

BILL NO. 3000

ORDINANCE NO. 2820

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN EXISTING "C-8" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR FIVE TRACTS OF LAND TOTALING 5.26 ACRES AND LOCATED ON THE NORTH SIDE OF OLIVE STREET ROAD AT ITS INTERSECTION WITH CHESTERFIELD AIRPORT ROAD (P.Z. 12-2013 THE WEDGE [MCGRATH PLAZA] - 17W620235, 17W620246, 17W610104, 17W610094, 17W610083).**

**WHEREAS**, the petitioner, Energy Marketing, LLC., has requested a change in zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a five tracts of land totaling 5.26 acres and located on the north side of Olive Street Road at its intersection with Chesterfield Airport Road; and,

**WHEREAS**, a Public Hearing was held before the Planning Commission on October 28, 2013; and,

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

**WHEREAS**, the Planning and Public Works Committee, having considered said request, recommended approval of the change of zoning request with amendments to the permitted uses and restrictions thereto, hours of operation, access and road improvements, and Power of Review.

**WHEREAS**, the City Council, having considered said request voted to approve the change of zoning request with amendments to the permitted uses and restrictions thereto, hours of operation, access and road improvements, and Power of Review.

**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 Unified Development Code and the Official Zoning District Map, which are part thereof, are hereby amended by establishing a "PC" Planned Commercial District for a 5.26 acre tract of land located on the north side of Olive Street Road at its intersection with Chesterfield Airport Road and as described as follows:

A tract of land being Lot 2 of McGrath Plaza, a subdivision according to the plat thereof recorded in Plat Book 325, Pages 11 and 12 of the St. Louis County Records, part of Lot 6 of the Subdivision of R. H. Stevens Farm according to the plat thereof recorded in Plat Book 7, Page 37 of the St. Louis County records and part of U. S. Survey 102, Township 45

North - Range 3 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the most Northern corner of said Lot 2 of McGrath Plaza, said point being on the South right-of-way line of Chesterfield Airport Road; thence Eastwardly along said South right-of-way line of Chesterfield Airport Road along a curve to the left having a radius of 4006.54 feet an arc distance of 939.93 feet, a chord which bears S 61° 57' 00" E a chord distance of 937.78 feet to the most Eastern corner of property of Redia T. and Michael F. McGrath, as described in the deed recorded in Book 12001, Page 2440 of the St. Louis County Records; thence S 21° 26' 08" W a distance of 36.37 feet and N 82° 37' 32" W a distance of 47.67 feet along the boundary line of said McGrath property to the Southeast corner of property conveyed to St. Louis County, Missouri as described in the deed recorded in Book 10106, Page 2175 of the St. Louis County Records; thence along said St. Louis County, Missouri boundary, along a curve to the left having a radius of 62.00 feet an arc length of 179.29 feet, a chord which bears N 73° 37' 13" W a chord distance of 123.03 feet and along a curve to the right having a radius of 48.00 feet an arc distance of 22.32 feet, a chord which bears S 36° 51' 37" W a chord distance of 22.12 feet to the South line of the aforesaid McGrath property; thence N 82° 37' 32" W a distance of 346.25 feet to the Southeast corner of property of Redia T. and Michael F. McGrath, as described in the deed recorded in Book 11496, Page 594 of the St. Louis County Records; thence N 83° 08' 57" W a distance of 70.74 feet and N 82° 46' 18" W a distance of 345.44 feet along the South line of said McGrath property to the Southeast corner of the aforesaid Lot 2 of McGrath Plaza; thence along the boundary lines of said Lot 2 the following courses and distances: N 82° 29' 00" W a distance of 65.05 feet, along a curve to the right having a radius of 120.00 feet an arc distance of 116.23 feet, a chord which bears N 54° 44' 05" W a chord distance of 111.74 feet, N 26° 59' 10" W a distance of 57.00 feet, N 18° 00' 50" E a distance of 44.35 feet, along a curve to the left having a radius of 990.78 feet an arc distance of 258.46 feet, a chord which bears N 51° 59' 23" E a chord distance of 257.73 feet, N 44° 30' 59" E a distance of 35.86 feet and N 85° 09' 42" E for a distance of 60.46 feet to the point of beginning and containing 219,558 square feet or 5.04 acres more or less.

