

BILL NO. 2419

ORDINANCE NO. 2240

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "R3" RESIDENCE DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A .42 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CONWAY ROAD, 700 FEET WEST OF ITS INTERSECTION WITH CHESTERFIELD PARKWAY EAST (P.Z. 13-2005 STALLONE'S FORMAL WEAR/PHILLIP AND CANDACE STALLONE)

WHEREAS, the petitioners, Phillip and Candace Stallone, requested a change in zoning from an "R3" Residence District to a "PC" Planned Commercial District for a tract of land located on the south side of Conway Road, 700 feet west of its intersection with Chesterfield Parkway East, and;

WHEREAS, the Planning Commission, held a public hearing regarding said request on July 11, 2005, and;

WHEREAS, the Planning Commission, having considered said request, recommended approval of said change of zoning by a vote of 9-0.

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 a part thereof, are hereby amended by transferring from the "R3" Residence District to the "PC" Planned Commercial district a .42 acre tract of land located on the south side of Conway road, 700 feet west of its intersection with Chesterfield Parkway East, as described below:

Legal Description:

A tract of land being part of Fractional Section 10, Township 45 North, Range 4 East, in the City of Chesterfield, Saint Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the southern right-of-way line of Conway Road, variable width, at its intersection with a point on the western line of property conveyed to Leonard Spinrad and Maureen M. Spinrad, his wife, by Deed recorded in Deed Book 6639, Page 1930, of the Saint Louis County Records, thence southwesterly along the western line of said property South 06 degrees 42 minutes 00 seconds West 98.79 feet to the southwestern corner thereof; thence northwesterly, along the northern right-of-way line of Missouri State Highway 40, North 70 degrees 09 minutes 00 seconds West 236.89 feet to the southwestern corner of a private road (fifteen feet wide) as recited by Deed recorded in

Deed Book 1368, Page 467, of the Saint Louis County Records; thence northwesterly, along the western line of said Private Road, North 04 degrees 35 minutes 00 seconds west 59.31 feet to its intersection with a point on the southern right-of-way line of Conway Road, as aforementioned; thence southeasterly, along the southern right-of-way line thereof, South 80 degrees 10 minutes 00 seconds East 242.64 feet to the point of beginning, containing 0.422 acres, more or less (18,363 square feet) according to a survey performed by Volz Inc., during the month of August 2004.

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 Attachment A, which is attached hereto and made a part hereof.

Section 3. The City Council, pursuant to the petition filed by Phillip and Candace Stallone in P.Z. 13-2005 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 11th day of July, 2005, 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.

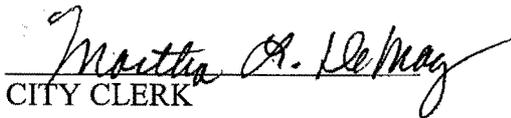
Section 4. This ordinance and the requirements thereof are exempt from the warnings and summons for violations as set out in Section 1003.410 of the zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 6th day of FEBRUARY, 2006.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

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

- 1.2 Adherence to the Plan
- 1.4 Quality New Development
- 3.1 Quality Commercial Development
- 3.1.2 Buffering of Neighborhoods
- 3.4 Signage Considerations
- 3.7 Urban Core
- 8.2.2 Underground Electric Service

I. SPECIFIC CRITERIA

A. Information to be shown on the Site Development Concept Plan shall be limited to those conditions specified in Section A, General Criteria-Concept Plan. Site Development Plans and Site Development Section Plans shall adhere to specific design criteria.

B. Definitions

- 1. Site Development Concept Plan is a conceptual plan for development in a planned district being done in phases. A concept plan provides an overall picture of a development that is being divided into sections to be developed in phases.**
- 2. A Site Development Section Plan is a plan for development for sections of the overall concept plan.**
- 3. Site Development Plan is a plan for development in planned districts that is being done in one phase.**

C. PERMITTED USES

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

- a. Service facilities, studios, or work areas for dressmakers and tailors. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
- b. Stores, shops, markets, service facilities, open to the general public on the premises.

2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. The hours of operation shall be Monday-Friday from 10 am until 8 pm and 9am until 5 pm on Saturday.

D. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. FLOOR AREA

- a. Total building floor area shall not exceed 1,036 square feet.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed two (2) stories or forty-five (45) feet, whichever is less.

