



Memorandum Planning & Development Services Division

To: Planning and Public Works Committee

From: Cecilia Hernandez, Project Planner

Date: May 4, 2017

RE: **P.Z. 16-2016 EJ Properties (16625 & 16635 Old Chesterfield Rd)**: A request for an amendment to City of Chesterfield Ordinance 2791 to modify permitted uses within an existing “PI” Planned Industrial District (LPA) for a 1.95 acre tract of land located at 16625 and 16635 Old Chesterfield Road.

Summary

Mr. Edward Struckman of EJ Properties has submitted a request for an ordinance amendment to modify permitted uses within an existing “PI” Planned Industrial District with a Landmark Preservation Area (LPA) overlay.

The public hearing was held on December 12, 2016, at which time a number of issues were raised regarding the types of materials that would be sold outdoors, the need for clarification of where additional parking would go, and the hours of operation. Additionally, due to the LPA overlay designation, the item would need to be reviewed by the Chesterfield Historic Landmark Preservation Committee (CHLPC).

The CHLPC reviewed the request in January and recommended approval, deeming the uses to be consistent and in keeping with the character of the area. The petitioner addressed the issues discussed at the Public Hearing, and an issues meeting was held on April 10, 2017. At the issues meeting, the commission continued to have issues with the hours of operation and requested information about surrounding hours of operation. This information was collected by staff and a subsequent vote meeting was held on April 25, 2017. At that time the Planning Commission a motion to approve passed by a vote of 5 to 3.

For more information regarding the issues throughout the meetings, please reference the attached reports from Meetings on April 10th and April 25th, 2017.

Respectfully submitted,

Cecilia Hernandez
Project Planner

Attachments: April 10, 2017 Planning Commission Report
April 25, 2017 Planning Commission Report
Petitioner’s Submitted Plan with markings
Attachment A



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Planning and Development Services Vote Report

Meeting Date: April 10, 2017

From: Cecilia Hernandez, Project Planner

Location: North side of Old Chesterfield Road, east of Baxter Rd.

Petition: **P.Z. 16-2016 EJ Properties (16625 & 16635 Old Chesterfield Rd)**: A request for an amendment to City of Chesterfield Ordinance 2791 to modify permitted uses within an existing “PI” Planned Industrial District (LPA) for a 1.95 acre tract of land located at 16625 and 16635 Old Chesterfield Road.

Summary

Mr. Edward Struckman has submitted a request for an ordinance amendment in a “PI” Planned Industrial District with a Landmark Preservation Area (“LPA”) Overlay. The proposal seeks to add additional uses and requests flexibility in parking requirements and uses, as permitted under the “LPA” Overlay. The petitioner seeks to have outdoor sales on the property, allow a Sno Cone Stand and farmer’s market, and seeks flexibility from the minimum parking requirements. A public hearing was held for this petition on December 12, 2016. At that time, a number of issues were discussed which have been addressed by the petitioner.

Site History

The subject site is within the boundaries of the historic Burkhardt Subdivision whose development marked the creation of Chesterfield. Originating as a 21 acre tract of land owned by Christian Burkhardt in 1877, the subject property is outlined in the image of the original Burkhardt plats on the next page.

The subject site was originally zoned “C-7” General Extensive Commercial District by St. Louis County in 1965 prior to the incorporation of the City of Chesterfield. In 1999, a change of zoning from the “C-7” General Extensive Commercial District to the “PI” Planned Industrial District was granted via City of Chesterfield Ordinance 1556.

In 2006, Ordinance 1556 was repealed by Ordinance 2295 to allow for additional uses on the site and to establish the Landmark and Preservation Area Overlay for the site. The site is currently occupied by the Chesterfield Antique Mall. The owner of the property, in addition to the subject site, owns several parcels along the Old Chesterfield Road corridor.