## PROPERTY DESCRIPTION OUT LOT A

A tract of land being Out Lot A of McGrath Plaza, a subdivision according to the plat thereof recorded in Plat Book 325, Pages 11 and 12 of the St. Louis County Records, in U. S. Survey 102, Township 45 North - Range 3 East, St. Louis County, Missouri and being more particularly described as:

Beginning at the most Western corner of said Out Lot A of McGrath Plaza, said point being on the North right-of-way line of Olive Street Road, 60 feet wide; thence along the boundary line of said Out Lot A the following courses and distances: along a curve to the left having a radius of 990.78 feet an arc length of 166.03 feet, a chord which bears N 71° 21' 54" E a chord distance of 165.84 feet, S 71° 59' 10" E a distance of 44.35 feet, S 26° 59' 10" E a distance of 57.00 feet, along a curve to the left having a radius of 180.00 feet an arc length of 22.96 feet, a chord which bears S 30° 38' 24" E a chord distance of 22.94 feet and N 82° 29' 00" W a distance of 238.93 feet to the point of beginning and containing 9,530 square feet or 0.22 acres more or less.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Unified Development Code is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendation to the City Council, which are set out in the "Attachment A" and the preliminary plan indicated as "Attachment B" which is attached hereto as and made part of.

**Section 3.** The City Council, pursuant to the petition filed by Energy Marketing, LLC in P.Z. 12-2013, requesting the amendment embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 28<sup>th</sup> day of October 2013, 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 Article 8 of the City of Chesterfield Unified Development Code.

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

Passed and approved this 3<sup>rd</sup> day of November, 2014

Bob Nation  
MAYOR

ATTEST:

Vickie Hass  
CITY CLERK

FIRST READING HELD: 10/06/2014

## **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. Animal grooming service.
- b. Art studio.
- c. Automotive retail supply.
- d. Bakery.
- e. Bar.
- f. Barber or beauty shop.
- g. Brewpub.
- h. Car wash.
- i. Coffee shop.
- j. Coffee shop, drive-thru.
- k. Commercial service facility.
- l. Drug store and pharmacy.
- m. Drug store and pharmacy, drive-thru.
- n. Dry cleaning establishment.
- o. Filling station and convenience store with pump stations.
- p. Financial institution.
- q. Financial institution, drive-thru.
- r. Grocery--Community.
- s. Grocery--Neighborhood.
- t. Kennel, boarding.
- u. Office, general.
- v. Oil change facility.
- w. Recreation facility.
- x. Restaurant, fast food.
- y. Restaurant, outdoor customer dining area.

- z. Restaurant, sit down.
  - aa. Restaurant, take out.
  - bb. Restaurant, with drive-thru window.
  - cc. Retail sales establishment, community.
  - dd. Retail sales establishment, neighborhood.
  - ee. Veterinary clinic.
2. The above uses shall be restricted as follows: use 1.(j) *Coffee Shop, drive-thru* and use 1.(bb) *Restaurant, with drive-thru window* shall only be permitted within the same structure as use 1.(o) *Filling station and convenience store with pump stations*.

### 3. HOURS OF OPERATION

- a. Hours of operation for this “PC” District shall be restricted as follows: Hours of operation for the convenience store and filling station, including any accessory uses within that structure, shall be unrestricted. Hours of operation for all other uses shall be permitted from 7:00 a.m. to 11:00 p.m. only.
- b. Hours of operation for retail uses may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday.

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

### 1. BUILDING REQUIREMENTS

- a. A minimum of thirty-five (35) percent Open Space shall be required for this development, unless otherwise approved by the City of Chesterfield.
- b. This development shall have a maximum F.A.R. of 0.55.

**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. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
- b. Thirty (30) feet from the right-of-way of Relocated Olive Street Road.
- c. Fifteen (15) feet from the right-of-way of Olive Street Road.

2. PARKING SETBACKS

No parking stall, 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 Chesterfield Airport Road.
- b. Thirty (30) feet from the right-of-way of Relocated Olive Street Road.
- c. Fifteen (15) feet from the right-of-way of Olive Street Road.

**D. PARKING AND LOADING REQUIREMENTS**

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
- 3. Parking lots shall not be used as streets.

**E. LANDSCAPE AND TREE REQUIREMENTS**

The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

**F. SIGN REQUIREMENTS**

1. Sign regulations shall be in accordance with the City Code.
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 (or MoDOT), for sight distance considerations prior to installation or construction.
3. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction shall be reviewed by the Saint Louis County Department of Highways and Traffic for sight distance consideration and approved prior to installation or construction.

**G. LIGHT REQUIREMENTS**

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

**H. ARCHITECTURAL**

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan or Site Development Section Plan.

