved Third Amended Site Development Plan for Smokehouse/Annie Gunn's dated June 28, 2022 shows the entire area described in the correct legal description.

A tract of land situated in the City of Chesterfield, County of St. Louis, State of Missouri, lying in part of U.S. Survey 2031, Township 45 North, Range 4 East, being those tracts of land conveyed to Thomas P Sehnert Revocable Trust, as described in Deed Book 12593, Page 1348 and Deed Book 25268, Page 3661 of the St. Louis County Land Records, and also being that part of former Chesterfield Airport Road right-of-way conveyed to said Thomas P. Sehnert Revocable Trust by said St. Louis County, Missouri, as described in Document No. 2023072000087, and also being that part of said former Chesterfield Airport Road right-of-way conveyed to Thomas P. Sehnert Revocable Trust by said City of Chesterfield, Missouri as described in Document No. 2023072000087, and being more particularly described as follows:

Beginning at the intersection of the Southern Line of Chesterfield Airport Road (U.S. Highway 40), 100 feet wide, with the Eastern Line of Silver Maple Farms, a Subdivision filed for record in Plat Book 274, Page 96 of the St. Louis County Land Records; thence along said Southern Line as follows: 238.25 feet along a curve to the right, with a radius of 2814.93 feet, with a central angle of 04 degrees 50 minutes 58seconds, with a chord that bears South 79 degrees 10 minutes 38 seconds East a distance of 238.18 feet to a point of a compound curve; 144.70 feet along a curve to the right, having a radius of 2,814.97 feet, through a central angle of 002 degrees 56 minutes 43 seconds, with a chord that bears South 75 degrees 21 minutes 17 seconds East, a distance of 144.69 feet to a point of compound curve; 60.27 feet along a curve to the right, having a radius of 2,814.93 feet, through a central angle of 01 degrees 13 minutes 36seconds, with a chord that bears South 73 degrees 18 minutes 00 seconds East, a distance of 60.27 feet to the intersection of said Southern Line of Chesterfield Airport Road (U.S. Highway 40), 100 feet wide with the Western Line of Chesterfield Grove Lot 1A & 3, according to Plat Book 350, Page 242 of said St. Louis County Land Records; thence leaving said Southern Line and along said Western Line, South 00 degrees 45 minutes 45 seconds East, a distance of 235.19 feet; thence continuing along said Western Line and its Westerly prolongation thereof, South 87 degrees 32 minutes 09 seconds West, a distance of 180.06 feet to the Northeast corner Line of a tract of land conveyed to Neil E. Sellenriek and Mary Sellenriek Trust, as described in Deed Book 22197, Page 1063 of the St. Louis County Land Records; thence along the Northern Line of said Sellenriek Trust tract, South 87 degrees 35 minutes 59 seconds West, a distance of 243.52 feet to said Eastern Line of Silver Maple Farms; thence along said Eastern Line as follows: North 00 degrees 37 minutes 58 seconds East, a distance of 54.74 feet, North 02 degrees 21 minutes 03 seconds West, a distance of 297.25 to the point of beginning.

Containing 2.921 Acres (127,265 Square Feet), by Grimes Consulting, Inc., LS-343-D, dated April 2024

PZ 04-2024  
16806 CHESTERFIELD AIRPORT ROAD  
1" = 100'



## **ATTACHMENT A**

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

- 1.0 General Policies
- 3.1 Quality Commercial Development
- 3.4 Signage Considerations
- 3.5 Chesterfield Valley
- 7.2.1 Maintain Proper Level of Service
- 7.2.3 Maintain Proper Traffic Flow
- 8.2.2 Underground Electric Service
- 8.3 Stormwater Management

### **I. PERMITTED USES**

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

1. Market
2. Restaurant, sit –down
3. Residence

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

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

#### **1. FLOOR AREA**

- a. Total building floor area will not exceed **20,600 square feet**. The square footage constructed will be based on the development’s ability to comply with the City of Chesterfield parking requirements.

#### **2. HEIGHT**

- a. The maximum height of the building will not exceed three-stories in height.

#### **3. BUILDING REQUIREMENTS**

- a. Greenspace: A minimum of twenty-two percent (22%) greenspace is required for this development. Greenspace is determined by a fraction: the numerator of which is all green area plus all non-



paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield. The greenspace calculation for this development shall not include any of the greenspace area or the paved area within the rights-of-way of east-west bound Chesterfield Airport Road or the north-south bound section Chesterfield Airport Road used for parking under license granted by Saint Louis County.

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

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building permit, the developer will submit to the City of Chesterfield for their review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning Commission in accordance with the City of Chesterfield Zoning Ordinance.

Failure to comply with aforementioned time limits or receipt of an extension prior to the aforementioned time requirements will result in the expiration of preliminary plan and will require a new public hearing. The Site Development Plan will include but not be limited to the following:

### **IV. GENERAL CRITERIA**

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 building.
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 one (1) foot, 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, 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.
19. Provide the greenspace percentage and Floor Area Ratio (F.A.R).