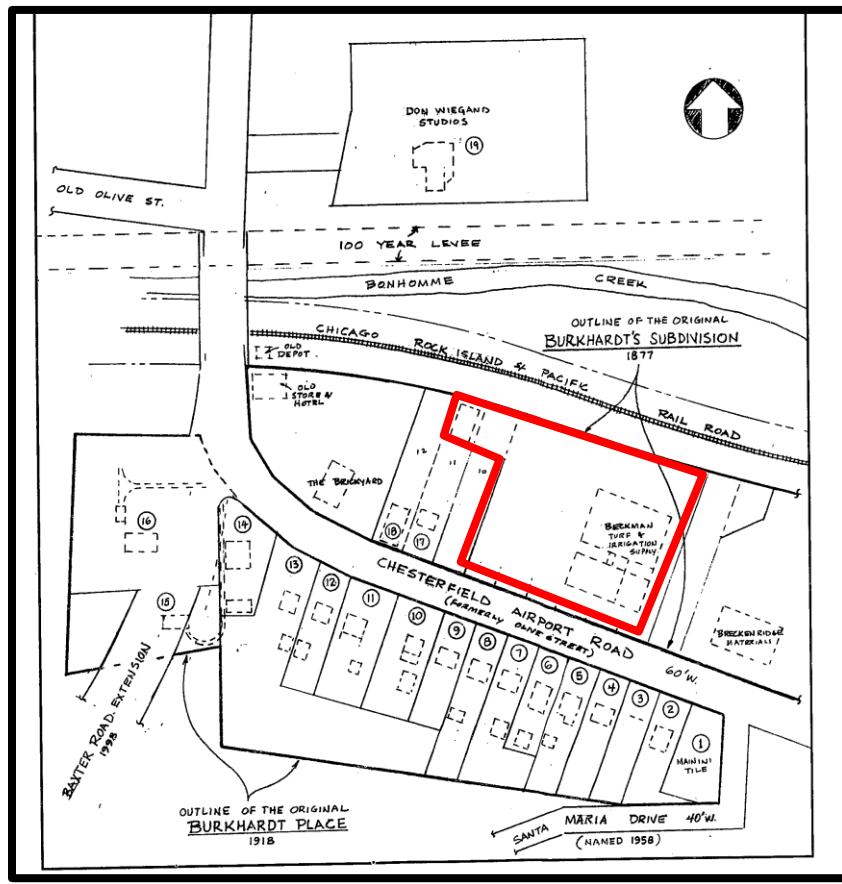


Figure 1- Illustration from Dan Rothwell’s book A Guide to Chesterfield’s Architectural Treasures

Surrounding Land Use and Zoning

The land use and zoning for the properties surrounding this parcel are as follows:

Direction	Land Use	Zoning
North	Railroad	“C-7” General Extensive Commercial District
South	Historic Burkhardt Place	“NU” Non-Urban District; “PC” Planned Commercial District; and “UC” Urban Core District. Many properties have a Landmark Preservation Area Overlay
East	Vacant / (further east: Breckenridge materials)	“PI” Planned Industrial District (further east: “M-2” Industrial District)
West	Office / (further west: vacant)	“C7” General Extensive Commercial District (further west: “PS” Park and Scenic”



Figure 2- Aerial

Landmark and Preservation Area (LPA)

Several of the properties located along the historic Old Chesterfield Road corridor have been designated as Landmark and Preservation Areas (LPA). The intent of the LPA Overlay is “to encourage the rehabilitation, restoration, and adaptation of these historic elements for current use.” The LPA Overlay was created to provide flexibility in development requirements and performance standards to encourage preservation of these structures and preservation of the character of the area.

The “LPA” specifically cites uses and parking areas as flexible design guidelines for the site. As part of the request, the petitioner is proposing additional uses for the site that would supplement existing permitted uses. The City’s parking requirements would require the outdoor sales area be parked at the same rate as the indoor retail sales area (4.5/1,000 GFA), and the farmer’s market be parked at a rate of 3.3/1,000 GFA. The property owner is requesting a modification to permit the outdoor sales area, the sno cone stand, and the farmer’s market without a parking requirement for those uses. The “LPA” Overlay allows the City to approve flexible parking requirements as an incentive to promote preservation of significant areas and sites.

