

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBERS 1707 AND 1741 AND AMENDING THE BOUNDARIES OF CITY OF CHESTERFIELD ORDINANCE NUMBERS 2264, 1030, 882 AND ST. LOUIS COUNTY ORDINANCES 11,403 AND 11,468 AND REPLACING THEM WITH A NEW ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “PC” PLANNED COMMERCIAL DISTRICT, “PI” PLANNED INDUSTRIAL DISTRICT AND A “M3” PLANNED INDUSTRIAL DISTRICT TO A NEW “PI” PLANNED INDUSTRIAL DISTRICT FOR A 10.546 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD AND WEST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND CEPI DRIVE (P.Z. 15-2009 CHESTERFIELD AIRPORT COMMERCE PARK {INSITUFORM TECHNOLOGIES INC.})

WHEREAS, Insituform Technologies Inc. has requested a change in zoning from a “PC” Planned Commercial District, “PI” Planned Industrial District and “M3” Planned Industrial District to a new “PI” Planned Industrial District for a 10.546 acre tract of land located on the south side of Chesterfield Airport Road and west of the Chesterfield Airport Road and Cepi Drive intersection; and,

WHEREAS, the boundaries established in City of Chesterfield Ordinances 2264, 1030 and 882 and St. Louis County Ordinances 11,403 and 11,468 are being amended to remove the parcel of land located at 17975 Edison Avenue; and,

WHEREAS, Public Hearings were held before the Planning Commission on December 14, 2009 and January 25, 2010; and,

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

WHEREAS, the City Council, having considered said request voted to approve the change of zoning request, with an amendment to the power of review requirements.

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

Section 1: The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a “PI” Planned Industrial District for a 10.546 acre tract of land located on the south side of Chesterfield Airport Road and west of the Chesterfield Airport Road and Cepi Drive intersection and described as follows:

A tract of land being all of Lot 1 of Chesterfield Airport Commerce Park, a subdivision according to the plat thereof recorded in Plat Book 215, Page 41 of the St. Louis County records, located in U.S. Survey 150, Township 45 North, Range 3 East of the 5th Principal Meridian, all of Lot 8 of the Amended Plat of Chesterfield

Executive Park, a subdivision according to the plat thereof recorded in Plat Book 231 Page 59 of above said records, and part of Lot 5 of "Damian Kroenung Estate Petition" in U.S. Survey 126, 150, and 1010 per plat attached to Commissioner's Report recorded in Book 97 Page 473 and plat recorded in Plat Book 5 Page 28 of the St. Louis County Records in Township 45 North, Range 3 East of the 5th Principal Meridian, City of Chesterfield, St. Louis County, Missouri.

Also and including the following described tract located at 17975 EDISON RD – LOC. NO. 17V330311

A tract of land being part of Lot 5 of Damian Kroenung Estate per plat attached to Commissioner's Report recorded in Plat Book 5, Page 28 of the St. Louis County records, located in U.S. Surveys 126, 150 and 1010, Township 45 North, Range 3 East of the 5th Principal Meridian, City of Chesterfield, St. Louis County, Missouri.

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" and preliminary plan, which is attached hereto and, made part of.

Section 3. The City Council, pursuant to the petition filed by Insituform Technologies Inc., in P.Z. 15-2009, 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 hearings, held by the Planning Commission on the 14th day of December 2009 and 25th day of January 2010, 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 _____, 2010

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

The Planning and Public Works Committee recommended by a vote of 4-0 that the following change be made to the Attachment A:

AMENDMENT 1

Section I. Specific Criteria, K. Power of Review, page 7. The following language was added:

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.~~

K. POWER OF REVIEW

The City Council shall have review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.

ATTACHMENT A

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

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "PI" Planned Industrial District shall be:
 - (1) Administrative office for education or religious facility
 - (2) Animal Grooming service
 - (3) Automotive detailing shop
 - (4) Automotive retail supply
 - (5) Bakery
 - (6) Bar
 - (7) Boat (and marine supply) storage, charter, repair, sale
 - (8) Brewpub
 - (9) Broadcasting studio
 - (10) Car wash, industrial
 - (11) Car wash, self-service
 - (12) Church and other place of worship
 - (13) Commercial service facility
 - (14) Cultivation and sale of plant crops, commercial vegetable and flower gardening as well as plant nurseries and greenhouses.
 - (15) Day care center, adult
 - (16) Day care center, child
 - (17) Dry cleaning establishment
 - (18) Dry cleaning establishment, drive-thru
 - (19) Educational facility--Specialized private schools
 - (20) Education facility--Vocational school
 - (21) Educational facility--Vocational school, outdoor training
 - (22) Filling station and convenience store with pump stations
 - (23) Film drop-off and pick-up station
 - (24) Film processing plant
 - (25) Financial institution
 - (26) Financial institution, drive-thru
 - (27) Gymnasium
 - (28) Highway department garage
 - (29) Industrial sales, service, and storage
 - (30) Laboratories-professional, scientific