20. Provide a tree stand delineation, as directed by the City of Chesterfield.

**V. SPECIFIC CRITERIA**

A. The Site Development Plan will illustrate adherence to the following site-specific design criteria:

1. Structure Setbacks

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

- a. Forty (40) feet from Chesterfield Airport Road.
- b. Seventy (70) feet from the southern boundary of the “C-8” Planned Commercial District.
- c. Twenty (20) feet from the western boundary of the “C-8” Planned Commercial District.
- d. Two-hundred twenty-five (225) feet from the eastern boundary of the “C-8” Planned Commercial District.

2. Parking and Loading Space Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:

- a. Ten (10) feet from Chesterfield Airport Road.
- b. Five (5) feet from the eastern, western, and southern boundary of the “C-8” Planned Commercial District.

3. Parking and Loading Requirements

Parking and loading spaces for this development will be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Adequate on-site parking for construction related vehicles and equipment shall be provided. No parking shall be permitted on the Chesterfield Airport Road right of way.

4. Access

Direct access to Chesterfield Airport Road shall be limited to two entrances on the westernmost parcel, and to one entrance on the easternmost parcel, and shall be as approved by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

The centerline of one entrance onto Chesterfield Airport Road from the westernmost parcel shall be located no closer than 34 feet from the western property line of said westernmost parcel, or as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. The centerline of the other entrance onto Chesterfield Airport Road from the westernmost parcel shall be located no closer than 31 feet from the eastern property line of said westernmost parcel, or as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.

The centerline of the entrance onto Chesterfield Airport Road from the easternmost parcel shall be located approximately 19.5 feet east of the centerline of the existing entrance, or as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.

5. Public/Private Road Improvements, Including Pedestrian Circulation shall be as directed by the City of Chesterfield Dept. of Public Works and the Saint Louis County Dept. of Highways and Traffic.

The developer shall provide a five-foot sidewalk along Chesterfield Airport Road.

6. Traffic Study

Prior to Site Development Plan approval, provide a traffic study, including internal and external circulation, for review, and approval, by the City of Chesterfield Department of Public Works, and the St. Louis County Department of Highways and Traffic as directed.

7. Landscape Plan

The developer shall submit a landscape plan in accordance 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:

- a. If the estimated cost of new landscaping indicated on the Site Development (Section) Plan(s) 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.
- b. 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, conforming to the requirements of City of Chesterfield Ordinance 2057/Zoning Ordinance Section 1003.168 Sub-Section 4(Sigh Package Requirements), shall be submitted in conjunction with the Site Development Plan. Signage for the development shall be as approved by the Planning Commission..
- b. 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.
- c. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
- d. All permanent freestanding business and 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. This landscaping shall be as approved by the Planning Commission on the Site Development Plan.
- e. All other signs shall be permitted in accordance with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

**9. Light Requirements**

- a. Lighting for the development shall adhere to the light standards and requirements set forth in the City of Chesterfield Lighting Ordinance.
- b. The location of the light standards will be as approved by the Planning Commission on the Site Development Plan and will be in conformance with City of Chesterfield regulations. A Lighting



Plan, with specific product information, is required in conjunction with the Site Development Plan.

- c. Except for required street lighting, no source of illumination will be so situated that light is cast on any public right-of-way or adjoining property. Lighting will be required in compliance with City of Chesterfield regulations, including the Subdivision Ordinance.

10. Architectural elevations

The developer shall submit architectural elevations and building materials. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission.

11. Monarch-Chesterfield Levee District approvals shall be required prior to Site Development Plan approval.

12. Recreational Easements shall be granted as required by the Department of Public Works.

13. Power of Review

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

14. Miscellaneous

- a. Trash enclosures: The location 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. The material will be as approved by the Planning Commission in conjunction with the Site Development Plan.
- b. Prior to the issuance of any occupancy permit, the existing stormwater channel located at the southern end of the westernmost parcel shall be regarded and cleaned out in such a manner as to restore the grade of the channel to it's original design condition.
- c. Prior to improvement plan approval, a Chesterfield Valley Master Stormwater Easement must be granted for the existing stormwater channel located at the southern end of the westernmost parcel

- d. The maintenance of the required stormwater/ditch system shall be the responsibility of the property owner(s).
- e. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission
- f. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.

Sleeves for future telecommunication services are required to be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

- g. The Old Smokehouse historic structure will be relocated and retained on site.

## **VI. TRUST FUND CONTRIBUTION**

The developer may be required to submit a Traffic Generation Assessment as directed by the City of Chesterfield and Saint Louis County Dept of Highways and Traffic.

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

Credits for roadway improvements will be as approved by the City of Chesterfield and St. Louis County Department of Highways and Traffic.

