

BILL NO. 2526

ORDINANCE NO. 2342

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "M3" PLANNED INDUSTRIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 32.2-ACRE TRACT OF LAND LOCATED NORTH OF CHESTERFIELD AIRPORT ROAD, EAST OF SPIRIT OF ST. LOUIS BOULEVARD [P.Z. 05-2007 Spirit of St. Louis Corporate Center (18199 and 18299 Chesterfield Airport Road)]**

**WHEREAS**, the petitioner, George Stock, has requested a change in zoning from a "M3" Planned Industrial District to a "PC" Planned Commercial District for a 32.2 acre tract of land located north of Chesterfield Airport Road and East of Spirit of St. Louis Boulevard; and,

**WHEREAS**, the Planning Commission, having considered said request, recommended approval of the rezoning request; and,

**WHEREAS**, the City Council, having considered said request, voted to approve the change of zoning with an amendment to the road improvements and permitted uses.

**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 a "PC" Planned Commercial District for a 32.2 acre tract of land located north of Chesterfield Airport Road and East of Goddard Road and described as follows:

A tract of land in U.S. Survey 150 and being part of Lots 1 and 2 of Subdivision of Richard H. Stevens Farm, Township 45 North, Range 3 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, being the same property described in a deed to Porntip and Muk Rotrakarn as recorded in Deed Book 7408, Page 170 of the St. Louis County, Missouri, Recorder's Office, and being more particularly described as follows:

A tract of land being a part of Lot 5 of the subdivision of R.H. Stevens Farm according to the plat thereof recorded in Plat Book 7 at Page 37 of the City (formerly of the County) of St. Louis, and partly in U.S. Survey 102, Township 45 North, Range 3 East as described in Deeds to St. Louis County, as recorded in Deed Book 6133 at Page 320 and Deed Book 6249 at Page 556 and excepting there from that part conveyed to the State Highway Commission as per a Deed recorded in Deed Book 8336 at Page 1970; being in the City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the common Southwest corner of a Boundary Adjustment Plat of Lots 1, 2 & 3 of Spirit 40 Park, as recorded in Plat Book 315 at Pages 26 and 27 and said

point being the Southeast corner of a tract of land as described in a Deed to St. Louis County, as recorded in Deed Book 6133 at Page 320 and said point being on the Northerly Right of Way line of Chesterfield Airport (100 feet wide) Road; thence Northwesterly along the said Northerly Right of Way line of said Chesterfield Airport Road North 83 degrees 41 minutes 09 seconds West, 1235.32 feet to a found rebar; thence North 37 degrees 45 minutes 39 seconds West, 130.63 feet to a found rebar and said point being on the Easterly Right of Way line of Spirit of St. Louis Road; thence along the Easterly Right of Way line of said Spirit of St. Louis Road the following four (4) courses: North 5 degrees 53 minutes 30 seconds East, 355.00 feet to a found rebar; thence North 14 degrees 58 minutes 55 seconds East, 253.18 feet; thence North 7 degrees 40 minutes 54 seconds East, 200.10 feet; thence North 12 degrees 18 minutes 38 seconds East 402.40 feet to a point on the Southerly Right of Way line of Missouri State Highway 40/61; thence Southeasterly along the Southerly Right of Way line of said Missouri State Highway 40/61 South 84 degrees 07 minutes 04 seconds East, 808.70 feet to a point on the Northwest corner of Adjusted Lot 4 of Boundary Adjusted Plat of Lot 4 of Spirit 40 Park and Adjusted Lot 3 of Boundary Adjustment Plat of Lots 1, 2 & 3 of Spirit 40 Park, as recorded in Plat Book 339 (337) at Page 32; thence departing the Southerly Right of Way line of said Missouri State Highway 40/61 along the Westerly line of said Adjusted Lot 4, South 12 degrees 19 minutes 42 seconds East 124.85 feet to an angle point in the Westerly line of said Adjusted Lot 4; thence South 12 degrees 06 minutes 00 seconds East, 1251.23 feet to the actual point of beginning.

