

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2099 TO ALLOW FOR AN AMENDMENT TO THE PERMITTED USES FOR A “PC” PLANNED COMMERCIAL DISTRICT FOR A 22.995-ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD, WEST OF LONG ROAD (P.Z. 04-2007 BUTLER INVESTMENT PARTNERSHIP, L.P. {SATURN OF WEST COUNTY/LONG ROAD CROSSING}).

WHEREAS, the petitioner, Butler Investment Partnership, L.P. requested that automotive vehicle sales and associated storage and repair be added as a permitted use; and,

WHEREAS, the Planning Commission, having considered said request, made a change to the landscape and tree requirements as well as requiring that vehicles be stored in parking stalls, recommended approval of the request as amended; and,

WHEREAS, the City Council, having considered said request, voted to approve the requested change in use.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. City of Chesterfield Ordinance Number 2099 is hereby repealed and those conditions therein are incorporated into this Attachment A, which is attached hereto and made a part hereof for Long Road Crossing.

LEGAL DESCRIPITON

A tract of land being part of lots 2 and 3 of Damian Kroenung’s Estate, according to plat recorded in Plat Book 5, Page 28 of the St. Louis County records, in U.S. Survey 1010, township 45 north, range 3 and 4 east, City of Chesterfield, St. Louis County, Missouri and more particularly described as follows:

Beginning at the intersection of the northwesterly line of Chesterfield Airport Road, 100 feet wide, with the southwesterly line of lot 3 of the above said Damian Kroenung’s Estate, thence north 02°26’59” west along the southwesterly line of said lot 3 a distance of 1286.12 feet to the southwesterly line of State Highway Route 40 TR as established by condemnation suit #290860, recorded in Book 6343, Page 824 of the St. Louis County records or as occupied; thence along the southwesterly line of said State Highway Route 40 TR and the northwesterly line of Long Road Extension, also established in said suit the following courses and distance: south 84°06’00” east 845.63 feet; thence south 00°44’30” west 365.87 feet; thence south 01°16’42” east 630.59 feet; thence south 01°25’25” west 370.00 feet; thence south 32°15’36” west 114.43 feet to the northwesterly line of aforementioned Chesterfield Airport Road; thence south 89°35’56” west along the northwesterly line of said Chesterfield Airport Road a distance of 719.23 feet to the point of beginning and containing 22.995 acres more or less.

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 Butler Investment Partnership, L.P. in P.Z. 04-2007, 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 12th 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 _____ day of _____, 2007.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: 4/16/2007

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 Planned Commercial "PC" District shall be:
 - a. Animal hospitals, veterinary clinics, and kennels.
 - b. Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - c. Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
 - d. Barber shops and beauty parlors.
 - e. Bookstores.
 - f. Broadcasting studios for radio and television.
 - g. Cafeterias for employees and guests only.
 - h. Child care centers, nursery schools, and day nurseries.
 - i. Colleges and universities.
 - j. Dry cleaning drop-off and pick-up stations.
 - k. Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
 - l. Film drop-off and pick-up stations.
 - m. Fishing tackle and bait shops. Open storage and display are prohibited.
 - n. Financial institutions.

- o. Hotels and motels.
- 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 in a structure in such a manner so as to blend with and complement the character of the surrounding area.

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

- q. Medical and dental offices.
- r. Offices and office buildings.
- s. Outpatient substance abuse treatment facilities.
- t. 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.
- u. Police, fire, and postal stations.
- v. Public utility facilities.
- w. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practices driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
- x. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- y. Restaurant, fast food.
- z. Restaurant, sit down.
- aa. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.

- bb. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
- cc. Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
- dd. Stores, shops, markets, service facilities, in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
- ee. Vehicle repair facilities for automobiles.
- ff. Vehicle service centers for automobiles.
- gg. Sales, rental, and leasing of new and used vehicles, including automobiles, and trucks as well as associated repairs and necessary outdoor storage of said vehicles. Outdoor storage of the vehicles shall be confined to parking stalls as indicated on the approved Site Development Section Plan.

2. The following Ancillary Uses shall be permitted:

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

3. The above uses in the "PC" District shall be restricted as follows:

- a. Use "gg." shall be limited to lots A, B, C, and D as noted in Plat Book 354 page 186 and shown on the Resubdivision Plat of Lot 4 of Long Road Crossing and shall specifically exclude a body shop.
- b. The outdoor storage of automobiles and trucks referenced in use "gg" shall exclude the storage of wrecked or otherwise damaged and immobilized automotive vehicles.

- c. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters shall be limited to swimming pools permitted in conjunction with one or both of the hotels.

