

BILL NO. 2643

ORDINANCE NO. 2464

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 14.414-ACRE PARCEL OF LAND LOCATED AT 14730 CONWAY ROAD, NEAR THE NORTHWEST CORNER OF HIGHWAY 40/INTERSTATE 64 AND TIMBERLAKE MANOR DRIVE. (P.Z. 01-2008 KRAUS FARM OFFICE CENTER/OPUS NORTHWEST)

WHEREAS, the Petitioner, Opus Northwest has requested a change in zoning from “NU” Non-Urban District to “PC” Planned Commercial District for the above-referenced 14.414 –acre parcel of land; and,

WHEREAS, a public hearing before the City of Chesterfield Planning Commission was held on March 24, 2008 to consider the matter; and,

WHEREAS, the request was considered by the Planning Commission, and upon review, the Commission recommended approval of said change of zoning with amendments relative to restrictions on financial institutions, fire lane locations and road improvements by a vote of 5 to 2; and,

WHEREAS, the Planning and Public Works Committee, having also considered Opus Northwest’s request, recommended approval by a vote of 4 to 0, with additional recommendations for change relative to conveyance of property, the addition of a water feature and lighting.

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 Zoning Ordinance and the Official Zoning Maps, which are a part thereof, are hereby amended by transferring from the “NU” Non-urban District to the “PC” Planned Commercial District a 14.414-acre parcel of land located at 14730 Conway Road, near the northwest corner of Highway 40/Interstate 64 and Timberlake Manor Drive. A description of the subject site is as follows:

Property Description:

Lot 3 of the Subdivision of LANDS OF SAMUEL CONWAY, deceased, according to plat thereof recorded in Plat Book 9 Page77 of the City (former County) Records; EXCEPTING THEREFROM that part conveyed to the State of Missouri by deed recorded in Book 1414 Page 1 and that part condemned by decree rendered in Cause #276692 of the Circuit Court of the County of St. Louis. ALSO EXCEPTING THEREFROM that part lying South of U.S. Highway 40, 100 feet wide; ALSO EXCEPTING THEREFROM that part conveyed to the State of Missouri, in Cause #609172, a copy of Report of Commissions recorded in Book 9036 Page 1553.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinance, 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 Opus Northwest 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 24th day of march 2008, 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 16th day of June, 2008.


MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 06-02-2008

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 "PC" Planned Commercial District shall be:
 - a. Financial Institutions
 - b. Medical and Dental Offices
 - c. Office or Office Buildings
2. Ancillary uses in this "PC" Planned Commercial District shall be:
 - a. Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - b. Cafeterias for employees and guests only.
 - c. 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.
 - d. Permitted signs (See Section 1003.168 "Sign Regulations").
 - e. Recreational facilities, including swimming pools and gymnasiums, provided such uses shall be ancillary to the major office and medical uses and shall not have separate exterior entrances or exterior signage.
 - f. Restaurants, fast food and sitdown, provided such uses shall be ancillary to the major office and medical uses and shall not have separate exterior entrances or exterior signage.
 - g. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises, provided such uses shall be ancillary to the major office and medical uses and shall not have separate exterior entrances or exterior signage.
 - h. Vehicle washing facilities for automobiles.

3. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. Associated work and storage areas required by business, firm or service to carry on business operations shall not include any outdoor storage.
 - b. Financial institutions shall not have a separate exterior entrance and shall not utilize any drive thru in connection with operations.
 - c. Vehicle washing facilities for automobiles shall be located in the parking garage and the use of these facilities shall be restricted to the tenants of the building.
4. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.

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

1. FLOOR AREA
Total building floor area shall not exceed 345,330 square feet.
2. HEIGHT
 - a. The maximum height of the buildings, exclusive of roof screening and parapet, shall not exceed 641 feet above mean sea level.
 - b. The maximum height for the parking structure, exclusive of elevator penthouse and stairwell, shall not exceed 590 feet above mean sea level.

C. SETBACKS

1. STRUCTURE SETBACKS
No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles, fences or lanes for use by the Fire Protection District will be located within the following setbacks:

- a. One hundred thirty (130) feet from the existing right-of-way of North Outer Forty Road on the southern boundary of the "PC" Planned Commercial District.
- b. One hundred twenty (120) feet from the existing right-of-way of Conway Road.
- c. Fifty (50) feet from the western boundary of the "PC" Planned Commercial District.
- d. Fifty (50) feet from the eastern boundary of the "PC" Planned Commercial District.

