

BILL NO. 2421

ORDINANCE NO. 2245

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 1708 AND REPLACING IT WITH A NEW ORDINANCE WITH AMENDMENTS RELATIVE TO ADDITIONAL PERMITTED USES AND AMENDMENTS TO SEVERAL AREA, HEIGHT, LOT AND SETBACK REQUIREMENTS FOR A 24.9-ACRE "PI" PLANNED INDUSTRIAL DISTRICT LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD ACROSS FROM ITS INTERSECTION WITH TRADE CENTER BOULEVARD. (P.Z. 15-2005 CHESTERFIELD AIRPORT ROAD ACQUISITIONS LLC/TERRA CORPORATE PARK)

WHEREAS, the petitioner, Chesterfield Airport Acquisitions, LLC requested amendments to City of Chesterfield Ordinance 1708 to increase the number of permitted uses, and amend area, height, lot and setback requirements, and;

WHEREAS, a public hearing before the City of Chesterfield Planning Commission regarding the above-referenced was held on August 8, 2005; and,

WHEREAS, said request was considered by the Planning Commission and upon review, the Commission recommended approval of the Attachment A 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. City of Chesterfield Ordinance 1708 is hereby repealed and replaced with a new ordinance the conditions of which are established in the Attachment A. The subject site is described as follows:

Property Description:

A tract of land being part of U.S. Survey 1010, Township 45 North, Range 3 East of the 5th Principal Meridian, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at a point on the Northerly line of Chesterfield Airport Road, 100 feet wide, said point being the Southwesterly corner of a tract of land now or formerly conveyed to Lipton Realty, Inc., as recorded in Deed Book 8193 Page 629 of the St. Louis County Record; thence along the Northerly line of said Chesterfield Airport Road the following courses and distances; thence along a curve to the right, said curve having a radius point bearing North 00 degrees 32 minutes 07 seconds West 5,679.15 feet, an arc length of 671.23 feet to a point of tangency; thence North 83 degrees 45 minutes 48 seconds West 404.33 feet to the Southeasterly corner of a tract of land now or formerly conveyed to Mary L. Dunker as recorded in Deed Book 7309 Page 1105 of said records; thence along the Northeasterly line of said Dunker tract, and a tract of land now or formerly conveyed to James A. Waller, Trustee, as recorded in Deed Book 11260 Page 28 of said records North 11 degrees 57 minutes 55 seconds West 267.40 feet to the Southwesterly corner of a tract of land now or formerly conveyed to John and Florence Kramer, Trustees as recorded in Deed Book 8665 Page 1239 of

said records; thence along the Southerly and Easterly lines of said Kramer tract the following courses and distances; thence South 84 degrees 13 minutes 12 seconds East 289.72 feet; thence North 05 degrees 48 minutes 33 seconds East 1095.67 feet to a point on the Southerly line of Missouri Interstate Highway 64 (U.S. Highway 40/61); thence along said Southerly line of Missouri Interstate Highway 64 the following courses and distances; thence along a curve to the left, said curve having a radius point bearing North 05 degrees 46 minutes 04 seconds East 34,517.47 an arc distance of 455.72 feet; thence North 09 degrees 58 minutes 18 seconds West 15.53 feet to a point on a curve to the left, said curve having a radius point bearing North 05 degrees 01 minutes 05 seconds East 34,502.47 feet an arc distance of 146.93 feet to a point of tangency; thence South 85 degrees 13 minutes 34 seconds East 45.77 feet to the Northwesterly corner of above said Lipton Realty Tract; thence along the Westerly line of said Lipton Realty Tract South 03 degrees 35 minutes 47 seconds East 1358.56 feet to the **Point of Beginning** and containing 1,088,881 square feet or 24.997 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc. during February, 2000.

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 made a part hereof.

