

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO A "PI" PLANNED INDUSTRIAL DISTRICT FOR AN APPROXIMATELY 2.905-ACRE TRACT OF LAND LOCATED AT 454 NORTH EATHERTON ROAD [P.Z. 25-2003 14691 PRECISION EATHERTON].

WHEREAS, the petitioner, Precision Systems, has requested a change in zoning from an "NU" Non-Urban District to a "PI" Planned Industrial District for an approximately 2.905-acre tract of land located at 454 North Eatherton Road , and

WHEREAS, the Planning Commission, having considered said request, recommends approval of the request for a change of zoning from an "NU" Non-Urban District with conditions in the Attachment A to a "PI" Planned Industrial District for an approximately 2.905-acre tract of land located at 454 North Eatherton Road.

WHEREAS, after consideration of an amendment, the City Council approved the request with an amendment to Access.

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 and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing an "PI" Planned Industrial District for an approximately 2.905-acre tract of land located at 454 North Eatherton Road, and described as follows:

A tract of land being part of that property conveyed to William F. Moritz, Robert S. Moritz and Claire Marie Schroeder by Deed recorded in Deed Book 10371, Page 2049, of the St. Louis County Records, being part of Lot 1 of the Subdivision of E. Kroenung Estate, according to the Plat thereof recorded in Plat Book 11, Page 11 of the St. Louis County Records, situated in U.S. Survey 362, Township 45 North, Range 3 East, in the City of Chesterfield, St. Louis County, Missouri, and being more particularly described as follows:

Commencing at a point on the Eastern Right Of Way Line of Earherton Road, 40 feet wide, at its intersection with a point on the Northern Line of a Private Road, 25 feet wide, (known as Wardenburg Road) according to Deed recorded in Deed Book 377, Page 296, of the St. Louis County Records: thence Northwesterly, along the Eastern Right Of Way Line of said Eatherton Road. North 11 degrees 56 minutes 10 seconds West 216.45 feet to the Northwestern corner of property conveyed to Jewel Bridges and Clara Bridges, his wife, by Deed recorded in Deed Book 6447, Page 77, of the St. Louis County Records and being the Point Of Beginning of the tract of land hereon described: thence Northwesterly, continuing along the Eastern Right Of Way Line of said Eatherton Road. North 11 degrees 56 minutes 10 seconds West 216.03 feet to the Southwestern corner of property conveyed to Norman Romback, Trustee, by Deed recorded in Deed Book 11326, Page 1796, of the St. Louis County Records: thence Northeasterly, along the Southern Line of said property conveyed to Norman Romback, Trustee. North 78 degrees 41 minutes 30 seconds East 586.64 feet to its intersection with a point on the Eastern Line of Lot 1

of the Subdivision of E. Kroenung Estate, as aforementioned: thence Southeasterly, along the Eastern Line of said Lot 1. South 11 degrees 31 minutes 10 seconds East 216.02 feet to the Northeastern corner of property conveyed to Jewel Bridges and Clara Bridges, his wife, as aforementioned: thence Southwesterly, along the Northern Line thereof. South 78 degrees 41 minutes 30 seconds West 585.07 feet to the point of beginning, containing 2.905 acres, more or less.

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

Section 3. The City Council, pursuant to the petition filed by Precision Systems, in P.Z. 25-2003 Precision Eatherton, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 10th day of November, 2003, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

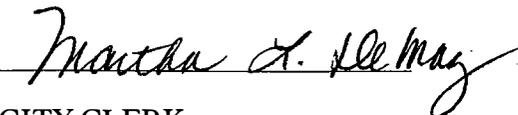
Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 18th day of February, 2004.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