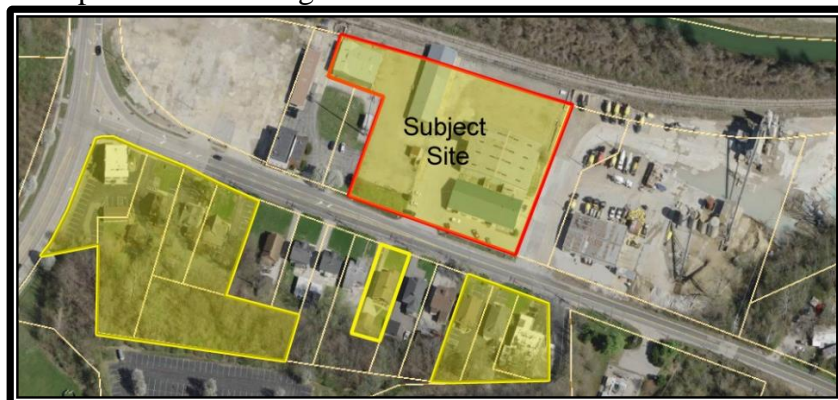


Figure 3- Highlighted properties have LPA Overlay zoning

Comprehensive Plan

The subject site is within Ward 2 of the City of Chesterfield. The City of Chesterfield Land Use Plan indicates this parcel is located within the Urban Core designation.

Policies within the Comprehensive Plan related to the Urban Core state that this area should be developed to contain the highest density of mixed-use development in Chesterfield and should serve as the physical and visual focus for the City. While the request does not change the Floor Area Ratio because the proposed outdoor retail sales area is not in a building, it does increase the intensity of use of the site by adding 6,300 square feet of outdoor retail sales, and would provide a diverse mix of uses on site.

Additionally, the Comprehensive Plan policies related to historic preservation state that historic districts should be identified, preserved, and honored with appropriate recognition. In accordance with the UDC, Staff has requested a recommendation from the Chesterfield Historic and Landmark Preservation Committee (CHLPC) for this petition to ensure the request is consistent with the historic nature of the area. The petition was reviewed and recommended for approval on January 11, 2017.

The petitioner’s narrative details that they are requesting “outdoor sales,” “farmer’s market,” and “sno cone stand.” These uses would fall under the use terms below, with associated restrictions.

Proposed Use	Proposed Restrictions
Retail Sales, Outdoor	In conjunction with another permitted use on the site
Farmer’s Market	None
Sno Cone Stand	Limited to establishments which serve beverages and desserts. No drive-thru service permitted.

To ensure the outdoor retail sales is in conjunction with another permitted use, the following use would be modified to clarify “Retail Sales, Outdoor” (existing language in italics with requested provision in bold / underline).

*Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services related to floral or interior design, artwork, crafts for the home or other similar and related items are being offered for sale or hire to the general public on the premises **including outdoor sales and storage of said items;***

Issues

A public hearing was held on this request at the December 12, 2016 Planning Commission meeting. Several issues were raised at the Public Hearing. A summary of the issues is presented below. A formal response from the petitioner to each of the issues is attached to this report.

The first issue was regarding the types of items or materials that would be sold outdoors. A concern was raised that industrial type materials would be stored or sold.

The petitioner has clarified that a 6300 square foot area would be used for the outdoor sales. The area is delineated on the attached exhibit and delineates the area on the southwest portion of the site, bordered by the property line and existing fence to the west, the grass area and the existing fence to the south, the parking area and existing fence to the east, and a new fence would be placed

which aligns with the north end of the existing building in that area so as to allow vehicular traffic to continue behind the outdoor sales area.

The petitioner has clarified that he does not intend to screen the outdoor sales, however, the existing grass area which sets the outdoor sales area back thirty (30) feet from the road, would remain.