2. **PARKING SETBACKS**

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress and **or** lanes for use by the Fire Protection District, will be located within the following setbacks:

- a. One hundred forty (140) feet from the existing right-of-way of North Outer Forty Road on the southern boundary of the "PC" Planned Commercial District.
- b. One hundred twenty (120) feet from the existing right-of-way of Conway Road.
- c. Ten (10) feet from the western boundary of the "PC" Planned Commercial District.
- d. Thirty (30) feet from the eastern boundary of the "PC" Planned Commercial District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
 - a. No construction related parking shall be permitted within the Conway Road or North Outer Forty Road right of way.
 - b. 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.
 - c. 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.

3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. In addition to the requirement above, the developer shall provide, with the exclusion of areas dedicated for use by the Fire Protection District, a 120 foot buffer from the existing right-of-way of Conway Road with materials to be approved upon review of the Site Development Plan.

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 Missouri Department of Transportation.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. All light standards, other than those for security purposes, shall be turned off by 9:00 p.m., seven days a week.
3. Provide additional lighting along the North Outer Forty frontage as approved by the City of Chesterfield and the Missouri Department of Transportation.

G. 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.

H. ACCESS/ACCESS MANAGEMENT

1. Access to this development shall be via Timberlake Manor Parkway Extension.
2. No permanent direct access shall be allowed to Conway Road or North Outer Forty Road.
3. Provide cross access easements and temporary slope construction licenses or other appropriate legal instruments or agreements guaranteeing permanent access between this site and adjacent properties as directed by the Department of Planning and Public Works, the St. Louis County Department of Highways and Traffic and the Missouri Department of Transportation.

I. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a 5 foot wide sidewalk, conforming to ADA standards, adjacent to Conway Road or provide the finish grading therefore and required cash escrow, as directed by the St. Louis County Department of Highways and Traffic and/or the City of Chesterfield.
2. Pedestrian access between this development and the developments to the east and west shall be provided for (i.e. sidewalks, crosswalks) as directed by the City of Chesterfield.
3. The site shall be designed to accommodate a roadway, which will connect the subject property and the two parcels to the west to Timberlake Manor Parkway Extension. The roadway shall connect the existing east/west drives on the adjoining sites as directed by the Department of Planning and Public Works. No parking shall be allowed along or directly off this roadway within the site as directed by the Department of Planning and Public Works.

4. Improve Timberlake Manor Parkway Extension, from its connection to North Outer Forty Road to its full designed section including curb, required tapers, turn lanes and storm drainage facilities, as directed by the Department of Planning and Public Works. The required improvements are to be located within a private road easement. Also, a 10 foot wide roadway, maintenance and utility easement is to be provided outside of the private road easement. The private road easement and the adjacent 10' wide easement shall be utilized to define a reserve strip. Said reserve strip shall be dedicated to the City of Chesterfield upon demand at no cost to the City.
5. Improve the intersection of Timberlake Manor Parkway Extension and North Outer Forty Road to provide a southbound right-turn lane and a westbound right-turn lane as directed by the Department of Planning and Public Works and the Missouri Department of Transportation.
6. Improve Conway Road to one half of a seventy (70) foot right of way and a twenty-four (24) foot pavement with eight (8) foot shoulders, and including all storm drainage facilities as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
7. At the City's sole discretion, in lieu of constructing Conway Road pavement and drainage improvements, the City may require the establishment of a special cash escrow in a value equal to the cost of the required improvements referenced in paragraph 6 above. The value of the Special Cash Escrow will be credited towards the required TGA contribution. Based on the preliminary plan, improvements to Conway Road must commence prior to issuance of the building permits. As noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
8. All roadway and related improvements in development shall be constructed prior to issuance of building permits exceeding 70% for the development. Delays due to utility relocation and/or adjustment, for which the developer is responsible monetarily, shall not constitute a cause to issue permits in excess of 70% as directed by the City of Chesterfield.
9. All proposed work in Missouri Department of Transportation right-of-way must comply with Missouri Department of Transportation standards, specifications, and conform to Missouri Department of Transportation's Access Management Guidelines with detailed construction plans being received and approved by Missouri Department of Transportation. Said work will also require a permit.