- (31) Local public utility facility
- (32) Lumberyard
- (33) Mail order sale warehouse
- (34) Manufacturing, fabrication, assembly, processing, or packaging facility
- (35) Meat packing facility
- (36) Office, dental
- (37) Office, general
- (38) Office, medical
- (39) Oil Change facility
- (40) Parking area, including garages, for automobiles
- (41) Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility
- (42) Professional and technical service facility
- (43) Public safety facility
- (44) Research facility
- (45) Restaurant, fast food
- (46) Restaurant, take out
- (47) Restaurant, with drive-thru window
- (48) Satellite dish
- (49) Storage and repair garage for public mass transit vehicles
- (50) Telecommunications structure
- (51) Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage
- (52) Union halls and hiring halls
- (53) Vehicle repair and services facility
- (54) Veterinary clinic
- (55) Warehouse--General
- (56) Yard for storage of contractors' equipment, materials, and supplies

2. The following uses 7, 28, 29, 32, 35, 49, 51 and 56 shall not be located in Area A as shown on Exhibit 1.

3. Hours of Operation.

- a. Hours of operation for this "PI" District shall not be restricted.

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

1. Height

- a. The maximum height of the building, exclusive of roof screening, shall not exceed sixty five (65) feet.

2. Building Requirements

- a. A minimum of 35% openspace is required for this development.
- 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, light standards or flag poles 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 Cepi Road.
- c. Thirty (30) feet from the right-of-way of Edison Avenue.
- d. Ten (10) feet from the remaining district boundaries.

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 Chesterfield Airport Road.
- b. Twelve (12) feet from the right-of-way of Cepi Drive.
- c. Thirty (30) feet from the right-of-way of Edison Avenue.
- d. Ten (10) feet from the remaining district boundaries.

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.

3. Parking lots shall not be used as streets.
4. Parking shall be prohibited along both sides of the access driveway. Parking lot aisles, where possible, should intersect the main and minor driveways at right angles and be logically located opposite minor driveways and other parking lot aisles. The main and minor driveways shall not have speed bumps. Stop signs shall not be installed for traffic on the main driveway. Minor driveways shall not intersect the access drive closer than one hundred (100) feet from Chesterfield Airport Road right-of-way as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.

E. LANDSCAPE AND TREE REQUIREMENTS

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

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

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

H. ARCHITECTURAL

1. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior

- walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the City of Chesterfield on the Site Development Plan.
 4. Mechanical equipment will be adequately screened by roofing or other material as approved by the City of Chesterfield.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development from Chesterfield Airport Road shall be restricted to one (1) commercial entrance, with one (1) inbound lane and two (2) outbound lanes located opposite existing entrances and providing required sight distance, and constructed to Saint Louis County standards as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield. All other accesses on to Chesterfield Airport Road shall be removed and right-of-way restored as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
2. Access to this development from Cepi Drive shall be restricted to not more than two driveways located and designed in accordance with City of Chesterfield driveway access design policy and in a manner that is acceptable to the City of Chesterfield Department of Planning and Public Works.
3. No direct access to Edison Avenue shall be permitted.
4. Provide cross access easements and temporary 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.
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 St. Louis County Department of Highways and Traffic and the City of Chesterfield.
6. 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 and the City of Chesterfield.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. 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.
2. Construct an eastbound right turn lane two hundred (200) feet in length on Chesterfield Airport Road at the proposed access with a 10:1 inbound taper will be required with any retail use of the site as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
3. Construct a ten (10) foot wide full depth shoulder adjacent to Chesterfield Airport Road along the frontage of the tract, except where it is located adjacent to the right turn lane where its width shall be six (6) feet wide, to Saint Louis County standards, as directed by Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
4. The developer shall install a five (5) foot wide sidewalk, conforming to ADA standards, along the Cepi Drive and Edison Avenue frontage of the site, in accordance with applicable City of Chesterfield design and construction policies, as directed by the City of Chesterfield Department of Planning & Public Works.
5. Provide a sidewalk along Chesterfield Airport Road conforming to Saint Louis County ADA standards adjacent to and outside of right-of-way as directed by the City of Chesterfield.
6. 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.
7. The developer shall construct additional pavement widening on Edison Avenue so that the mainline pavement meets minor arterial street standards, including appurtenant storm drainage facilities, in accordance with City of

