

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” AND “M3” DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 5.1 ACRES TRACT OF LAND ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD EAST OF BOONE’S CROSSING (P.Z. 14-2002 THE FRED M. KEMP FOUNDATION AND JPR CORPORATION).

WHEREAS, the Petitioners, the Fred M. Kemp Foundation and the JPR Corporation, are requesting a change in zoning in a “NU” and “M3” district for a 5.1 acres tract of land located on the north side of Chesterfield Airport Road, east of Boone’s Crossing; and,

WHEREAS, the Petitioners propose to operate an automotive museum for luxury antique automobiles, and;

WHEREAS, the Planning Commission held a public hearing on September 9, 2002 to consider the matter; and,

WHEREAS, the request was considered by the Planning Commission of the City of Chesterfield, and after consideration of the request the Planning Commission recommended approval of P.Z. 14-2002 by a vote of 7-0; and,

WHEREAS, the City Council of the City of Chesterfield, having considered said request and recommendations, and having made amendments relative to the review of Sculpture proposed in the Site Development Plan, to the automatic Power of Review of the Site Development Plan by the City Council, to access requirements, and to street and site lighting requirements, recommends approval of the Planned Commercial District subject to conditions contained in Attachment “A”.

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

Section 1. The City of Chesterfield Zoning Ordinance, which are part thereof, are hereby amended by establishing a Planned Commercial District (PC) on a 5.1 acres tract of land zoned “NU” and “M3” located on the north side of Chesterfield Airport Road and east of Boone’s Crossing described below:

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING PART OF NEW PAREL TWO OF THE BOUNDARY ADJUSTMENT PLAT, RECORDED IN PLAT BOOK 210 PAGE 33, IN U.S. SURVEY 2031, TOWNSHIP 45 NORTH – RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NEW PARCEL TWO, SAID BEGINNING POINT BEING ALSO A POINT ON THE NORTH LINE OF CHESTERFIELD AIRPORT ROAD, OF VARYING WIDTH; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID NEW PARCEL TWO, NORTH 01 DEGREE 38 MINUTES 32 SECONDS EAST 303.22 FEET TO A POINT ON THE SOUTH LINE OF INTERSTATE HIGHWAY 64, OF VARYING WIDTH; THENCE EASTWARDLY ALONG SAID SOUTH LINE, SOUTH 84 DEGREES 06 MINUTES 54 SECONDS EAST 844.62 FEET TO A POINT; THENCE SOUTH 00 DEGREES 25 MINUTES 29 SECOND EAST 210.16 FEET TO A POINT ON THE AFORESAID NORTH LINE OF CHESTERFIELD AIRPORT ROAD, OF VARYING WIDTH; THENCE WESTWARDLY ALONG SAID NORTH LINE SOUTH 89 DEGREES 35 MINUTES 06 SECONDS WEST 850.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.980 ACRES ACCORDING TO A SUVEY BY VOLZ, INC. DURING FEBRUARY 2002.

PARCEL A

A TRACT OF LAND BEING PART OF LOT 5 OF “CHESTERFIELD COMMONS NORTH” A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 348 PAGES 753 THROUGH 755 OF THE ST. LOUIS COUNTY RECORDS, IN U.S. SURVEY 2031, TOWNSHIP 45 NORTH – RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5 OF “CHESTERFIELD COMMONS NORTH” THENCH WESTWARDLY ALONG THE NORTH LINE OF CHESTERFIELD AIRPORT ROAD, VARYING WIDTH, SOUTH 89 DEGREES 35 MINUTES 06 SECONDS WEST 6.42 FEET TO A POINT; THENCE NORTH 12 DEGREES 42 MINUTES 40 SECONDS WEST 26.61 FEET TO A POINT; THENCE NORTH 02 DEGREES 08 MINUTES 54 SECONDS WEST 84.73 FEET TO A POINT; THENCE NORTH 01 DEGREE 38 MINUTES 32 SECONDS EAST 194.51 FEET TO THE SOUTH LINE OF INTERSTATE HIGHWAY 64, VARYING WIDTH; THENCE EASTWARDLY ALONG SAID SOUTH LINE OF INTERSTATE HIGHWAY 64, VARYING WIDTH, SOUTH 84 DEGREES 06 MINUTES 54 SECONDS EAST 18.66 FEET TO THE EAST LINE OF SAID LOT 5 OF

“CHESTERFIELD COMMONS NORTH”; THENCE SOUTHWARDLY ALONG SAID EAST LINE OF LOT 5, SOUTH 01 DEGREE 38 MINUTES 32 SECONDS WEST 303.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 5,193 SQUARE FEET ACCORDING TO A SURVEY BY VOLZ, INC. DURING NOVEMBER 2002.