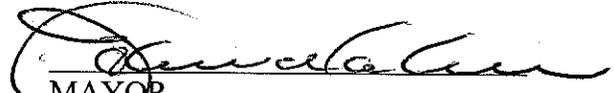
**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the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

**Section 3.** The City Council, pursuant to the petition filed by George Stock, in P.Z. 05-2007, 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 12<sup>th</sup> day of February, 2007, 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 19<sup>th</sup> day of MARCH, 2007.

  
MAYOR

ATTEST:

  
CITY CLERK

FIRST READING HELD: \_\_\_\_\_

## ATTACHMENT A

**All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.**

### **I. SPECIFIC CRITERIA**

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

### **B. PERMITTED USES**

1. The following uses shall be allowed in this "PC" Planned Commercial District on only those lots within six hundred (600) feet of Chesterfield Airport Road:
  - a. Animal hospitals, veterinary clinics, and kennels.
  - b. Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
  - c. Barber shops and beauty parlors.
  - d. Dry cleaning drop-off and pick-up stations.
  - e. Film drop-off and pick-up stations.
  - f. Police, fire and postal stations.
  - g. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
  - h. Restaurants, fast food.
  - i. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, 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.
  - j. Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.

- k. Not more than two (2) of the following uses shall be permitted within six hundred (600) feet of Chesterfield Airport Road:
- (1.) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
  - (2.) Vehicle repair facilities for automobiles, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
  - (3.) Vehicle service centers for automobiles, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
  - (4.) Vehicles washing facilities for automobiles, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.

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

- a. Associated work and storage areas required by a business, firm, or service to carry on business operations.
- b. Bookstores.
- c. Cafeterias for employees and guests only.
- d. Child care centers, nursery schools, and day nurseries.
- e. Colleges and universities.
- f. Financial Institutions.
- g. Hospitals.
- h. Hotels and Motels.
- i. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
  - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
  - ii. Placed underground; or
  - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- j. Medical and dental offices.
- k. Offices or office buildings.
- l. 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.
- m. Public utility facilities.
- n. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- o. Restaurants, sit down.
- p. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
- q. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- r. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or serves of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

3. The following Ancillary Uses shall be permitted on all lots:

- a. Automatic vending facilities for:
  - i. Ice and solid carbon dioxide (dry ice);
  - ii. Beverages;
  - iii. Confections.

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

### **1. BUILDING REQUIREMENTS**

- a. Openspace: A minimum of (30%) openspace is required for this development.
- b. Floor Area Ratio: 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 (2) calculations: one (1) calculation for those areas above grade and another that includes building area below grade.

This development shall have a maximum F.A.R. of .55.

- c. Building Height shall be as follows:
  - i. The northernmost lots shall have a maximum building height of five (5) stories.
  - ii. All other lots shall have a maximum building height of three (3) stories.
  - iii. Any retail development on any lot shall not exceed two (2) stories in height.

## **E. 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:

- b. Thirty (30) feet from the eastern property line of this development.
- c. Thirty (30) feet from the right-of-way of Spirit of St. Louis Boulevard.
- d. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
- e. Ninety (90) feet from the right-of-way of I-64/U.S. 40-61.

### **2. PARKING SETBACKS**

- a. No parking stall or loading space will be located within the following setbacks:
  - i. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
  - ii. Ten (10) feet from the internal driveways or roadways.
  - iii. Fifteen (15) feet from the principal internal street.
  - iv. Thirty (30) feet from the east and west property lines of this development.
  - v. Thirty (30) feet from the right-of-way of I-64/U.S. 40-61.

- b. No internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:
  - i. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
  - ii. Thirty (30) feet from the east and west property lines of this development.
  - iii. Thirty (30) feet from the right-of-way of I-64/U.S. 40-61.

#### **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. 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.
  - 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. No construction related parking shall be permitted within the Chesterfield Airport Road or Spirit of St. Louis Boulevard rights-of-way.
3. Parking lots shall not be used as streets.
4. No parking shall be permitted on any roadway in or adjacent to the development. The parking restriction and requirement for signage shall be indicated on the Site Development Plan and improvement plans. Signage shall be posted within 30 days of the placement of street pavement.

**G. LANDSCAPE AND TREE REQUIREMENTS**

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.

**H. SIGN REQUIREMENTS**

1. Sign package submittal materials shall be required for this development. All sign packages shall be reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.