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

1. The following restrictions shall apply to the above uses:
 - a. East hotel shall not exceed three (3) stories and 75,000 square feet in gross floor area.
 - b. West hotel shall not exceed five (5) stories and 89,000 square feet in gross floor area.
 - c. East office building shall not exceed two (2) stories and 57,000 square feet in gross floor area.
 - d. West office building shall not exceed two (2) stories and 45,000 square feet in gross floor area.
 - e. East retail may be separated into two lots with one building on each lot. East retail buildings shall not exceed one (1) story and 17,929 square feet in gross floor area;
 - f. West retail shall not exceed one (1) story and 21,000 square feet in gross floor area.
2. The development shall not exceed a maximum of seven (7) buildings.

3. BUILDING REQUIREMENTS

- a. A minimum of thirty percent (30%) green space, excluding the stormwater structure whether placed on or off-site.

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. Ninety (90) feet from the right-of-way of I-64/U.S. 40-61.

- b. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
- c. Thirty (30) feet from the eastern boundary of the "PC" District.
- d. Thirty (30) feet from the western boundary of the "PC" District.
- e. Thirty (30) feet from the right-of-way of Long Road Crossing Drive.
- f. Fifteen (15) feet from internal lot lines in the development.

2. PARKING SETBACKS

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. Thirty (30) feet from the right-of-way of I-64/U.S. 40-61.
- b. Thirty (30) feet from the right-of-way of Chesterfield Airport Road.
- c. Thirty (30) feet from the eastern boundary of the "PC" District.
- d. Thirty (30) feet from the western boundary of the "PC" 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. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
 - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

- c. No construction related parking shall be permitted within the Chesterfield Airport Road right-of-way.
3. Parking lots shall not be used as streets.
4. No parking shall be permitted on any roadway in or adjacent to the development. The parking restriction and requirement for signage shall be indicated on the Site Development Plan and improvement plans. Signage shall be posted within 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. Paved area setbacks, including setbacks required between paved areas on lots in the development shall be adequately landscaped as determined by the Planning Commission.

F. SIGN REQUIREMENTS

1. 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.
2. No new advertising signs, temporary signs, portable signs or attention getting devices shall be permitted in this development.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. No on-site light standard shall exceed twenty-four (24) feet in height.
3. Provide for the installation, maintenance, operation and all expenses related thereto for the street lighting along all public streets associated with this development, including Chesterfield Airport Road in perpetuity. The street lighting plan shall comply with the Chesterfield Valley Master Street Lighting Plan.

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. The centerline of Long Road Crossing Drive shall intersect with the west property line approximately seven hundred and twenty (720) linear feet north of the Chesterfield Airport Road right-of-way line. The Development west of this site has designed the location of the east/west connector road. The connection at the common property line shall be coordinated with the adjacent development.
2. Access to Chesterfield Airport Road shall be limited to one street approach. The street approach intersection shall be aligned with the proposed street on the other side of Chesterfield Airport Road. No interior lot shall have direct access to Chesterfield Airport Road.
3. No direct access will be granted to Route 40/64 or Long Road except for one right in/right out access point from Lot 3 to Long Road, such access to be located as far north of Chesterfield Airport Road as possible. However, if in the future the City of Chesterfield determines that it is in the best interest of public health, safety and welfare that the right-out portion of this access be removed, then the property owner shall remove said right-out within sixty (60) days of receiving written notification from the City of Chesterfield. The property owner shall be given the opportunity to be heard before

the City makes a final determination. A final determination shall be made after a hearing held by the Planning and Zoning Committee of the City Council and its recommendation is then referred to the City Council.

4. Prior to issuance of permits, the petitioner shall provide to the City of Chesterfield an instrument attesting that relinquishing all rights to access on the east side of Long Road and establishing access as referenced in item #3 above.
5. 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 City of Chesterfield and the St. Louis County Department of Highways and Traffic.
6. Access to accommodate emergency vehicles onto the site shall be reviewed by the Chesterfield Fire Protection District.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. No gate installation will be permitted on public right-of-way.
2. If a gate is installed on a street in this development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.
3. Improve Chesterfield Airport Road to one-half (1/2) of a five (5) lane cross section. The construction of an eight (8) foot stabilized shoulder is required to conform to the typical section for Chesterfield Airport Road. Additional pavement widening will be required to provide a right turn lane between Long Road and the proposed access point as directed by the St. Louis County Department of Highways and Traffic.
4. Conform to the requirements of the Missouri Highway and Transportation Department regarding I-64 in this area.
5. The developer shall dedicate to public use the required right-of-way widening along State Route 40/61 for the future ramp access to Long Road. The right-of-way area shall be maintained by the property owners as part of the adjacent landscape buffer until such time as the ramp construction commences.