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

- 1.4 Quality New Development
- 1.5 Diversity of Development
- 1.6 Lighting Plan and Program
- 1.7 Chesterfield Valley
- 2.2 No Residential Projects in the Valley
- 3.1 Quality Commercial Development
- 3.1.1 Quality of Design
- 3.5 Chesterfield Valley
- 3.5.1 Chesterfield Valley Regional Retail and Low Intensity Industry
- 3.5.2 Chesterfield Valley Airport Compatibility
- 6.1 Low-Intensity Industrial
- 7.2 Multi-Modal Transportation Design
- 7.2.1 Maintain Proper Level of Service
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 7.2.5 Right-of-Way Dedication
- 7.2.6 Cross-Access Circulation
- 7.2.9 Access Management
- 8.2.1 Coordinated Growth
- 8.2.2 Underground Electric Service
- 8.3 Stormwater Management
- 8.3.1 New Development Review for Stormwater Control

I. PERMITTED USES

A. The uses allowed this "PI" Planned Industrial District shall be:

1. Offices or office buildings.
2. Warehousing, storage, or wholesaling of manufactured commodities.

B. The above uses in the "PI" Planned Industrial District shall be restricted as follows:

1. There shall be no outdoor storage of equipment or material exclusive of the storage of vehicles associated with the operation of permitted uses.

II. FLOOR AREA, HEIGHT, BUILDING AND PARKING REQUIREMENTS

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

1. Floor Area

- a. Total building floor area will not exceed 10,750 square feet. The square footage constructed will be based on the development's ability to comply with the parking requirements of the City of Chesterfield Zoning Ordinance.

2. Height

- a. The maximum height of the office building will not exceed forty feet, exclusive of roof screening.

3. Building Requirements

a. Greenspace: Until such time as the connection of the site to a permanent sanitary sewer system, a minimum of forty-seven percent (47%) 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. Upon connection to sanitary sewer, a minimum of thirty percent (30%) greenspace is required for this development.

b. Floor Area Ratio: The development will have a maximum Floor Area Ratio (F.A.R.) of fifty-five (55%). The gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking. Planning Commission may request two calculations: one calculation for those areas above grade and another that includes building area below grade.

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 accord 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. Parking calculations.
4. Architectural elevations (with design statement) and materials of the proposed office building and parking structure.

5. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
6. Specific structure and parking setbacks along all roadways and property lines.
7. 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.
8. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
9. 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.
10. 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.
11. Provide 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.
12. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
13. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
14. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
15. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.
16. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the St. Louis County Department of Highways and Traffic.
17. 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.

18. Provide the greenspace percentage and Floor Area Ratio (F.A.R).
19. Provide a tree stand delineation.

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, flagpoles or fences will be located within the following setbacks:

- a) One hundred thirty (130) feet from the proposed right of way of Eatherton Road.
- b) Forty (40) feet from the southern boundary of the "PI" Planned Industrial District.
- c) Three hundred (300) feet from the eastern boundary of the "PI" Planned Industrial District.
- d) Fifteen (15) feet from the proposed right-of-way of the east-west access road.

2. Parking and Loading Space Setbacks

- a) Sixty-five (65) feet from the proposed right of way of Eatherton Road.
- b) Twenty (20) feet from the southern boundary of the "PI" Planned Industrial District.
- c) Twenty-five (25) feet from the eastern boundary of the "PI" Planned Industrial District, where adjoining property is in an "NU" Non-Urban, PS Park and Scenic, or any residential district.
- d) Ten (10) feet from the eastern boundary of the "PI" Planned Industrial District, where adjoining property is in a "PC" Planned Commercial or PI Planned Industrial district.
- e) Ten (10) feet from the proposed right-of-way of the east-west access road.

3. Parking and Loading Requirements

- a) Parking and loading spaces for this development will be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.
- b) Adequate on-site parking for construction related vehicles and equipment shall be provided. No parking shall be permitted on the Eatherton Road right of way.