- Chesterfield street design and construction policies, and in a manner acceptable to the City of Chesterfield Department of Planning & Public Works.
8. The developer shall extend Cepi Drive southerly from its current end of pavement to intersect with Edison Avenue. Cepi Drive shall be designed to meet local street standards, including appurtenant storm drainage facilities, in accordance with City of Chesterfield street design and construction policies, and in a manner acceptable to the City of Chesterfield Department of Planning & Public Works. Edge of pavement radii of Cepi Drive at the intersection with Edison Avenue shall be a minimum of 50 feet.
 9. The developer shall install streetlights and street trees along the frontage of Cepi Drive and Edison Avenue, in accordance with applicable City of Chesterfield design and installation policies, and in a manner acceptable to the City of Chesterfield Department of Planning and Public Works.
 10. The developer shall provide any additional right-of-way and construct any improvements to Chesterfield Airport Road, as required by the St. Louis County Department of Highways and Traffic.
 11. All roadway and related improvements in each plat or phase of the development shall be constructed by the developer prior to issuance of a MZA for building permits exceeding 50% for that plat or phase. All roadway and related improvements in the overall development and right of way dedication shall be completed by the developer prior to issuance of a MZA for building permits exceeding 75% of 100% of the plats/phases of the development.

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.

L. 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 stormwater management facilities 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 stormwater management facilities shall be identified on the Site Development Plan(s).

3. The Chesterfield Valley Master Stormwater Plan indicates a 50' flat bottom ditch shall be constructed along the western and southern property line of this site and that drainage from this site is to be directed to the east to the pump station at Long Road. The developer shall be responsible for construction of the required stormwater 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, 24-hour storm event as produced by the Master Stormwater 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 stormwater improvements are constructed.

The developer may elect to propose alternate geometry, size and/or type of stormwater 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.
4. Provide a Chesterfield Valley Stormwater Easement along the south property line to accommodate the future construction of the Chesterfield Valley Master Stormwater Plan channel in that area, and depict the channel on the Site Development Plan and improvement plans. Maintenance of the required channel shall be the responsibility of the property owner.
 5. All Chesterfield Valley Master Stormwater Plan improvements shall be operational prior to the paving of any driveways or parking areas.
 6. Treatment for water quality, in accordance with MSD regulations dated February 2006, shall be required.
 7. Project approval will be required from the Monarch Chesterfield Levee District. This approval shall include certification that storm water will be controlled as required by the Chesterfield Valley Master Plan.
 8. Formal plan submittal and approval will be required by the Metropolitan Sewer District prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

M. SANITARY SEWER

1. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750 per acre.

N. 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.

O. MISCELLANEOUS

1. All utilities will be installed underground.

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 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 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 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,

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 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, Monarch Levee District, Spirit of St. Louis Airport, St. Louis Department of Highways and Traffic, 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.

V. TRUST FUND CONTRIBUTION

- A. The developer shall be required to contribute to the **Chesterfield Valley Trust Fund (No. 556)**. Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

Roads

The 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 St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed based on the following:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$575.04/parking space
General Retail	\$1,725.20/parking space
Loading Space	\$2,823.08/parking space

(Parking spaces as required by the City of Chesterfield Code.)

If types of development proposed differ from those listed, rates shall be provided by the St. 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.

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 of any 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 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.

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$693.85 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 before 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.

Stormwater

The stormwater 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 stormwater 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 stormwater contribution will be computed based on \$2,201.47 per acre for the total area as approved on the Site Development Plan. The stormwater contributions to the Trust Fund shall be deposited with the 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.

The amount of these required contributions for the roadway, stormwater and primary water line improvements, if not submitted by January 1, 2010, 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.

Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with the St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.

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

VI. RECORDING

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

VII. 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.