6. Construct a ten (10) foot wide median through the left turn lane of Chesterfield Airport Road in accordance with St. Louis County Department of Highways and Traffic standards. The median shall extend from the east property line to the west property line. There shall be a gap in the median across from the entrance curb cut, as described above. St. Louis County Department of Highways and Traffic will specify the length of the median gap. The Developer will be responsible for the installation of landscaping and an irrigation system in the median, as directed by the Department of Public Works. After a one-year warranty period of the landscaping and irrigation, the City will be responsible for all future maintenance.
7. Provide a forty (40) foot right-of-way, with ten (10) foot minimum roadway improvement, maintenance, utility and drainage easements on both sides, from Chesterfield Airport Road to the western property line. The intersection of the right-of-way at the western property line shall be a minimum of seven hundred (700) feet north of the Chesterfield Airport Road right-of-way and/or shall align with the proposed public street located west of this parcel. The centerline radius shall be a minimum of two hundred and seventy-five (275) feet. Construct a minimum twenty-six (26) foot pavement with seven (7) foot shoulders on both sides, and appurtenant storm drainage facilities as required by the City of Chesterfield Department of Public Works. Additional widening shall be provided to accommodate separate right and left turn approach lanes at the intersection with Chesterfield Airport Road. Parking shall be prohibited along both sides of this roadway. Access to the site from said road and other interior roadways shall be at least one hundred and fifty (150) feet from roadway intersections.
8. Construct a ten (10) foot wide median along the entrance of the proposed public roadway, from Chesterfield Airport Road to a point one hundred (100) feet north of Chesterfield Airport Road, in accordance with the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic. The developer will be responsible for the landscaping and maintenance of the median.
9. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation standards and shall be reviewed and approved by MoDOT.
10. Stormwater drainage improvements shall be operational prior to the paving of any driveways or parking lots. Roadway and related improvements shall be constructed prior to sixty percent (60%) occupancy of the retail portion of the site.

11. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road frontage of the site and along both sides of all interior roadways. The sidewalks shall connect to the sidewalks constructed with the adjacent development to the west. The sidewalk shall be privately maintained; therefore, no public easements shall be required.

K. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

L. POWER OF REVIEW

The City Council shall have automatic power of review of site plans for the subject development. 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 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.
3. The Chesterfield Valley Master Storm Water Plan indicates a ten (10) foot flat bottom ditch shall be constructed along the eastern, western and northern property lines of this site and that drainage from this site is to be directed to the northeast, to the pump station at Long Road. The developer shall be responsible for construction

of the required storm water improvements and coordination with the owners of the properties affected by construction of the required improvements. In the event that the ultimate required improvements cannot be constructed concurrently with this development, the developer shall provide interim drainage facilities and establish sufficient escrows as guarantee of future construction of the required improvements, including removal of interim facilities. Interim facilities shall be sized to handle runoff from the 100-year, twenty-four (24) hour storm event as produced by the Master Storm Water Plan model. The interim facilities shall provide positive drainage and may include a temporary pump station, if necessary. Interim facilities shall be removed promptly after the permanent storm water improvements are constructed.

4. The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements. Functional equivalence is said to be achieved when, as determined by the Director of Public Works, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Director of Public Works determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.
5. All Chesterfield Valley Master Storm Water Plan improvements shall be operational prior to the paving of any driveways or parking areas.
6. The maintenance of the required stormwater/ditch system shall be the responsibility of the property owner(s).

N. SANITARY SEWER

1. The regional sanitary station shall be designed to provide gravity flow from the parcel to the west of this site as well as to the east of Long Road.
2. Treatment may be required for water quality in accordance with MSD regulations dated February 2006.
3. The development will contribute to the Caulks Creek Impact Fee.

O. GEOTECHNICAL REPORT.

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.

P. 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 Conceptual Valley Master Plan depicts Stormwater improvements, a public sanitary pump station, sanitary force mains, streetlights and roadway interchange improvements within the subject tract. Consideration shall be given to building the Master 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 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, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

V. CHESTERFIELD VALLEY TRUST FUND CONTRIBUTION

Roads

The developer will contribute to the Chesterfield Valley Trust Fund. The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the Saint Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed based on the following:

| <u>Type of Development</u> | <u>Required Contribution</u> |
|----------------------------|----------------------------------|
| Commercial | \$2.07/sq. ft. of building space |
| Office | \$1.44/sq. ft. of building space |
| Industrial | \$4,986/acre |

If types of development differ from those listed, St. Louis County Department of Highways and Traffic will provide rates.

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

If this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development, will be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2008 will be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

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 (S.U.P.) by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasurer, Saint Louis County".

Water Main

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

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 the Metropolitan Saint Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,077.15 per acre for the total area as approved on the Site Development Plan. The 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 Highways and Traffic. Funds shall be payable to the "Treasurer, Saint Louis County".

Sanitary Sewer

The sanitary sewer contribution within Chesterfield Valley area shall be deposited with the Metropolitan Saint Louis Sewer District 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 Saint 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. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Concept 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.