Additionally, the petitioner has clarified that the outdoor sales area would be used for items which are currently sold in the antique shopping center, but which are intended for outdoor use, such as fountains, statues, and outdoor furniture. The petitioner is therefore willing to limit outdoor sales to be permitted only in conjunction with the sale of goods or services offered in the office/ retail building on site, and has provided images of examples of items which would be placed in the outdoor sales area. Those images are attached to this report for your reference.

The Attachment A, as presented, would not allow the storage of building materials or manufactured goods because the outdoor sales is specifically tied to stores, shops, markets, service facilities, and automatic vending facilities in which goods or services **related to floral or interior design, artwork, crafts for the home or other similar and related items**. Should the property owner wish to use the outdoor area for any other permitted use of the Attachment A, they would be required to request an amendment to the ordinance.

The second issue was regarding the location of additional parking on dust surfaces, and any methods of dust suppression.

The petitioner would not be providing any additional parking, nor would passenger/visitor vehicles be driving over any gravel areas. The gravel area would only be used for the outdoor sales area or the farmer's market which would only provide enough room for pedestrians. Because no additional parking is being added, this is included as a modification request.

The following table outlines the required parking per the UDC, and the provided parking for the site:

Use	UDC Standard	Required	Provided
Retail sales establishment, community (indoor & outdoor)	4.5/1,000 GFA	55 spaces	
Farmer's Market*	3.3/1,000 GFA*	21 spaces*	
Warehouse	2 spaces/3 employees	4 spaces	
Total		52 - 59 spaces	41 spaces

*Because the farmer's market would be in the same area as the outdoor retail sales area, these required spaces would not be in addition to the GFA of that use, but in lieu of. Therefore, if and when the farmer's market is in place, the required parking would be 52 for the site, whereas when it is simply being used as an outdoor sales area, 59 spaces would be required per the UDC.

Given that the LPA designation specifically calls out the parking regulations as a possible incentive, Staff has no concerns with providing this flexibility of parking requirements.

The third issue was regarding the farmer's market and general hours of operation.

The petitioner's intent is to set up a farmer's market only on the weekends during warmer months and between the hours of 8:00 AM and 12:00 PM. Additionally, the petitioner has no concerns with adding restricted hours of operation of 6:00 AM to 11:00 PM to the ordinance. These restrictions have therefore been added into the Attachment A.

Finally, Staff advised the petitioner that the proposed changes require a recommendation from the Chesterfield Historic Landmark and Preservation Committee (CHLPC).

The petition was reviewed by the CHLPC on January 11th, 2017. At that time, the Committee made a recommendation to approve the requested modifications.

Ordinance Changes

The following is a redline version of the proposed changes to Ordinance 2791. The text in italics are Staff comments and will not be incorporated into the Attachment A.

A. PERMITTED USES *(see pages 1-2 of the Attachment A)*

1. The uses allowed in this "PI" Planned Industrial District with a Landmark and Preservation Area (LPA) Procedure shall be:
 - a. Gymnasium;
 - b. Business, professional and technical training schools;
 - c. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services related to floral or interior design, artwork, crafts for the home or other similar and related items are being offered for sale or hire to the general public on the premises **including outdoor sales and storage of said items**;
 - d. Business service establishment;
 - e. Cafeterias for employees and guests only;
 - f. Laundries and dry cleaning plants, which include dry cleaning drop-off and pickup stations;
 - g. Offices or office buildings;
 - h. Plumbing, electrical, air conditioning and heating equipment sales, warehousing and repair facilities;
 - i. Restaurants, sit down;
 - j. Sales, servicing, repairing, cleaning, renting, leasing and necessary outdoor storage of equipment and vehicles used by business, industry and agriculture;
 - k. 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 premises;
 - l. Warehousing, storage or wholesaling of manufactured commodities;

- m. Farmer's Market
 - n. Sno Cone Stand
 - o. Or other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.
2. The uses permitted in section 1.a, 1.f, 1.h, 1.j and 1.n above shall only be permitted in conjunction with the buildings which were in existence at the time of passage of this ordinance.
3. HOURS OF OPERATION
- a. Hours of operation for all uses shall be restricted from 6:00 A.M. to 10:00 P.M.
 - b. Use 1.m shall be restricted to Saturday and Sunday operation only.
 - c. Uses 1.c, 1.j, 1.k, and 1.m listed above are considered retail uses and shall be restricted to hours of operation open to the public from 6:00 AM to 11:00 PM. Hours of operation for said 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.