4. Access

- a) Only one street entrance shall be allowed onto Eatherton Road.
- b) Access to the site shall be limited to two curb cuts on the proposed east-west access road as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
- c) A cross-access easement and temporary slope construction license or other appropriate legal instrument guaranteeing permanent access to the adjacent property to the north as approved by the City of Chesterfield shall be provided as directed by the City of Chesterfield. Said easement(s) shall be provided along the north side of the proposed street, across from the two entrances into the site, and at a location in between the two entrances. The width of the cross access shall be a minimum of 80 feet.
- d) A cross-access easement and temporary slope construction license or other appropriate legal instrument guaranteeing permanent access to the adjacent property to the south as approved by the City of Chesterfield shall be provided as directed by the City of Chesterfield. Said easement shall be provided along the length of the southern boundary of the subject site with final number, location, and geometry of future access points to be directed by the City of Chesterfield.
- e) A cross-access easement and temporary slope construction license or other appropriate legal instrument guaranteeing permanent access between this site and the adjacent property to the east as approved by the City of Chesterfield shall be provided as directed by the City of Chesterfield. Said easement shall provide access to the proposed east-west street.

5. Public/Private Road Improvements, Including Pedestrian Circulation

- a) Provide any additional right of way and pavement widening to Eatherton Road as required by and to the standards of the St. Louis County Department of Highways and Traffic.
- b) A distance of 100 feet shall be required from the future right of way line of Eatherton Road to the center of the western entrance into the site,

and a distance of 35 feet shall be required from the eastern property line to the center of the eastern entrance, as directed by the City of Chesterfield.

c) The proposed east-west street shall be 26 feet wide, shall have seven-foot shoulders on both sides, shall be centered within a 40-foot right of way, and shall be designed and constructed in accordance with the street standards of the City of Chesterfield and St. Louis County. Roadway maintenance and utility easements, 10 feet wide, shall be located on both sides of the street right of way.

d) The proposed east-west street shall be dedicated to St. Louis County if it is to be connected to the airport property; otherwise the street shall be private, and shall remain private forever.

e) Access to the drive entrances shall be designed to support a Single Unit Truck radius of 42 feet at a minimum.

f) A distance of 40 feet, as measured from the edge of pavement of the proposed street to the first conflict point of a parking lot or internal driveway will be required, as directed by the City of Chesterfield.

g) Provide a five (5) foot wide sidewalk, conforming to St. Louis County ADA standards, parallel to Eatherton Road and the proposed east-west roadway. Maintenance of said sidewalks shall be the sole responsibility of the property owner.

6. Traffic Study

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

7. Landscape Plan

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 Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:

a) Landscaping must adequately screen all parking areas and access drives as approved by the Planning Commission on the Site Development Plan.

b) A minimum of 2 ½ -inch caliper trees are required for every forty (40) lineal feet of landscaped setback area, except at any location where the planting of a tree would endanger the integrity of a levee protecting Chesterfield Valley. Where the planting of a tree could endanger the

integrity of a levee protecting Chesterfield Valley, the tree shall be planted at another location in the project, as close to the street as feasible.

c) Landscaping shall not be located within the high-water limits of the Chesterfield Valley Master Stormwater ditch.

d) If the estimated cost of new landscaping indicated on the Site Development Plan 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.

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

8. Sign Requirements

a) 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.

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

c) 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.

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

9. Light Requirements

a) 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.

b) 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.

c) All light standards within this development will not exceed a total vertical height of twenty-four (24) feet.

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. 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.

12. 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) Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission

c) If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluating the impacts of the proposed work shall be provided as directed by the City of Chesterfield Department of Public Works. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.

d) 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.

e) 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.

VI. TRUST FUND CONTRIBUTION

- A. The developer will contribute to the Wild Horse Creek Traffic Generation Assessment Road Trust Fund. This contribution will not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$457.68/Parking Space
Warehousing	\$640.81
Loading Space	\$2,246.95/Loading Space

(Parking space as required by Section 1003.165 of the St. Louis County Zoning Ordinance.)

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 that 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, 2004, will 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.

