**BILL NO. 2552** **ORDINANCE NO. 2373**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "NU" NON URBAN DISTRICT TO A "PI" PLANNED INDUSTRIAL DISTRICT FOR A 52.89-ACRE TRACT OF LAND LOCATED SOUTH OF OLIVE STREET ROAD AND EAST OF WARDENBURG [P.Z. 07-2007 Spirit Valley Business Park (18652, 18630, 18650, 18660 Olive Street Road)]**

**WHEREAS,** the petitioner, Michael Doster, Doster, Mickes, James, Ullom, Benson and Guest, on behalf of Spirit Valley Development LLC, has requested a change in zoning from a "NU" Planned Industrial District to a "PI" Planned Industrial District for a 52.89 acre tract of land located south of Olive Street Road and east of Wardenburg; and,

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

**WHEREAS**, the City Council upon review of said request, recommended approval.

**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 "PI" Planned Industrial District for a 52.89 acre tract of land located south of Olive Street Road and east of Wardenburg and described as follows:

A tract of land in St. Louis County, Missouri, being part of Lot 5 of the subdivision of Amelia Boisselier Estate, in U.S. Surveys 368, 1937 and 133, Township 45 North, Range 3 East, according to plat thereof recorded in Plat Book 16 page 27 of the St. Louis County Records, and a tract of land in U.S. Survey 153, Township 45 North, Range 3 East, being composed of two parcels, one marked "Cosmos Tamian Kroenung" and the other marked "Herman Schaeper and Agnes Schaeper" according to the plat accompanying Commissioner's Report in Partition in Estate of Valentine Kroenung, deceased, being Cause No. 16263 of the Circuit Court of the City (former County) of St. Louis, Missouri, in the year 1870, a copy of which report is recorded in Book 439 page 448 of the records of said City, and being more particularly described as follows:

BEGINNING at a point on the southern line of Olive Street Road at the point of intersection with the western line of Lot 5 of the subdivision of the Amelia Boisselier Estate as recorded in Plat Book 16, Page 27 of the St. Louis County Records; thence along the southern line of said Olive Street Road South 82 degrees 31 minutes 57 seconds East, a distance of 863.63 feet to the point of intersection with the western line of a tract of land described as Parcel 1 in a deed to Hornet Properties Inc., as recorded in Deed Book 10602, Page 2235 of the St. Louis County Records; thence along said western line South 11 degrees 25 minutes 51 seconds East, a distance of

444.89 to the southern line of the aforesaid Lot 5; thence along said southern line and the prolongation thereof North 78 degrees 19 minutes 49 seconds East, a distance of 268.25 feet to Northeast corner of a tract of land described as Parcel 2 in a deed to Paul N. Albrecht, Trustee, etal. as recorded in Deed Book 10392, Page 1830 of the aforesaid St. Louis County Records; thence along the eastern line of said Parcel 2 of said Albrecht Tract South 11 degrees 24 minutes 44 seconds East, a distance of 1536.29 feet to a found iron rod at the Southeast corner of said tract; thence along the southern line of said Parcel 2 of said Albrecht Tract South 78 degrees 12 minutes 13 seconds West, a distance of 1171.65 feet to the Southwest corner of said tract; thence along the western line of said Parcel 2 of said Albrecht Tract North 12 degrees 24 minutes 49 seconds West, a distance of 117.14 feet to a stone at the Southeast corner of Lot 3 of the aforesaid subdivision of the Amelia Boisselier Estate; thence continuing along the western line of the aforesaid Parcel 2 of said Albrecht Tract, being the eastern line of said Lot 3, North 12 degrees 22 minutes 59 seconds West, a distance of 1421.85 feet to a stone at the Northwest corner of the aforesaid Parcel 2 of said Albrecht Tract; thence along the northern line of said tract North 78 degrees 19 minutes 49 seconds East, a distance of 112.42 feet to the Southwest corner of the aforesaid Lot 5 of the subdivision of the Amelia Boisselier Estate; thence along the western line of said Lot 5 North 11 degrees 25 minutes 51 seconds West, a distance of 728.04 feet to the Point of Beginning and containing 2,300,839 sq. ft. 52.819 acres.

**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 Michael Doster, in P.Z. 07-2007, 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 26th 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 18th day of June, 2007.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: 6/4/07

# 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. PERMITTED USES

1. The uses allowed in this "PI" District shall be:

   a. Animal hospitals, veterinary clinics.
   b. Meat packing facilities.
   c. Broadcasting studios for radio and television.
   d. Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications.
   e. Business, professional, and technical training schools.
   f. Business service establishments.
   g. Cafeterias for employees and guests only.
   h. Churches shall be allowed on tracts of land of at least one (1) acre in size.
   i. Financial institutions.
   j. Filling stations, including emergency towing and repair services.
   k. Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), and indoor and unlighted outdoor tennis courts (public or private).
   l. Storage and charter of boats on land, repair facilities for boats, and sale of fuel and other supplies for marine use.
   m. Highway department garages.
   n. Hotels and motels.
   o. Laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.
   p. 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 n 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.