D. PARKING AND LOADING REQUIREMENTS *(see page 3-4 of the Attachment A)*

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code with the exception of uses, A.1.m, A.1.n, and outdoor sales areas in conjunction with the uses permitted in section A.1.c above which shall be exempt from meeting the minimum parking requirements.

V. TRUST FUND CONTRIBUTION *(see page 12 of the Attachment A. This section is simply being updated on the current rates and uses defined by St. Louis County.)*

The developer shall contribute a Traffic Generation Assessment (TGA) to the_Chesterfield Village Road Trust Fund (Trust Fund No. 554). This contribution shall not exceed an amount established by multiplying the ordinance-required parking space by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Recreational Use	-\$433.00 \$512.12/Parking Space
General Office	-\$626.57 \$741.06/Parking Space
General Retail	\$2,223.29/Parking Space
Loading Space	-\$3,076.06 \$3,638.14/Parking Space

Recommendation

Staff has reviewed the requested ordinance amendment and has prepared an Attachment A reflecting this request for consideration by the Planning Commission. The petition has met all filing requirements and procedures of the City of Chesterfield. Additionally, all agency comments have been received and the comments are represented in the provided Attachment A. Staff therefore recommends action on P.Z. 16-2016 EJ Properties.

Respectfully Submitted,

Cecilia Hernandez
Project Planner

A copy of Ordinance 2791 may be obtained at
<http://www.chesterfield.mo.us/webcontent/ordinances/2014/ord2791.pdf>.

Attachments

1. Previously Submitted Plan with markings exhibit
2. Petitioner's issues response letter
3. Petitioner's Narrative Statement
4. Petitioner's email with photographic examples
5. Attachment A

cc: Justin Wyse, Director of Planning and Development Services



VIII. C.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Planning and Development Services Vote Report

Meeting Date: April 24, 2017

From: Cecilia Hernandez, Project Planner

Location: North side of Old Chesterfield Road, east of Baxter Rd.

Petition: **P.Z. 16-2016 EJ Properties (16625 & 16635 Old Chesterfield Rd)**: A request for an amendment to City of Chesterfield Ordinance 2791 to modify permitted uses within an existing “PI” Planned Industrial District (LPA) for a 1.95 acre tract of land located at 16625 and 16635 Old Chesterfield Road.

Summary

Mr. Edward Struckman has submitted a request for an ordinance amendment in a “PI” Planned Industrial District with a Landmark Preservation Area (“LPA”) Overlay. The proposal seeks to add additional uses and requests flexibility in parking requirements and uses, as permitted under the “LPA” Overlay. The petitioner seeks to have outdoor sales on the property (the subject area is pictured in Figure 1 below), allow a Sno Cone Stand and farmer’s market, and seeks flexibility from the minimum parking requirements. A public hearing was held for this petition on December 12, 2016. At that time, a number of issues were discussed which were addressed by the petitioner. As a result, an issues meeting was held on April 10th at which time the Planning Commission had one outstanding issue and required further clarification. Staff has provided that clarification in this vote report.

Site History

The subject site is within the boundaries of the historic Burkhardt Subdivision whose development marked the creation of Chesterfield. Originating as a 21 acre tract of land owned by Christian Burkhardt in 1877, the subject property is outlined in the image of the original Burkhardt plats on the next page.

The subject site was originally zoned “C-7” General Extensive Commercial District by St. Louis County in 1965 prior to the incorporation of the City of Chesterfield. In 1999, a change of zoning from the “C-7” General Extensive Commercial District to the “PI” Planned Industrial District was granted via City of Chesterfield Ordinance 1556.