Section 3. The City Council, pursuant to the request filed by Chesterfield Airport Acquisitions, LLC 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 8th day of August, 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 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 22nd 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
- 1.7 Chesterfield 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
- 4.3 Low-Density Office Development
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.6 Cross-Access Circulation
- 3.5 Chesterfield Valley
 - 1.1.1 Conservation of Existing Quality of Life
 - 1.1.2 Reinforce Existing Development Pattern
 - 1.2.2 Quality New Development
 - 1.3.1 Preservation of Natural Features and Open Space
 - 4.1.6 Limit Curb Cuts

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 in this "PI" Planned Industrial District shall be:

1. South of Long Road Crossing Boulevard:
 - a. Primary Uses
 1. Animal hospitals, veterinary clinics, and kennels.
 2. Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
 3. Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages;
 - (iii) Confections.
 4. Broadcasting studios for radio and television.
 5. Business, professional, and technical training schools.
 6. Business service establishments.
 7. Cafeterias for employees and guests only.
 8. Child care centers, nursery schools, and day nurseries.
 9. Churches shall be allowed on tracts of land of at least one acre in area.
 10. Filling Stations, ~~including emergency towing and repair services.~~
 11. Financial institutions.
 12. Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public and private), and indoor and unlighted outdoor tennis courts (public and private).
 13. Hotels and motels.
 14. Mail order sale warehouses.
 15. Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:
 - i. Facilities producing or processing explosives or flammable gases or liquids;
 - ii. Facilities for animal slaughtering, meat packing, or rendering;
 - iii. Sulphur plants, rubber reclamation plants, or cement plants; and
 - iv. Steel mills, foundries, or smelters.
 16. Medical and dental offices.

17. Mortuaries.
 18. Offices or office buildings.
 19. Outpatient substance abuse treatment facilities.
 20. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
 21. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.
 22. Police, fire, and postal stations.
 23. Printing and duplicating services.
 24. Public utility facilities.
 25. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters (indoor use only).
 26. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
 27. Restaurants, fast food.
 28. Restaurants, sit down.
 29. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
 30. Sewage treatment facilities, as approved by the appropriate regulatory agency.
 31. Permitted signs (See Section 1003.168 'Sign Regulations').
 32. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
 33. Union halls and hiring halls.
- b. Ancillary Uses
1. The purpose of ancillary uses is to serve the occupants and patrons of the principal permitted uses within the building. No separate access from the exterior building shall be permitted with respect to these uses.
 2. Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications.

- c. The above uses south of Long Road Crossing Boulevard shall be restricted as follows:
 1. Use #10 above shall be limited Lot 6 as shown on the preliminary plan.
 2. In addition, no car wash shall be allowed as an ancillary use to the filling station.
2. North of Long Road Crossing Boulevard:
 - a. Primary Uses:
 1. Animal hospitals, veterinary clinics, and kennels (excluding outside kennels).
 2. Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
 3. Business, professional, and technical training schools.
 4. Cafeterias for employees and guests only.
 5. Churches shall be allowed on tracts of land of at least one acre in area.
 6. Financial Institutions.
 7. Hotels and Motels.
 8. Mail order sale warehouses.
 9. Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:
 - (i) Facilities producing or processing explosives or flammable gases or liquids;
 - (ii) Facilities for animal slaughtering, meat packing, or rendering;
 - (iii) Sulphur plants, rubber reclamation plants, or cement plants, and
 - (iv) Steel mills, foundries, or smelters.
 10. Medical and dental offices.
 11. Offices or office buildings.
 12. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities (indoor use only).
 13. Police, fire, and postal stations.
 14. Printing and duplicating services.
 15. Public utility facilities.
 16. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
 17. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
 18. Warehousing, storage, or wholesaling of manufactured commodities, live animals, explosives, or flammable gases and liquids (excluding live animals, explosives, or flammable gases and liquids).