3. BUILDING REQUIREMENTS

- a. Open space: A minimum of sixty-eight percent (68%) open space is required for this development. Open space includes all areas excluding the building or areas for vehicular circulation. Open space calculations shall not include area on non-impervious surface used for outdoor sales.
- b. Floor Area Ratio: The development shall have a maximum Floor Area Ratio (F.A.R.) of five percent (5%) F.A.R. is 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.

E. STRUCTURE AND PARKING SETBACKS

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. Thirty (30) feet from the new right-of-way of Conway Road on the northern boundary of the "PC" Planned Commercial District.
- b. Forty (40) feet from the eastern boundary of the "PC" Planned Commercial District.
- c. One hundred thirty-five (135) feet from the western boundary of the "PC" Planned Commercial District (N 04°35'00"W).

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- d. Twenty (20) feet from the right-of-way of Highway 40/Interstate 64 on the southern of the "PC" 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. Fifteen (15) feet from the new right-of-way of Conway Road on the northern boundary of the "PC" Planned Commercial District.
- b. Seventy (70) feet from the eastern boundary of the "PC" Planned Commercial District.
- c. Ninety (90) feet from the western boundary of the "PC" Planned Commercial District (N 04°35'00"W).
- d. Twenty (20) feet from the right-of-way of Highway 40/Interstate 64 on the southern of the "PC" Planned Commercial District.

F. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
 - a. No construction related parking shall be permitted within the Conway Road right-of-way.
 - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
 - c. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.

G. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall submit a landscape plan, tree stand delineation; and tree preservation plan in accordance with the City of Chesterfield Code.
2. 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.

3. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.
4. No landscaping will be allowed to be planted within the 100-year high water elevation of any Chesterfield Valley Master Storm Water channel.

H. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the Missouri Department of Transportation and the City of Chesterfield for sight distance considerations prior to installation or construction.
3. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
4. 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 sign and landscaping shall be as approved by the Planning Commission on the Site Development Plan.

I. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. The location and height of the light standards will be as approved by the Planning Commission.
3. Except for required street lighting, no source of illumination will be situated so that light is cast on any public right-of-way or adjoining property.

J. ARCHITECTURAL

1. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. The proposed elevations should give consideration to creating a visually-appealing development pattern, particularly from I-64/US40.
3. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long

facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.

4. 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.
5. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

K. ACCESS/ACCESS MANAGEMENT

1. Access to Conway Road shall be limited to one commercial entrance. The commercial entrance shall be as close to the west property line as practical and adequate sight distance shall be provided, as directed by the City of Chesterfield's Department of Public Works.
2. No direct access to Highway 40/64 will be permitted.
3. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards, as originally adopted by Ordinance No. 2103 and as may be amended from time to time.

L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.
2. All roadway and related improvements in each plat or phase of the development shall be constructed prior to 60% occupancy of that plat or phase.
3. Improve Conway Road along the entire frontage of the site to complete the full width improvements required for a forty (40) foot wide right of way and a twenty-seven (27) foot pavement, including six (6) inch vertical curb, required tapers, and storm drainage facilities, as directed by the City of Chesterfield's Department of Public Works.
4. Provide additional right-of-way for Conway Road along the entire frontage of the site and a ten (10) foot Permanent Roadway Improvement, Maintenance, Utility, Sewer and Sidewalk Easement adjacent to Conway Road as directed by the City of Chesterfield

5. All roadway and related improvements shall be completed prior to occupancy for the development.

M. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

N. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan 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 of the site plan. The City Council will then take appropriate action relative to the proposal.

O. STORMWATER AND SANITARY SEWER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system. The adequacy and condition of the existing downstream systems shall be verified and upgraded if necessary.
2. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works.
3. Detention/retention is to be provided in each watershed as required by the City of Chesterfield. Detention of storm water runoff is required by providing permanent detention/retention facilities, such as dry reservoirs, ponds, underground vaults, or other alternatives acceptable to the Department of Public Works. The maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet, as directed. Wetland mitigation shall not be permitted within a detention/retention basin. The detention/retention facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty (60%) of the approved dwelling units in each plat, watershed or phase of residential developments. The location and types of detention/retention facilities shall be identified on the Site Development Plan.

The lowest opening of all structures shall be set at least two (2) feet higher than the 100-year high water elevation in detention/retention facilities. All structures shall be set at least thirty (30) feet horizontally from the limits of the 100-year high water.