q. Mail order sale warehouses.
r. 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 or rendering;

    iii. Sulpher plants, rubber reclamation plants, or cement plants; and

    iv. Steel mills, foundries, or smelters.

s. Medical and dental offices.
t. Office or office buildings.
u. 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.
v. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.
w. Police, fire, and postal stations.
x. Printing and duplicating services.
y. Public utility facilities.
z. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
aa. Restaurants, fast food.
bb. Restaurants, sit down.
cc. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
dd. Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture.
ee. 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. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
ff. Storage and repair garages for public mass transit vehicles.
gg. Storage yards for lumber, coal, and construction materials.

hh. Stores, shops, markets, service facilities, and automotive vending facilities in which goods or services of any kind, including sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
ii. Union halls and hiring halls.
jj. Vehicle repair facilities.
kk. Vehicle service centers.
ll. Welding, sheet metal, and blacksmith shops.
mm. Yards for storage of contractors' equipment, materials, and supplies, excluding junk yards and salvage yards.

2. The following Ancillary Uses shall be permitted:

a. Automatic vending facilities for:

i. Ice and solid carbon dioxide (dry ice);
ii. Beverages;
iii. Confections.

**B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS**

1. HEIGHT

a. The maximum height of the buildings, exclusive of roof screening, shall not exceed forty (40) feet.

2. BUILDING REQUIREMENTS

a. Until such time as the connection of the site to a permanent sanitary sewer system, a minimum fifty percent (50%) open space is required for this development. Upon connection to a sanitary sewer system, a minimum of thirty percent (30%) openspace will be required for this development.

**C. 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. Fifty (50) feet from the right-of-way of Olive Street Road.

b. Fifty (50) feet from 18668 Olive Street Road.

c. Fifty (50) feet from 18626 Olive Street Road.

d. Fifty (50) feet from the eastern and western property lines of this development.

e. Fifty (50) feet from the southern property line of this development.

2. PARKING SETBACKS

No parking stall or loading space will be located within the following setbacks:

a. Thirty five (35) feet from the right-of-way Olive Street Road.

b. Ten (10) feet from the internal property lines, with the exception of shared driveways.

c. Twenty (20) feet from the principal internal street.

d. Fifteen (15) feet from the eastern and western property lines of this development.

e. The parking setback along the western property line contiguous to 18668 Olive Street Road for the first 175 feet from Olive Street Road shall be thirty (30) feet. The parking setback for the remainder of this property line shall be fifteen (15) feet.

f. Fifteen (15) feet from the northern property line bearing S78°19'49"W.

3. No internal driveway or roadway, except points of ingress and egress, will be located within the following setbacks:

a. Thirty (30) feet from the right-of-way of Olive Street Road.

b. Three hundred fifty (350) feet from the southern property line.

c. Two hundred seventy-five (275) feet from the eastern and western property lines of this development.

d. Zero (0) feet from the eastern property line bearing N11°25'51"W.

## D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development shall 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 Olive Street Road right-of-way.

3. 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 thirty (30) days of the placement of street pavement.

## E. LANDSCAPE AND TREE REQUIREMENTS

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

2. The landscape buffer along the western property line shall be as follows:

   a. A thirty (30) foot landscape buffer measuring no less than 175 feet in length from Olive Street Road will be required along the western property line contiguous to the residential structure at 18668 Olive Street Road.

   b. A fifteen (15) foot landscape buffer shall be required for the remainder of the western property line.

c. If the residential structure at 18668 Olive Street Road is re-developed into a use other than residential, the thirty (30) foot landscape buffer requirement may be reduced to fifteen (15) feet as directed by the City of Chesterfield.

3. There shall be a fifteen (15) foot landscape buffer along the northern property line bearing S78°19'49"W.

## F. 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.

## G. LIGHT REQUIREMENTS

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

## H. 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, material, 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.

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

## I. ACCESS/ACCESS MANAGEMENT

1. Access to Olive Street Road shall be limited to two (2) street approaches, as directed by the Department of Public Works and St. Louis County Department of Highways and Traffic.

2. Provide for cross access to the properties adjoining this development to the east and west, as directed by the City of Chesterfield, to allow for future connection to the internal roadway system within this development.

## J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a street connection to the property to the west. The connection shall be a minimum of five hundred (500) feet from Olive Street Road, as directed by the City of Chesterfield.

2. All roadway and related improvements shall be constructed prior to 60% occupancy of the development.

3. Provide any additional right-of-way and construct any improvements to Olive Street Road as required by St. Louis County Department of Highways and Traffic.

4. Provide a forty (40) foot right-of-way with a minimum of ten (10) foot roadway improvement, maintenance, utility and sewer easement son both sides for all interior roadways. Minimum roadway sections shall provide a twenty (26) foot travel way with seven (7) foot shoulders on both sides and appurtenant storm drainage facilities as required by the Department of Public Works.

5. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Olive Street Road frontage of the site and along one (1) side of all interior roadways, as directed by the City of Chesterfield. The sidewalk shall be privately maintained; therefore, no public easements shall be required.

6. Improve Olive Street Road to one half of a sixty (60) foot right-of-way and a thirty eight (38) foot pavement with seven (7) foot full depth shoulders and additional widening to provide a minimum thirty three (33) foot wide road surface for a two hundred (200) foot left turn lane serving each entrance along with fifty to one (50:1) tapers and including all storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic. Widening may be required on opposite side of street to provide a minimum thirty three (33) foot pavement for three driving lanes in addition to seven (7) foot shoulder.

7. Access to this development from Olive Street Road shall be restricted to two (2) commercial entrances, each having a three (3) lane section of a minimum thirty six (36) foot pavement for a minimum distance of one hundred (100) feet, in order to provide separate left and right turn lanes for outbound traffic along with a single inbound lane. These driveways shall be located to provide required sight distance and constructed to St. Louis County standards as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield. The easternmost driveway serving this site should be located opposite an existing commercial entrance on the north side of Olive Street Road in this area.

8. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

9. 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.

## K. TRAFFIC STUDY

1. 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.

## L. MONARCH-CHESTERFIELD LEVEE DISTRICT

1. East entrance location will require relocation of fire hydrant proposed on the MCLD Sewer Improvements.

2. Stormwater ditches shall match the latest provided by the City of Chesterfield.

3. The easement that will be required for the proposed MCLD force main at the southwest corner of the Albrecht tract and the easements for the proposed utilities along Olive Street Road shall be shown on the site development concept and section plans.

## M. 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 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.

## N. STORMWATER

1. Due to the inherent nature of development, the specific size, location, and configuration of the storm water infrastructure associated with the Chesterfield Valley Master Storm Water Plan are conceptual in nature. The exact location, size, and type of each segment of storm water infrastructure are to be reviewed and approved in conjunction with the development of specific sites. The developer will be required to construct ditches along the west, north, and east property lines of the property governed by this ordinance.

   The developer may elect to propose alternate geometry, size and/or type of storm sewer improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the City of Chesterfield, 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 City 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. The developer shall be responsible for all costs related to the work performed by the consultant.

2. Provide any additional Chesterfield Valley Storm Water Easements along the north, east, and west property lines as required and directed by the Department of Public Works to accommodate the Chesterfield Valley Master Storm Water Plan channel in those areas, and depict the channel(s) on the Site Development Plan and improvement plans. The maintenance of the required storm water/ditch system shall be the responsibility of the property owner(s).

3. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas, as directed by the City of Chesterfield.

4. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.

5. 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 percent (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.

6. Stormwater should be controlled as required by the Chesterfield Valley Master Facility Plan.

**O. SANITARY SEWER**

1. Private sewer lines and laterals cannot cross property lines. Extension of public sewer lines will be necessary to serve this site and proper easements required.

2. Downstream pump stations and force mains shall be evaluated to ensure adequate capacity.

3. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, as directed by the Metropolitan St. Louis Sewer District and the City of Chesterfield.

4. This project is in the Caulks Creek Surcharge Area and is subject to a surcharge of $2750.00 per acre.

**P. GEOTECHNICAL REPORT.**

Prior to Site Development Concept 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.

**Q. 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. The developer is advised that utility companies will require compensation for relocation of their facilities with public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contribution. The developer should also 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.

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

A. The developer shall submit a concept plan within eighteen (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 eighteen (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.

B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one (1) additional year.

## IV. GENERAL CRITERIA

### A. Site Development Concept Plan, Site Development Section Plan, Site Development Plans.

1. Any site development plan shall show 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.

4. Provide comments/approvals from the appropriate Fire District, St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and St. Louis County Department of Highways and Traffic.

## V. TRUST FUND CONTRIBUTION

A. The developer shall be required to contribute to the 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.

Roads
The amount of the developer's contribution to this fund shall be computed based on the following:

| Type of Development | Required Contribution |
|---|---|
| Commercial | $2.07/sq.ft.of building space |
| Office | $1.44/ sq.ft.of building space |
| Industrial | $4,986.59/acre |

(Parking spaces 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 awarded by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements as required by the development shall be retained in the appropriate Trust Fund.

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

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

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 "Treasurer, Saint Louis County."

Stormwater
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 Saint Louis County and MSD. The amount of 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 storm water contributions to the Trust Fund shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (SUP) by Saint Louis County Department of 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 within 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 Saint 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 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 RECORD PLAT APPROVAL

The developer shall cause, at his expense and prior to the recording of any plat, the re-establishment, 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.

## VIII. FINAL RELEASE OF SUBDIVISION DEPOSITS

Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

## 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.