10. Consideration must be given to flattening the right of way slope to 3:5:1 or flatter. The existing 3:1 slope is eroding and every effort must be made to reduce the potential for erosion and to improve future maintenance of this slope. Adjustment of all Missouri Department of Transportation underground facilities to the proper depth/elevation must be noted.
11. 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 contributions. 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.
12. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the Saint Louis County Department of Highways and Traffic. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

J. TRAFFIC STUDY

1. Prior to Improvement Plan approval, provide a traffic study, as required by the City of Chesterfield, including, but not limited to internal and external circulation, for review and approval.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

K. POWER OF REVIEW

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the Site Development 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 Development Plan. The City Council will then take appropriate action relative to the proposal.

M. 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 connected to an adequate piped system.
2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas. The location and types of storm water management facilities shall be identified on the Site Development Plan(s).
3. Detention may be required for the entire project site such that the allowable release rates will not be exceeded for the post developed peakflow of the two (2)-year and one hundred (100)-year, 24 hour storm event. Stormwater must be discharged at an adequate natural discharge point. Wetland mitigation will not be allowable within the detention basins.
4. Treatment may be required for water quality and channel protection in accordance with Metropolitan St. Louis Sewer District regulations dated February 2006.

N. SANITARY SEWER

1. Internal parking garage floor drains shall discharge via sand/oil separator and sampling tee to a sanitary sewer.
2. Stormwater BMP's including pretreatment forebays and wet lake detention shall meet all the requirements of 2000 Maryland Stormwater Design Manual Vol. 1 Chapter 3 and current MSD rules and regulations and should be located within the property boundaries.
3. The developer's engineer shall demonstrate an adequate watershed budget to keep the water quality/detention lakes wet. Generally, 10 acres is required.

O. GEOTECHNICAL REPORT

Prior to Site Development 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 Planning and 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.

P. MISCELLANEOUS

1. All utilities will be installed underground.
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.
3. The Owner is required to grant the City of Chesterfield an option to acquire by conveyance a 120 foot or less strip of land not to exceed 120 feet parallel to the existing Conway Road right-of-way to the City of Chesterfield. The terms and conditions of this grant shall be governed by a separate recordable written option agreement as directed by the City of Chesterfield. The conveyance of said strip of land will be at no cost to the City. The option agreement will address the ownership, use and maintenance of the emergency access roadway, retaining walls and any other improvements to the land within the 120 foot (or less) strip of land, existing utility easements and utility easements necessary to service the Owner's property to the South of the 120 foot (or less) strip of land. The option shall terminate if not exercised by the City of Chesterfield prior to the expiration of ten (10) years after the effective date of this ordinance.
4. Provide a water feature for approval of location and appearance on the Site Development Concept and Site Development Section Plans.

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 additional year.

IV. GENERAL CRITERIA

A. Site Development Concept Plan.

- 1. Any site development concept plan shall show all information required on a preliminary plat 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 and collector roadways.
- 4. 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.

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

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

- 1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.

2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed parking spaces.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is a separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways 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.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.

17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. 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.
22. Compliance with Sky Exposure Plane.

B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

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

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.

8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs
10. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways 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.
13. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
18. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
19. 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
20. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

- A. The developer shall be required to contribute a Traffic Generation Assessment (TGA) to the Highway Route 40 (Interstate 64) (No. 553) Corridor Trust Fund.

<u>Type of Development</u>	<u>Required Contribution</u>
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General Office	\$556.13
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(Parking Space as required by the site-specific ordinance or by section 1003.165 of the Saint Louis County Zoning Ordinance.)

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

Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Highways and Traffic. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

As this development is located within a trust fund area established by Saint Louis County, any portion of the traffic generation assessment contribution, which remains following completion of road improvements required by the development, should be retained in the appropriate trust fund.

The amount of the required contribution/improvements, if not approved for construction by January 1, 2009, 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 Saint Louis County Department of Highways and Traffic.

Credits for roadway improvements required will be awarded as directed by St. Louis County 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. Credits for roadway improvements will be as approved by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic.

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 any a Special Use Permit (SUP) by St. Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, St. Louis County." 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 amount of these required contributions/improvements, if not submitted by January 1, 2009 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.

VII. 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.

VIII. 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.