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) Detention/retention will be provided for this site. Detention of differential runoff of storm water is required by providing permanent detention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention basin(s) will be operational prior to construction of any driveways or parking areas. The location and types of detention facilities will be identified on the Sit Development Plan.

b) 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.

c) 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.

d) 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.

e) A Chesterfield Valley Master Stormwater Ditch may be required along the front of the site adjacent to Eatherton Road. A defeasible easement shall be granted to the City of Chesterfield for this possible future ditch prior to the approval of site improvement plans. The width of the easement shall be 70 feet as directed by the City of Chesterfield.

f) If it is determined by the City of Chesterfield that a Chesterfield Valley Master Stormwater Ditch is to be constructed at this location, the petitioner will be required to provide a special cash escrow to the City for the cost of constructing the ditch and any associated culverts underneath the proposed street.

g) Landscaping will not be allowed within the high-water limits of the stormwater ditch.

h) Stormwater drainage improvements shall be operational prior to the paving of any driveways or parking lots.

i) Sanitary sewer service shall be brought to the site. This may include a gravity line, a force main, and a regional lift station. The size and location shall be as directed by the Metropolitan St. Louis Sewer District (MSD) and the City of Chesterfield. The use of temporary systems shall be at the direction of MSD and the City of Chesterfield; however, connection to a permanent sanitary sewer is required when available (See OCCUPANCY PERMIT/FINAL OCCUPANCY).

j) The construction of a water main to serve the development shall be required. The size and location shall be as directed by the Missouri American Water Company and the City of Chesterfield.

3. Geotechnical Report.

Provide a geotechnical report 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 and Improvement 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 is required prior to any grading on the site. The Site Development Plan and Tree Preservation Plan must be approved prior to issuance of clearing and

grading. 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 SWPPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.

c) Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.

d) When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions will be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the Director of Public Works/City Engineer upon demand.

e) If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized erosion, if adequate storm water detention and erosion control devices have not been established.

f) Provide adequate temporary off-street parking for construction employees and a vehicle wash down/cleaning area. Parking on non-surface areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked on the pavement causing hazardous roadway and driving conditions. The contractor will keep the roads in the area clear of mud and debris related to his construction at all times. The streets surrounding this development and any street used for construction access thereto will be cleaned at the end of each day.

g) 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.

h) This development may require an NPDES Permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five or more acres. A copy of the NPDES permit must be submitted to the City of Chesterfield Department of Public Works prior to issuance of a grading permit or approval of improvement plans.

VIII. RECORDING

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

IX. CHESTERFIELD VALLEY TRUST FUND

A. Roads

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

<u>Type of Development</u>	<u>Required Contribution</u>
Industrial	\$4,332.84/acre of gross acreage

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

Credits for roadway improvements required in condition will be awarded as directed by the St. Louis County 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 contribution 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 Highways and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

B. Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$568.82 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contributions shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made prior to approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highway and Traffic. Funds shall be payable to the Treasurer, St. Louis County.

C. Stormwater

The stormwater contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of stormwater from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed on the basis of \$1,804.75 per acre for the total area as approved on the Site Development Plan.

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

D. Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek impact fee. The sanitary sewer contributions within Chesterfield Valley area shall be deposited with the Metropolitan Sewer District as required by the District.

The amount of this required contribution for the roadway, stormwater and primary waterline improvements, if not submitted by January 1, 2004 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 Departments of Highway and Traffic.

Trust fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

X. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of credit must be established with 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:

- A. 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 Levee District, the Missouri Department of Natural Resources and the Monarch Fire Protection District.
- B. 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 St. Louis County 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 occupancy of any building, permanent sanitary sewer service shall be brought to the site. This may include a gravity line, a force main, and a regional lift station. The size and location shall be as directed by the Metropolitan St. Louis Sewer District (MSD) and the City of Chesterfield. A temporary occupancy permit may be issued by use of temporary sewers as directed by the Metropolitan St. Louis Sewer District (MSD) and the City of Chesterfield; however connection to a permanent sanitary sewer is required when available.

D. 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.

E. 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.

F. 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 accord 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 St. Louis County Department of Highways and Traffic standards and will be reviewed and approved by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
 6. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach St. Louis County Department of Highways and Traffic 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.