In 2006, Ordinance 1556 was repealed by Ordinance 2295 to allow for additional uses on the site and to establish the Landmark and Preservation Area Overlay for the site. The site is currently occupied by the Chesterfield Antique Mall. The owner of the property, in addition to the subject site, owns several parcels along the Old Chesterfield Road corridor.



Figure 1- Subject Outdoor Area

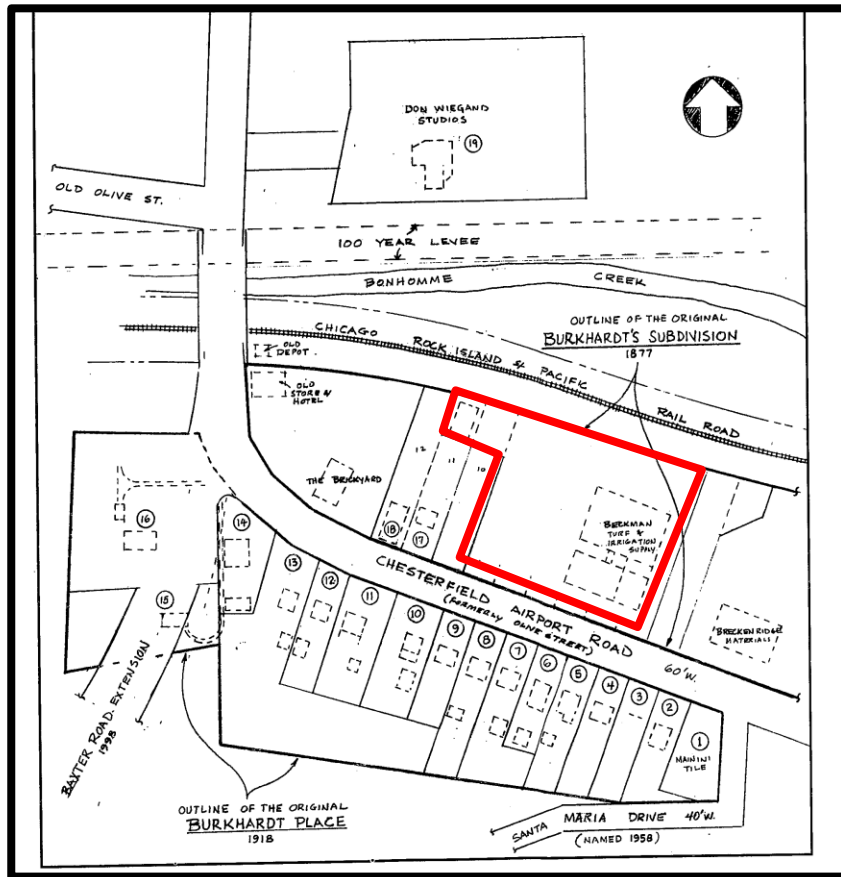


Figure 2- Illustration from Dan Rothwell's book A Guide to Chesterfield's Architectural Treasures

Surrounding Land Use and Zoning

The land use and zoning for the properties surrounding this parcel are as follows:

Direction	Land Use	Zoning
North	Railroad	“C-7” General Extensive Commercial District
South	Historic Burkhardt Place	“NU” Non-Urban District; “PC” Planned Commercial District; and “UC” Urban Core District. Many properties have a Landmark Preservation Area Overlay
East	Vacant / (further east: Breckenridge materials)	“PI” Planned Industrial District (further east: “M-2” Industrial District)
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Figure 3- Aerial

Landmark and Preservation Area (LPA)

Several of the properties located along the historic Old Chesterfield Road corridor have been designated as Landmark and Preservation Areas (LPA). The intent of the LPA Overlay is “to encourage the rehabilitation, restoration, and adaptation of these historic elements for current use.” The LPA Overlay was created to provide flexibility in development requirements and performance standards to encourage preservation of these structures and preservation of the character of the area.