**I. ACCESS/ACCESS MANAGEMENT**

1. Access to the development, except for the access to Out Lot A, shall be as shown on the Preliminary Plan, and adequate sight distance shall be provided, as directed by the City of Chesterfield, the Missouri Department of Transportation and St. Louis County Department of Highways and Traffic, as applicable.
  - a. The access to Out Lot A shall be as directed by the City of Chesterfield.
  - b. Left turn movements out of the development, at the easternmost access point along Chesterfield Airport Road, shall be prohibited.
2. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield and the agency in control of the right of way off which the access is proposed.

3. 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.

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

1. Provide a 5 foot wide sidewalk, conforming to ADA standards, along the relocated Olive Street Road and Chesterfield Airport Road frontages of the site. The sidewalks shall provide for future connectivity to adjacent developments and/or roadway projects. The sidewalks may be located within right-of-way controlled by another agency, if permitted by that agency or on private property within a 6 foot wide sidewalk, maintenance and utility easement dedicated to the City of Chesterfield.
2. Obtain approvals from the City of Chesterfield and St. Louis County Highways and Traffic and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
3. Additional right-of-way and road improvements shall be provided, as required by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
4. Provide a twelve (12) foot wide right turn lane on Chesterfield Airport Road with six (6) foot shoulders with required tapers and including all storm drainage facilities as directed by the Saint Louis County Department of Highways and Traffic.
5. Construct a barrier median separating the westbound and eastbound lanes of Chesterfield Airport Road to prohibit left turn movements into and out of the development at the permitted right-in/right-out access from Chesterfield Airport Road as directed by the City of Chesterfield and St. Louis County Department of Highways and Traffic.
6. Construct a raised directionally controlled traffic median at the right-in/right-out access point to the development along Chesterfield Airport Road to prevent all left turn movements into or out of the proposed development.
7. 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 Saint Louis County Department of Highways and Traffic.

**K. TRAFFIC STUDY**

Provide a traffic study as directed by the City of Chesterfield and/or 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.

**L. POWER OF REVIEW**

The City of Chesterfield City Council shall have automatic power of review of all Site Development Plans for this development. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

**M. STORM WATER**

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. Storm water drainage shall comply with the current version of the Chesterfield Valley Master Storm Water Plan.
2. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield.
3. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.

**N. SANITARY SEWER**

Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

**O. GEOTECHNICAL REPORT**

Prior to Site Development Plan approval, the developer shall provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the City of Chesterfield. 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 Code shall be required where applicable.
3. 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, as necessary.
4. 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.
5. 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.

**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.** A Site Development 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, the City Council may extend the period to submit a Site Development Concept Plan or Site Development Plan for eighteen (18) months.

**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 City Council may extend the period to commence construction for two (2) additional years.

**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 collector roadways.

4. Provide comments/approvals from the appropriate Fire District, the St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
5. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

**B. 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.
5. Provide openspace 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 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, significant natural features, such as wooded areas and rock formations, and other karst features 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, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

**C. 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 openspace 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 a 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, lot dimensions, lot area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. Depict existing and proposed improvements within one hundred and fifty (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, significant natural features, such as wooded areas and rock formations, and other karst features 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 one hundred and fifty (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, Monarch Levee District, Spirit of St. Louis Airport, St. Louis Department of Highways and Traffic, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.
21. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

## **VI. TRUST FUND CONTRIBUTION**

### **Road Improvements Assessment**

1. The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund (No. 556). This contribution shall not exceed an amount established by multiplying the required parking spaces by the following rate schedule:

<b>Type of Development</b>	<b>Required Contribution</b>
TGA Category	Contribution
Convenience Store	\$12,895.57
General Retail	\$1,934.32
Loading Space	\$3,165.27

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

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

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

2. 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 shall be retained in the appropriate trust fund.

3. Road improvement traffic generation assessment contributions shall be deposited with Saint Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Highways and Traffic or prior to the issuance of building permits in the case where no S.U.P. is required. 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. Funds shall be payable to Treasurer, Saint Louis County.

#### Water Main Assessment

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$777.97 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made prior to St. Louis County approval of the Site Development Plan unless otherwise directed by the Saint Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, Saint Louis County.

#### Storm Water Assessment

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 the Metropolitan Saint Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,468.31 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 (S.U.P.) by Saint Louis County Department of Highways and Traffic or before the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to the Treasurer, 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 the Metropolitan St. Louis Sewer District as required by the District.

### Traffic Generation Assessment Rates

The amount of all required contributions for roadway, storm water and primary water line improvements, if not submitted by January 1, 2015, 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.

### Additional Conditions

In addition to the conditions listed above, St. Louis County asks that the following general conditions be met:

1. Prior to Special Use Permit issuance by the Saint Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, shall be established with the Saint Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.
2. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

## **VII. RECORDING**

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

## **X. 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.