4. Extend and connect the existing eighteen (18) inch storm sewer pipe across the proposed property to the existing facilities downstream.
5. Analysis and verification of the adequacy of the downstream sewers shall be provided.
6. All fills placed under proposed storm and sanitary sewer lines and/or paved areas, including trench backfill within and off the road right-of-way, shall be compacted to ninety percent (90%) of maximum density as determined by the "Modified AASHTO T-180 Compaction Test" (ASTM D-1557) for the entire depth of the fill. Compacted granular backfill is required in all trench excavation within the street right-of-way and under all paved areas. All tests shall be performed concurrent with grading and backfilling operations under the direction of a geotechnical engineer who shall verify the test results.

P. GEOTECHNICAL REPORT.

1. Provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on the Site Development Plan.
2. If cut or fill slopes in excess of the standard maximum of 3:1 horizontal run to vertical rise are desired, approval for the steeper slopes must be obtained from the Director of Public Works. Approval of steeper slopes is limited to individual and isolated slopes, rock dikes, undisturbed and stable natural slopes and slopes blending with the natural terrain. Design of the steep slopes must be performed by a registered professional engineer and include recommendations regarding construction methods and long-term maintenance of the slope. Any steep slope proposed on a Site Development Plan shall be labeled and referenced with the following note: *Approval of this plan does not constitute approval of slopes in excess of 3:1. Steep slopes are subject to the review and approval of the Director of Public Works. Review of the proposed steep slope will be concurrent with the review of the grading permit or improvement plans for the project.*

Q. GRADING AND IMPROVEMENT PLANS.

1. A grading permit or improvement plan approval is required prior to issuance of a building permit, as directed.
2. A grading permit or improvement plan approval is required prior to any clearing or grading. The Site Development Plan and Tree Preservation Plan/Tree Removal Permit must be approved prior to issuance of a grading permit or approval of improvement plans. No grading that results in a change in watersheds will be permitted.
3. Prior to approval of a grading permit or improvement plans, a Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved. The SWPPP shall address installation and maintenance of required erosion control practices specific to site conditions. The purpose of the SWPPP is to ensure the design, implementation, management and maintenance of Best Management Practices (BMPs) to control erosion and reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities, and ensure compliance with the terms and conditions stated in the Sediment and Erosion Control Manual.
4. Erosion and siltation control devices shall be installed prior to any clearing or grading and be maintained throughout the project until adequate vegetative growth insures no future erosion of the soil and work is accepted by the owner and controlling regulatory agency.
5. If existing City maintained streets are to be used as construction access to this site, prior to approval of a grading permit or improvement plans, or any construction related traffic or delivery of any construction equipment to the site, the following items must be addressed:
 - a. The travel route must be approved by the Department of Public Works. No deviation from the approved route will be permitted.
 - b. An evaluation, including film record, of the current condition of the pavement on the approved travel route must be submitted.
 - c. An appropriate bond must be submitted, as approved by the City of Chesterfield, to ensure that any damage to existing pavement is repaired. Repair of damage to existing streets will not be included in the subdivision escrow; a separate bond must be established.
 - d. All plan sheets shall indicate that vehicle loads of construction traffic using this route are not to exceed 22,400 pounds axle load per 60,000 gross vehicle weight and that no tri-axle trucks are to be used. Weight tickets may be used to determine conformance with this requirement.
 - e. Additional protective measures, as deemed necessary by the Department of Public Works, may also be required.

6. Prior to grading permit or improvement plan approval, provide comments/approvals from the appropriate Fire District, St. Louis County Department of Highways and Traffic, Missouri Department of Transportation, and the Metropolitan St. Louis Sewer District.
7. Prior to approval of a grading permit or improvement plans, copies of recorded easements, including book and page of record, for all off-site work and off-site areas inundated by headwater from on-site improvements must be submitted.
8. Erosion and siltation control devices shall be installed prior to any clearing or grading and be maintained throughout the project until adequate vegetative growth insures no future erosion of the soil and work is accepted by the owner and controlling regulatory agency.
9. When clearing and/or grading operations are completed or will be suspended for more than fourteen (14) days, all necessary precautions shall be taken to retain soil materials on site. Protective measures may include a combination of seeding, periodic wetting, mulching, or other suitable means.
10. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, unless alternate storm water detention and erosion control devices have been designed and established, a fast germinating annual, such as rye or sudan grasses, shall be utilized to retard erosion.
11. Soft soils in the bottom and banks of any existing or former pond sites or tributaries or any sediment basins or traps should be removed, spread out and permitted to dry sufficiently to be used as fill. This material shall not be placed in proposed public right-of-way locations or in any storm sewer location.