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

The amount of this required contribution, if not submitted by January 1, 2005, will be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

Traffic generation assessment contributions will be deposited with the City of Chesterfield or St. Louis County in the form of a check made payable to the City of Chesterfield prior to the issuance of building permits. If development phasing is anticipated, the developer will provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

## **VII. VERIFICATION PRIOR TO APPROVAL**

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

1. Roadway Improvements and Curb Cuts.

a. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Highways and Traffic for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

2. Stormwater and Sanitary Sewer.

a. The site will provide for the positive drainage of storm water and it will be discharged at an adequate natural discharge point. No change in watersheds will be permitted. The adequacy of any existing downstream storm water facilities will be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Emergency overflow drainage ways to accommodate the 100-year storm will be provided. Off-site easements for areas inundated by headwater from on site improvements will be provided as required by the Department of Public Works.

b. Stormwater drainage improvements shall be operational prior to the paving of any driveways or parking lots. Roadway and related improvements shall be constructed prior to 60% occupancy of the retail portion of the site.

3. Geotechnical Report.

Prior to Site Development Plan approval, provide a geotechnical report, as directed by the City of Chesterfield, Department of Public Works, prepared by a Professional Engineer licensed to practice in the State of Missouri. Said Report will verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, will be included on all Site Development Plans. This report will address the existence of any potential sinkholes, ponds, dams, septic fields, etc., and recommendation for treatment.

4. Grading and Improvement Plans.

a. A clearing/grading permit or improvement plan approval may be required prior to any grading on the site. The Site Development Plan and Tree Preservation Plan, if needed, must be approved prior to issuance of clearing and grading. A floodplain development permit must be obtained prior to any work in the regulated floodplain.

b. Interim storm water drainage control in the form of siltation control and/or siltation basins is required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to approval of any clearing or grading. The SWPPP will address required erosion control practices specific to site conditions. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP's) to

reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. The SWPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.

- c. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
- d. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions will be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the Director of Public Works/City Engineer upon demand.
- e. 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.
- f. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
- 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.
- h. Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until the acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil. Construct temporary settlement basins during construction to allow for settling of sediment, prior to the discharge of stormwater from this site.

- i. If any development in, or alteration of, the floodplain is proposed, the developer shall submit a Floodplain Development Permit/Application to the City of Chesterfield Department of Public Works for approval. Be advised that in conjunction with any site alteration the developer will be required to demonstrate that there will be no adverse effect on other properties located within the Chesterfield Valley. The Floodplain Development Permit/Application must be approved by the City of Chesterfield Department of Public Works prior to the approval of the Improvement Plans or Grading Plans. If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development.
- j. If any is proposed to be located in an existing, or proposed, Special Flood Hazard Area the building shall be clearly labeled as being located in the Floodplain on the Approved Site Development Plan and Improvement Plan. The lowest Reference Level (floor), as defined by FEMA, shall be constructed a minimum of one (1) foot above the base flood elevation unless a LOMR has been issued by FEMA prior to construction. The minimum elevation for the Reference Level for each building shall also be noted on the approved Site Development Plan and Improvement Plan.
- k. Prior to the issuance of an occupancy permit for any building within the development the Developer shall be required to submit an "Elevation Certificate" (FEMA form 81-31) for that building to the City of Chesterfield Department of Public Works.
- l. 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.

## **VIII. RECORDING**

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

## **IX. CHESTERFIELD VALLEY TRUST FUND**

Contributions as directed by the City of Chesterfield.



**X. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE**

Prior to any Special Use Permit issuance by St. Louis County Department of Highways and Traffic, if required, a special cash escrow or a special escrow supported by an Irrevocable Letter of credit must be established with this Department to guarantee completion of the required roadway improvements.

**XI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL**

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

1. Comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District and the appropriate Fire District.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

**XII. 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. Notification of St. Louis County Department of Public Works

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, {the Missouri Department of Transportation (Department of Highways and Traffic)} and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

3. 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.

**XIII. 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. Prior to issuance of an occupancy permit, all disturbed areas will be seeded and mulched at the minimum rates defined in Appendix “A” of the City of Chesterfield’s “Model Sediment & Erosion Control Guidelines” or sodded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions.
- D. The obligations and conditions set forth in this attachment are specific to the developer. These obligations and conditions survive the issuance building permits until they are fulfilled and an occupancy permit shall not be released to the developer until they are met.

**XIV. 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.

**XV. 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. Detention/retention will be provided for this site. A fence complimentary to the office building and parking structure is required around the detention basin.

2. 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.
  3. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
  4. Waiver of Notice of Violation per Section 1003.410(2) of the City of Chesterfield Zoning Ordinance.
  5. The entrance geometrics and drainage design will be in accordance with Missouri Department of Transportation (MoDot) standards and will be reviewed and approved by the City of Chesterfield and the Missouri Department of Transportation (MoDot).
  6. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach MoDot right of way.
  7. Detention may be required for the entire project site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24 hour storm event. Stormwater must be discharged at an adequate discharge point. Wetland mitigation will not be allowed in the detention basin area.
  8. 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.
  9. All drainage detention storage facilities will 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.
  10. 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 Section 1003.410(2) of the Zoning Ordinance.
- B. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.