The “LPA” specifically cites uses and parking areas as flexible design guidelines for the site. As part of the request, the petitioner is proposing additional uses for the site that would supplement existing permitted uses. The City’s parking requirements would require the outdoor sales area be parked at the same rate as the indoor retail sales area (4.5/1,000 GFA), and the farmer’s market be parked at a rate of 3.3/1,000 GFA. The property owner is requesting a modification to permit the outdoor sales area, the sno cone stand, and the farmer’s market without a parking requirement for those uses. The “LPA” Overlay allows the City to approve flexible parking requirements as an incentive to promote preservation of significant areas and sites.

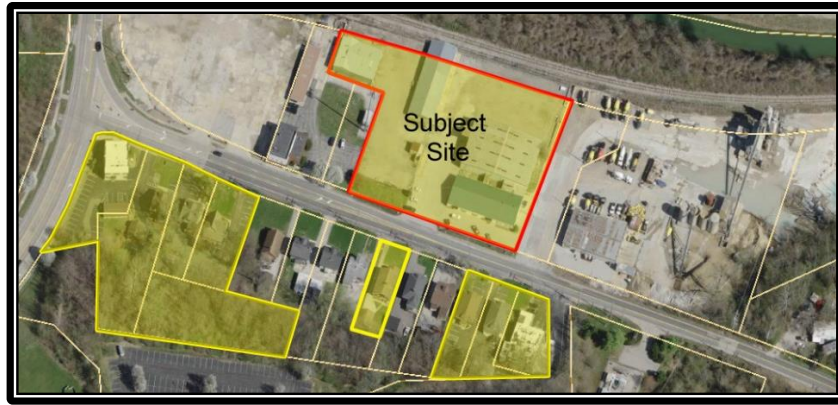


Figure 4- Highlighted properties have LPA Overlay zoning

Comprehensive Plan

The subject site is within Ward 2 of the City of Chesterfield. The City of Chesterfield Land Use Plan indicates this parcel is located within the Urban Core designation.

Policies within the Comprehensive Plan related to the Urban Core state that this area should be developed to contain the highest density of mixed-use development in Chesterfield and should serve as the physical and visual focus for the City. While the request does not change the Floor Area Ratio because the proposed outdoor retail sales area is not in a building, it does increase the intensity of use of the site by adding 6,300 square feet of outdoor retail sales, and would provide a diverse mix of uses on site.

Additionally, the Comprehensive Plan policies related to historic preservation state that historic districts should be identified, preserved, and honored with appropriate recognition. In accordance with the UDC, Staff has requested a recommendation from the Chesterfield Historic and Landmark Preservation Committee (CHLPC) for this petition to ensure the request is consistent with the historic nature of the area. The petition was reviewed and recommended for approval on January 11, 2017.

The petitioner’s narrative details that they are requesting “outdoor sales,” “farmer’s market,” and “sno cone stand.” These uses would fall under the use terms below, with associated restrictions.

Proposed Use	Proposed Restrictions
Retail Sales, Outdoor	In conjunction with another permitted use on the site
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Sno Cone Stand	Limited to establishments which serve beverages and desserts. No drive-thru service permitted.

To ensure the outdoor retail sales is in conjunction with another permitted use, the following use would be modified to clarify “Retail Sales, Outdoor” (existing language in italics with requested provision in bold / underline).

*Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services related to floral or interior design, artwork, crafts for the home or other similar and related items are being offered for sale or hire to the general public on the premises **including outdoor sales and storage of said items;***

Issues

A public hearing was held on this request at the December 12, 2016 Planning Commission meeting. Several issues were raised at the Public Hearing. Those issues were discussed at an issues meeting on April 10, 2017. A vote was not taken at the April 10th Planning Commission Meeting due to one issue remaining unresolved. That issue and response is presented below.

The unresolved issue discussed at the issues meeting on April 10th, 2017 pertained to hours of operation for the farmer's market and general hours of operation. A concern was raised that the usual hours of operation of 6:00AM – 11:00 PM were unfit for this operation due to the proximity of single family homes on the south side of the road.