- b. Ancillary Uses
 - 1. Child care centers, nursery schools, and day nurseries.
 - 2. Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), and indoor and unlighted outdoor tennis courts (public or private).
 - 3. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters (indoor use only).
 - 4. Restaurants, sit down.
- c. The above uses north of Long Road Crossing Boulevard shall be restricted as follows:
 - 1. The purpose of ancillary uses is to serve the occupants and patrons of the principal permitted uses within the building. No separate access from the exterior building shall be permitted with respect to these uses.

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

1. FLOOR AREA

- a. There shall be a maximum of five (5) outparcels within this "PI" Planned Industrial District located adjacent to Chesterfield Airport Road with total floor area not to exceed 25,000 square feet.
- b. North of Long Road Crossing Boulevard: Total building floor area shall not exceed 150,000 square feet for a maximum of three buildings.
- c. South of Long Road Crossing Boulevard/north of the five outparcels: Total building floor area shall not exceed 60,000 square feet.
- d. The amount of square footage constructed (including outparcels) shall be based on the developer's ability to comply with the parking regulations of the City of Chesterfield Zoning Ordinance.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed three stories or forty-five (45) feet (as measured from existing grade), whichever is less.

3. BUILDING REQUIREMENTS

- a. **Open space:** A minimum of thirty percent (30%) open space is required for this development. The overall open space for the development shall be shown on each Site Development Section Plan as they are submitted for approval. Open space includes all areas excluding the building or areas for vehicular circulation.

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. Ninety (90) feet from the new right-of-way of I-64/U.S. 40-61.
- b. Thirty (30) feet from the new right-of-way Chesterfield Airport Road.
- c. Thirty (30) feet from the east and west property lines of this development
- d. Thirty (30) feet from the right-of-way from principal internal streets.
- e. Fifteen (15) feet from internal lot lines in this development.

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. Thirty (30) feet from the new right-of-way of I-64/U.S. 40-61.
- b. Thirty (30) feet from the new right-of-way of Chesterfield Airport Road.
- c. Thirty (30) feet from the east and west property lines of this development.
- d. Ten (10) feet from internal property lines with the exception of shared driveways.
- e. Fifteen (15) feet from the principal internal street.

F. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development shall be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance, with the exception that parking calculations utilized for general use shall be four (4) spaces per one thousand (1,000) square feet.
2. A parking agreement shall be reached among the building structures on Lots 1, 2, and 3 which provides for shared use of designated parking areas and provided for each Site Development Section Plan.
3. Construction Parking
 - a. No construction parking will be permitted on the Chesterfield Airport Road right of way or any public streets during construction.

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. The landscape plan submitted shall not conflict with the required Master Plan ditches.
3. 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.
4. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

H. SIGN REQUIREMENTS

1. A sign package shall be required for this development and shall adhere to the requirements of the City of Chesterfield Code. All sign packages shall be reviewed and approved by the City of Chesterfield Planning Commission in conjunction with the Site Development Concept Plan. This package shall include design and elevations of all permanent freestanding business signs and identification signs.
2. 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.

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.
 - a. 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 shall be provided by the developer in perpetuity as directed by the City of Chesterfield Department of Public Works.

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. 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.

3. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.
4. For a distance of 300 feet from the south right-of-way of Interstate 64, Highway 40/61 the building elevations shall have appearance of an office or hotel.
5. No loading docks shall face north, east, or west for a distance of 300 feet from the south right-of-way of Highway 40.

K. ACCESS/ACCESS MANAGEMENT

1. The intersection of internal drive, proposed as Terra Corporate Park Drive, and Chesterfield Airport Road shall be aligned with the intersection of Spirit Trade Center Boulevard and Chesterfield Airport Road. No other access to Chesterfield Airport Road will be provided.
2. The entrance geometrics shall conform to the standards of the Missouri Department of Transportation.
3. The entrance shall be at least four hundred (400) feet from the side property line of the site as directed by the City of Chesterfield Department of Public Works.
4. Access off the entrance drive shall be a minimum of one hundred fifty (150) feet from the northern edge of Chesterfield Airport Road as directed by the City of Chesterfield Department of Public Works.
5. The minor parking lot drives which intersect the proposed Terra Corporate Park Drive shall be a minimum of 150' from Chesterfield Airport Road.
6. Access off internal roadways shall be aligned with a minimum of 100' from existing or proposed streets and entrances from the other side. The drive entrances off the internal streets shall be designed to support Single Unit Truck turning radius of a minimum of 42'.
7. Cross access shall be provided between the lots within the proposed development.