**I. LIGHT REQUIREMENTS**

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

**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. 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.
3. 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.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

**K. ACCESS/ACCESS MANAGEMENT**

1. Access to Chesterfield Airport Road shall be limited to a maximum of two (2) street approaches and constructed to St. Louis County standards as directed by the City of Chesterfield and St. Louis County. One of the street approaches shall be located as far to the east on the site as possible. The second street approach shall be limited to right in/right out only.
2. Access to Spirit of St. Louis Boulevard shall be limited to one (1) street approach and constructed to St. Louis County standards as directed by the City of Chesterfield and St. Louis County. The approach shall be located approximately midway between Chesterfield Airport Road and the proposed Interstate 64 access ramp from Spirit of St. Louis Boulevard.
3. Provide cross access easements as needed to provide the adjacent subdivision to the east access to the easternmost proposed street off Chesterfield Airport Road.

**L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. Provide the necessary right-of-way and easements for the construction of the proposed Interstate 64 access ramp from Spirit of St. Louis Boulevard as required by the Department of Public Works, the St. Louis County Department of Highways and Traffic, and/or the Missouri Department of Transportation.
2. All streets within this development shall be private and remain private forever. Private street signage, in conformance with Section 1005.180 of the Subdivision Ordinance, shall be posted within 30 days of the placement of the adjacent street pavement. Private streets shall be those travelways that intersect Chesterfield Airport Road and Spirit of St. Louis Boulevard. The private street sections shall provide a 26 foot travelway with 7 foot shoulders on both sides and appurtenant storm drainage facilities as required by the Department of Public Works. Additional pavement width at the intersections of the private streets and the existing public streets shall be provided as directed by the St. Louis County Department of Highways and Traffic and/or the Department of Public Works.
3. Provide required right of way/agreements and construct traffic signals and related intersection improvements on Chesterfield Airport Road at the proposed eastern private street and at Spirit of St. Louis Boulevard. Improvements include, but are not limited to, removal of the private drive on the adjacent parcel to the east and

geometric improvements to Spirit of St. Louis Boulevard south of Chesterfield Airport Road.

4. All road improvements and the Interstate 64 access ramp from Spirit of St. Louis Boulevard shall be constructed prior to the issuance of 60% of the building permits in the development or as directed by the City of Chesterfield.
5. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road and Spirit of St. Louis Boulevard frontage of the site and along both sides of all interior roadways. The sidewalks shall connect to any sidewalks constructed with the adjacent development to the east. The sidewalks shall be privately maintained; therefore, no public easements shall be required.

If, at the time of construction on the adjacent lot, there is not a sidewalk on the Spirit of St. Louis Boulevard bridge over Interstate 64, a special cash escrow shall be provided in lieu of constructing the sidewalk along the Spirit of St. Louis Boulevard frontage, as directed by the Department of Public Works.

6. MoDOT will require the developer to provide right-of-way dedicated for the proposed roadway improvements for future E/B US40/64 ramp.
7. FHWA approval of Variance from approved AJR 1998 will be required prior to MoDOT permitting.
8. Ingress and egress must conform to MoDOT's access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right-of-way will require permit. The entrance geometrics and drainage design shall be in accordance with the MoDOT standards.
9. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right-of-way.
10. All drainage detention storage facilities shall be placed outside of the standard governmental agency planning and setbacks, or 15 feet from the new or existing right-of-way line, whichever is greater.
11. The developer shall be responsible for providing all necessary right-of-way, easements, Temporary Slope Construction License, etc., as may be required for construction of the I-64 Eastbound on-ramp from Spirit of St. Louis Boulevard. All on-site improvements shall be compatible with this project.

12. Improve Chesterfield Airport Road to one half of one hundred foot (100') right-of-way and a sixty foot (60') pavement with ten foot (10') full depth shoulders and additional widening to provide twelve foot (12') wide by two hundred foot (200') long right turn lanes at the two access driveways serving this site as well as at the intersection of Spirit of St. Louis Boulevard and including all storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic.
13. The developer shall submit a traffic study, addressing the traffic generated by the proposed development, to the Department of Highways and Traffic for review and approval. The developer's traffic engineer has been meeting with representatives of the department to determine the study scope. The developer's additional road improvement obligation, including those related to Spirit of St. Louis Boulevard shall be as determined by the approved study.
14. The Developer shall make all improvements recommended in the Traffic Study submitted by Crawford, Bunte, Brammeier dated February 9, 2007.