Section 2. The City of Chesterfield hereby approves this Ordinance subject to the terms and conditions as set out in Attachment “A” which is made a part hereof and attached hereto.

Section 3. The City Council, pursuant to the petition filed by The Fred M. Kemp Foundation and the JPR Corporation relative to P.Z. 14-2002, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said request be approved and after public hearing, held by the Planning Commission on the 9th day of September, 2002, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City council to exercise legislative power pertaining to planning and zoning.

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

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

Passed and approved this 2nd day of December, 2002.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

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

- 1.1.1 Conservation of Existing Quality of Life
- 1.1.2 Reinforce Existing Development Pattern
- 1.3.2 Encourage Quality Project Planning
- 4.1.6 Limit Curb Cuts
- 4.1.12 Internal Commercial Circulation

I. PERMITTED USES

A. The uses allowed in this "PC" Planned Commercial District shall be:

(f) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly

B. The following uses shall be restricted as ancillary uses in the "PC" Planned Commercial District:

(g) Automatic vending facilities for:

- (i) Iced and solid carbon dioxide (dry ice);
- (ii) Beverages;
- (iii) Confections

(uu) Vehicle service centers for automobiles

II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

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

1. The floor area and building height shall be as depicted on the Preliminary Plan.

III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

A. 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.

Failure to comply with aforementioned time limits will result in the expiration of the preliminary plan/site development concept plan for that portion not developed and will require a new public hearing.

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 roadways adjacent to the site.
 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.

10. Show the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
11. 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.
12. Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

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, other above ground structures 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, necessary right-of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of the development.
4. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for utilities, storm water drainage, grading or other improvements.
5. Specific structure and parking setbacks along all roadways and property lines.
6. The location of the proposed storm sewers, detention basins, sanitary sewers, and connection(s) to existing systems.
7. Location and size of all parking areas.
8. A landscape plan, including, but not limited to, location, size, and type of all plant and other material to be used.

9. Area of each building phase.
10. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines.
11. 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.
12. Provide comments/approvals from the St. Louis County Department of Highways and Traffic, The Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Monarch Chesterfield Valley Levee District and the appropriate Fire District.
13. 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.
14. Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

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. SPECIFIC CRITERIA

- A. The Site Development Concept and Section Plans 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 IV Section A, General Criteria-Concept Plan.

Structure and Parking Space Setbacks

1. No building, structure, or parking lot, other than boundary walls, retaining walls, signs, light standards, flagpoles or fences, shall be located within the following setbacks a 30 foot building setback from Chesterfield Airport Road.

Loading Space Setbacks

2. A service drive may be located along the eastern portion of the museum building. The drive shall extend to a point south of the existing door and stairs and shall not provide through access to and from Chesterfield Airport Road.

Parking and Loading Requirements

The parking and loading requirements shall be as required in Section 1003.165B of the Zoning Ordinance for the following uses:

3. Auditoriums, theaters, meeting rooms and places for public assembly” (page 224, Section 1003.165B of the Zoning Ordinance)

Parking standard: 1 space for every 4 seats, not to exceed 200 seats

4. Community centers and private, not-for-profit recreation centers, including gymnasiums and indoor swimming pools”,(page 225, Section 1003.165B of the Zoning Ordinance)

Parking standard: 3 1/3 spaces per 1,000 sq. ft., not to exceed 26,000 sq. ft.

5. Restoration Building:

Parking standard: One space for each employee, not to exceed two employee parking spaces

Access

6. Access to this site shall be provided to Chesterfield Airport road via an existing recorded cross access easement to the west of this site to the traffic signal at Chesterfield commons Drive. Additional access to the site to Chesterfield Airport Road will be allowed via a cross access easement for a service entrance as directed by the St. Louis County Department of

Highways and Traffic and the City of Chesterfield's Department of Public Works.

Public/Private Road Improvements, Including Sidewalks

7. The Developer shall provide any additional right-of-way and construct any improvements to Chesterfield Airport Road as required by the St. Louis County Department of Highways and Traffic and the City of Chesterfield's Department of Public Works.