R. MISCELLANEOUS

1. Access/utility easements shall be required throughout the development. A continuous fifteen (15) foot wide rear yard easement shall be provided. At a minimum, a ten (10) foot wide utility/access easement shall be provided at every other lot line or break between structures, as directed.
2. Should the design of the subdivision include retaining walls that serve multiple properties, those walls shall be located within common ground or special easements, including easements needed for access to the walls.
3. This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) or more acres.

5. 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.
 - a. 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.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT PLANS

1. TIME PERIOD FOR PLAN SUBMITTAL

- a. The developer shall submit a Site Development Plan within eighteen (18) months of City Council approval of the Preliminary Development Plan. This requirement shall be accomplished prior to issuance of building permits.
- b. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan and will require a new public hearing.
- c. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA - SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

- A. Site Development Plan shall include, but is not limited to, the following:
 1. Outboundary plat and legal description of the property.
 2. Density Calculations.
 3. Zoning District lines and floodplain boundaries.
 4. Location map, north arrow, and plan scale.

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5. Conceptual location and size, including height, of all proposed buildings, parking and loading areas, and lots.
6. Parking calculations.
7. Specific structure and parking setbacks along all roadways and property lines.
8. Provide the green space percentage for each lot on the plan.
9. Provide open space percentage.
10. Address trees and landscaping in accordance with the City of Chesterfield Code.
11. Provide a lighting plan in accordance with the City of Chesterfield Code.
12. Provide Floor Area Ratio (F.A.R.)
13. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
14. Scale shall be no greater than one (1) inch equals one hundred (100) feet.
15. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
16. Size and approximate location of existing and proposed internal and adjacent roadway, drives, major utility easements, necessary right-of-way dedications, road improvements and curb cuts on and adjacent to property in question.
17. Show location of curb cuts, necessary right-of-way dedication, road improvements, and driveways on opposite side of street.
18. Show existing and proposed contours at intervals of not more than two (2) foot, and extending one hundred fifty (150) feet beyond the limits of the site.
19. Show 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.
20. Show preliminary storm water and sanitary sewer facilities.
21. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.

22. 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.
23. 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.
24. Show 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.
25. Show 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.
26. Prior to plan approval depict existing and proposed improvements, easements, right-of-ways, and off-site easements and right-of-way required for proposed improvements within one hundred fifty (150) feet of the site as directed by the City of Chesterfield. Improvements include, but are not limited to, roadways and driveways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
27. Show the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
28. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
29. The Site Development Plan and Tree Preservation Plan must be approved prior to clearing or grading.

V. TRUST FUND CONTRIBUTION

- A. The developer will contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Road Trust Fund (Trust Fund No. 554). 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 Retail	\$1503.41/Parking Space

(Parking space as required by the City of Chesterfield Code.)

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.

If 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, 2006 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 or to St. Louis county as directed by the Department of Planning 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.

VI. 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 of a plan by the Planning Commission.

VII. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Prior to any Special Use Permit being issued 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.

VIII. 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 and any other applicable agency as required by the Department of Planning.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

IX. 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, Spirit of St. Louis Airport 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.

4. All required subdivision improvements in each plat of a subdivision shall be completed prior to issuance of more than eighty-five percent (85%) of the building permits for all lots in the plat.

X. OCCUPANCY PERMIT/FINAL OCCUPANCY

All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued, except that a temporary occupancy permit may be issued in cases of undue hardship because of unfavorable ground conditions. Seed and mulch shall be applied at rates that meet or exceed the minimum requirements stated in the Sediment and Erosion Control Manual.

XI. FINAL RELEASE OF ESCROW

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 United States Public Land Survey Corners.

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.

XII. 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. If street grades in excess of six percent (6%) are desired, steep grade approval must be obtained. In no case shall slopes in excess of twelve percent (12%) be considered. Any request for steep street grades must include justification prepared, signed and sealed by a registered professional engineer and include plans, profiles, boring logs, cross-sections, etc in accordance with the Street Grade Design Policy. The justification should clearly indicate site conditions and alternatives considered. If steep grades are approved for this site, a disclosure statement shall be provided to all potential buyers and a note indicating that priority snow removal will not be given to this site shall be included on the Site Development Plan and Record Plat.

XIII. ENFORCEMENT

1. 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.
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. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
4. Waiver of Notice of Violation per the City of Chesterfield Code.
5. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.