**M. TRAFFIC STUDY**

1. Provide a traffic study as directed by the City of Chesterfield, St. Louis Department of Highways and Traffic, and the Missouri Department of Transportation. 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.
2. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide adequate sight distance as directed by the St. Louis County Department of Highways and Traffic.

**N. POWER OF REVIEW**

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than 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**

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.
2. Detention/retention and other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.
3. The Chesterfield Valley Master Storm Water Plan indicates a 30' flat bottom ditch with 3:1 side slopes shall be constructed along the west and north property lines of this site. One crossing of that ditch can be accommodated by the installation of 3 - 36" minimum diameter reinforced concrete pipes. The developer shall be responsible for construction of the required storm water improvements on site, connection to the existing drainage ditch to the east, and any grading of the downstream ditch necessary to provide positive drainage. The developer shall coordinate construction of the required storm water improvements with the owners of the properties affected by construction of the required improvements.
4. The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the Director of Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Director of Public Works determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be

performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.

5. Provide additional Chesterfield Valley Storm Water Easement along the west and north property lines, as required by the Department of Public Works, to accommodate the Chesterfield Valley Master Storm Water Plan channel in that area, and depict the channel on the Site Development Plan and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.
6. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.

**P. SANITARY SEWER**

1. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, in accordance with the Metropolitan St. Louis Sewer District Conceptual Sewer Master Plan for Chesterfield Valley.
2. Treatment may be required for water quality in accordance with MSD regulations dated February 2006.
3. Stormwater shall be controlled as required by the Chesterfield Valley Master Facility Plan.

**Q. GEOTECHNICAL REPORT.**

1. Prior to Site Development Section Plan approval, 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 all Site Development Plans and Improvement Plans.

**R. 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.
2. Prior to the issuance of an occupancy permit all storm water channels located on this site shall be regraded to restore the channel to the line and grade of the original design, and downstream channels shall be graded as necessary to maintain positive drainage.
3. This project will be subject to the Caulk's Creek Surcharge of \$2,750 per acre.

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

- A. The developer shall submit a concept plan within 18 months of City Council approval of the change of zoning.
- 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 18 months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning 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**

##### **A. SITE DEVELOPMENT CONCEPT PLAN SUBMITTAL REQUIREMENTS**

The Site Development Concept Plan shall include, but not be limited to, the following:

1. All information required on a sketch plan as required in the City of Chesterfield Code.
2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.

##### **B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS**

The Site Development Section Plan shall adhere to the above criteria and to the following:

1. All information required on a sketch plan as required in the City of Chesterfield Code.
2. Include a landscape plan in accordance with the City of Chesterfield Code.
3. Include a lighting plan in accordance with the City of Chesterfield Code.
4. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

#### **V. CHESTERFIELD VALLEY TRUST FUND**

Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is

anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

The developer shall be required to contribute to the Chesterfield Valley Trust Fund.

#### Roads

The roadway improvement condition 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 based on the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$2.07/sq.ft. of building space
Office	\$1.44/sq.ft. of building space
Industrial	\$4,986.59/acre

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

Credits for roadway improvements required will be awarded as directed by St. Louis County Department of Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund.

The roadway improvement contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (SUP) by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasure, Saint Louis County".

#### Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$654.66 per acre for that total area as approved on the Site Development Plan to be used solely to help defray the cost of construction the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasure, Saint Louis County".

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 MSD. The amount of the storm water contribution will be computed based on \$2,077.15 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 before the issuance of a Special Use Permit (SUP) by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasure, Saint Louis County".

#### Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek Impact Fee.

The sanitary sewer contribution with Chesterfield Valley area shall be deposited with MSD as required by the District.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2008 shall 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.

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

## **VI. RECORDING**

Within 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, 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.

## **VIII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS**

- A. Prior to the issuance of foundation or building permits, all approvals from all applicable agencies and the Department of Public Works, as

applicable, must be received by the City of Chesterfield Department of Planning.

- B. Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the Missouri Department of Transportation, 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.

## **IX. ENFORCEMENT**

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C. 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.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.