Traffic Study

8. Prior to Site Development Plan approval, provide as directed, 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.

Landscape Plan

9. 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:
10. 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.
11. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

Sign Requirements

12. 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.
13. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.

14. 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.
15. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

Lighting Requirements

16. Street Lighting.
 1. Provide for the installation, maintenance, operation and all expenses related thereto for the street lighting along all public streets associated with this development, including Chesterfield Airport Road in perpetuity, as directed by the City of Chesterfield's Department of Public Works. The street lighting plan shall comply with the Chesterfield Valley Master Street Lighting Plan.
17. Site Lighting.
 1. A lighting plan is required to be submitted in conjunction with the Site Development Plan. The lighting plan shall include a layout of proposed luminaries locations, including aiming angles, minimum and average illuminances for each task, uniformity ratios, a description of the equipment (catalog cuts), glare control devices, lamps, mounting heights and means, hours of operation, maintenance methods proposed, and an illumination (foot-candle) grid demonstrating intensities and uniformity. The illumination grid scales shall be maximized to the extent of a thirty (30) inch by forty-two (42) inch drawing. Additional submissions may be required showing greater detail of areas needing further clarification. Said plans shall satisfy the following standards.
 - a. Parking lot lighting:
 - i. Fully shielded flat-lens enclosed luminaries must be used.
 - ii. Pole heights cannot exceed a maximum of thirty-nine (39) feet. Also note this is in addition to the base of the pole. (typically 3 feet).

iii. The source type shall be metal halide. Horizontal illuminance (measured at 5'-0" above the ground) must conform, within +/- 10%, to the following maintained illuminance values established by the Illuminating Engineering Society of North America (IESNA):

- Minimum 0.5 footcandles
- Average 2.5 footcandles
- Maximum 7.5 footcandles

IESNA recognized maintenance factors (lamp lumen depreciation-LLD, luminaire dirt depreciation-LLD and equipment operating factor-EOF) shall be used for computing illuminance levels. A metal halide parking lot lighting system normally requires a 0.65-combined factor.

iv. Light trespass onto neighboring properties shall be mitigated such that maximum vertical illuminance measured at the adjacent property line shall be not more than 0.50 footcandles at 5'-0" above grade.

v. All lighting fixtures shall be controlled through as automated system with timeclock capabilities.

vi. Within one (1) hour after close of business, illumination shall be reduced to security lighting levels of 25% of normal maintained levels.

vii. This provision is not necessary with the inclusion of (1)g.

viii. Searchlights are prohibited.

b. Building lighting:

i. Building mounted lighting, including both utilitarian and decorative applications, shall be limited to fully shielded, cut-off optics, flat lens luminaires.

ii. Decorative wall sconces are prohibited on the sides of the building.

c. Maintenance

All lighting installations shall be re-lamped or repaired as necessary to maintain prescribed illumination levels and glare control.

Architectural elevations

18. 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.

Sculpture

19. Any sculpture proposed on the site, including wickets, shall be submitted with the Site Development Plan (SDP) and reviewed by the Architecture Review Board (ARB) prior to submission of the SDP to the Planning Commission. Final approval of the sculpture will be with the City Council.

Power of Review

20. The Site Development Plan will have an automatic review by the City Council. The City Council will then take appropriate action relative to the proposal.

Miscellaneous

21. All exterior trash areas shall be enclosed with a six (6) foot high sight-proof fence constructed of materials similar to that of the primary building.
22. All utilities shall be installed underground. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site. Utilities Easements that cross over Chesterfield Valley Master Stormwater Easement shall be subordinate to the Chesterfield Valley Stormwater Easements.

Sleeves for future telecommunication services shall 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.

23. All references herein to the City of Chesterfield Zoning Ordinance or sections thereof shall refer to said Ordinance and amendments thereto as approved by the City of Chesterfield City Council, as of the date the petitioner submits a Site Development Plan for review and approval.

VIII. VERIFICATION PRIOR TO APPROVAL

- A. Prior to approval of the Site Development Concept and Section Plans, the developer shall provide the following:

Roadway Improvements and Curb Cuts

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

Stormwater and Sanitary Sewer

2. Due to the inherent nature of development, the specific size, location, and configuration of the storm water infrastructure are conceptual in nature. The exact location, size, and type of each segment of storm water infrastructure are to be reviewed and approved in conjunction with the development of specific sites. It is expected, that developers will submit alternate plans, proposed alternative geometry, size, and type for these infrastructure improvements, along with supporting hydraulic computations. The Public Works Department will review said proposals for functional equivalence. Functional equivalence is said to be achieved when, as determined by the Director of Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system wide benefits without adversely affecting water surface profiles at other locations or adjacent properties.