L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. The developer shall provide any additional right of way and construct improvements to Chesterfield Airport Road as required by St. Louis County

11. The petitioner shall be required to relocate any improvement within St. Louis County right of way as necessary for the installation of the sidewalks.

M. TRAFFIC STUDY

A traffic study including internal and external circulation will be provided for review and approval by the City of Chesterfield Planning Department, the City of Chesterfield Department of Public Works, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation. Queing and stacking will be addressed with each Site Development Section Plan.

P. 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.

Q. STORMWATER AND SANITARY SEWER

1. The current Chesterfield Valley Sanitary Sewer Master Plan depicts a public pump station, force main, and a series of gravity sewers that will serve the vicinity of this development. A functional equivalence study shall be submitted to the Metropolitan Sewer District and the City of Chesterfield Department of Public Works for review/approval prior to receiving approval of the Improvement Plans for this development.
2. The current Chesterfield Valley Storm Water Plan depicts storm water improvements within the subject tract. Consideration shall be given to building the Master Plan Improvements. Alternatively, a functional equivalence study shall be submitted to the Metropolitan Sewer District and the City of Chesterfield's Department of Public Works for review/approval prior to receiving approval of the Improvement Plans for this development.

R. 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 for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

S. GEOTECHNICAL REPORT.

1. 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.

T. GRADING AND IMPROVEMENT PLANS.

1. 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 Storm water 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 storm water 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.
2. 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 storm water from this site.
3. 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.
4. Provide adequate temporary off-street parking for construction employees and a vehicle wash down/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.

5. 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 storm water detention and erosion control devices have not been established.
6. 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 sodded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions.
7. 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.
8. 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.
9. Prior to improvement plan approval, copies of recorded easements, including book and page information, for off-site work shall be required.

U. MISCELLANEOUS

1. 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.

2. Reserve an area for display of works of art so long as the art to be displayed is mutually agreed upon by the City of Chesterfield and the Petitioner.

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

1. TIME PERIOD FOR PLAN SUBMITTAL

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

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance. 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 CONCEPT PLAN SUBMITTAL REQUIREMENTS

- A. The Site Development Concept Plan shall include, but not be 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.
 5. Conceptual location, and size, including height, of all proposed buildings, parking and loading areas, and lots.
 6. Specific structure and parking setbacks along all roadways and property lines.
 7. Parking calculations.
 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. Provide 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.
 15. Provide location of curb cuts, necessary right-of-way dedication, road improvements, and driveways on opposite side of street.

of the existing roads and driveways on the opposite side of the development.

4. 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.
5. Show the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
6. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
7. The Site Development Plan and Tree Preservation Plan must be approved prior to any clearing or grading.

V. 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.
 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.

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.

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 of a plan by the Planning Commission.

X. CHESTERFIELD VALLEY TRUST FUND

1. 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 basis of the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Industrial	\$3,685.05/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.

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 \$486.43 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.

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 \$1,534.99 per acre for the total area as approved on the Site Development Plan.

The storm water contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made 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.

4. 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, storm water and primary waterline improvements, if not submitted by January 1, 2006 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 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.

XI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

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

1. Comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District and the appropriate Fire District 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.

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, 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. Sanitary Sewers

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

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 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.

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.

All conditions of the Escrow as stated in the Escrow Agreement shall be met and approved by the Department of Public Works per the established Escrow Agreement.

XVI. 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:

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.

XVII. 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.