Sanitary Sewers

3. Provide verification of approval by M.S.D. for adequate handling of sanitary sewage.

Geotechnical Report

4. 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 shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. This report shall address the existence of any

potential sinkhole, ponds, dams, septic fields, etc., and recommendation for treatment.

Grading and Improvement Plans

5. A clearing/grading permit or improvement plan approval is required prior to any clearing or grading on the site. Be advised, the Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and grading permit. No change in watersheds will be permitted. Interim storm water drainage control in the form of siltation control and/or siltation basins is required. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to any clearing, grading, and/or improvement plan approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.
6. Erosion and siltation control shall 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. Construct temporary settlement basins during construction to allow for settling of sediment, prior to the discharge of stormwater from this site.
7. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions shall 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.
8. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area. Parking on non-surfaced areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions. The contractor shall 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 shall be cleaned continuously throughout each day.

9. 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 shall be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
10. Prior to issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or soded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions.
11. Prior to improvement plan approval, provide comments/approvals from the St. Louis County Department of Highways and Traffic, the Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, the Missouri Department of Natural Resources, the Monarch Chesterfield Valley Levee District and the appropriate Fire District.
12. Be advised, this development may require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five (5) or more acres.
13. Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.
14. 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 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 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.

Floodplain

15. If any building 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.

IX. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved plan shall be recorded with the St. Louis County Recorder of Deeds. Failure to record the plan within sixty (60) days of approval shall deem the plan void.

X. CHESTERFIELD VALLEY TRUST FUND

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.

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

1. 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. Any cost associated with the required improvements, above the original estimate, shall be borne by the developer. 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>
Commercial	\$1.71/sq. ft. of building space
Office	\$1.19/sq. ft. of building space
Industrial	\$4,119.95/acre of gross acreage

If the type of development proposed differs from those listed, rates shall be provided by the St. Louis County Department of Highways and Traffic. Where more than one land use type is proposed and each land use type constitutes thirty-five (35) percent or more of the gross building area, the applicable road improvement contribution shall be determined considering each land use exceeding thirty-five (35) percent as approved on the Site Development Plan.

Credits for roadway improvements required 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 Treasurer, St. Louis County.

2. Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$543.83 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 and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

3. 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 on the basis of \$1,716.14 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 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.

4. Sanitary Sewer

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 sanitary sewer must connect to the Chesterfield Commons Pump Station #3.

- B. The amount of this required contribution for the roadway, stormwater and primary waterline improvements, if not submitted by January 1, 2003, 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.

XI. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

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

XII. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to improvement plan approval, provide comments/approvals from the St. Louis County Department of Highways and Traffic, the Spirit of St. Louis Airport, MSD, the Missouri Department of Natural Resources, the Monarch-Chesterfield Levee District and the Chesterfield Fire Protection District.

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 shall be met:

Notification of Department of Planning

1. 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.

Notification of St. Louis County Department of Public Works

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

Certification of Plans

3. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall 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 shall 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.

XV. FINAL RELEASE OF ESCROW

Prior to the release of final escrow, the developer shall 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. VERIFICATION PRIOR TO BUILDING PERMITS

- A. Subsequent to approval of the appropriate development plan and prior to issuance of any building permit, the following requirements shall be met:

Sanitary Sewers

1. Provide verification to the St. Louis County Department of Public Works and the City of Chesterfield of provision of adequate sanitary services.

Notification of City of Chesterfield

2. Prior to issuance of zoning approvals for foundation or building permits, the City of Chesterfield must receive approvals from the St. Louis County Department of Highways and Traffic and the Metropolitan St. Louis Sewer District.

XVII. SUPPLEMENTARY DEVELOPMENT CONDITIONS

- A. Supplementary development conditions relating to the operation of this development are as follows:

1. 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.
2. Prior to final occupancy of any building, the developer shall 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.

XVIII. 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. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
 2. 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.
 3. 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.
 4. Notice requirements set forth in Section 1003.410.2 of the Zoning Ordinance shall not apply to violations pursuant to this Attachment A.