The graphic below identifies the restricted hours of operation for surrounding areas. The areas in green have no restricted hours of operation within the Attachment A of their ordinance, the purple areas have no restricted hours of operation because they are within a straight zoning district and the code does not provide those restrictions, the yellow area is the subject site, and the red area has restricted hours of operation of 8:00 AM – 8:00 PM.

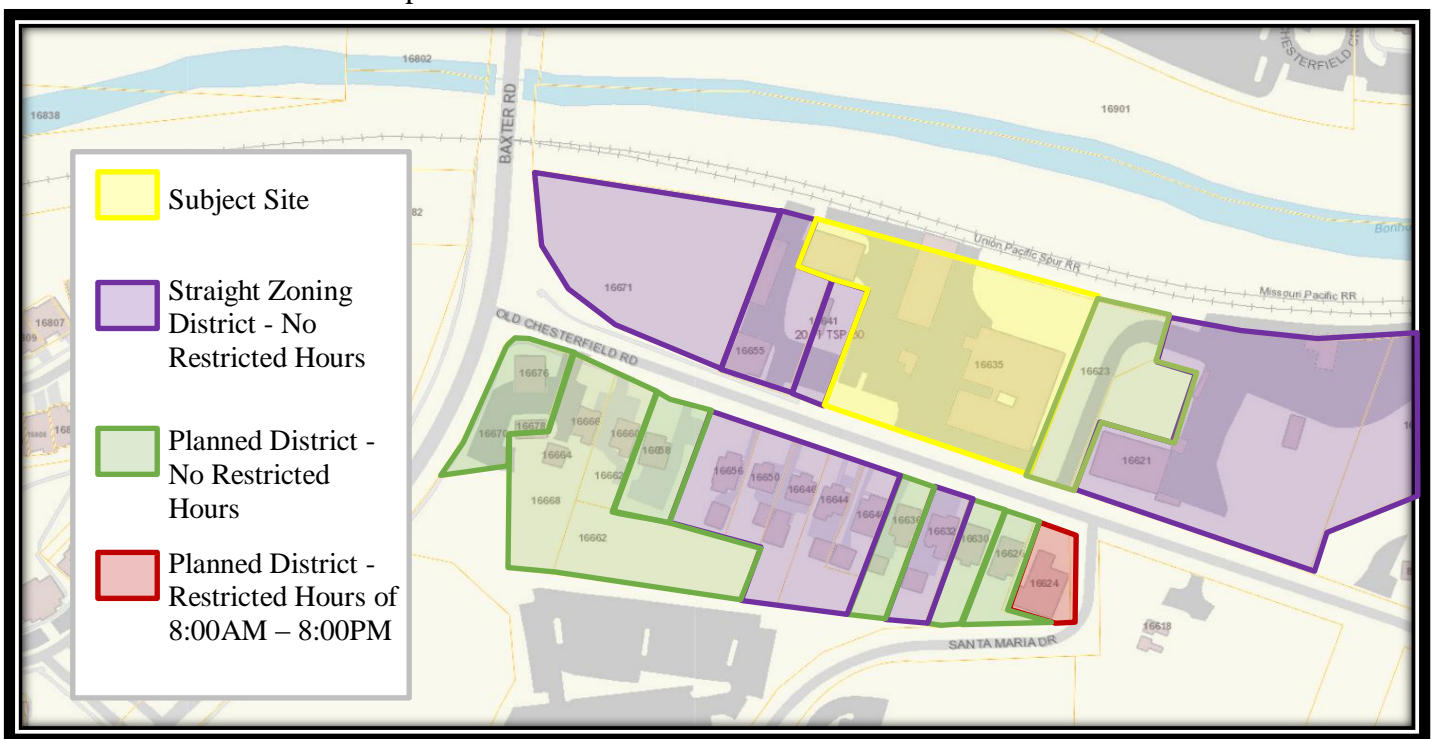


Figure 5- Hours of Operation Restrictions

Additionally, the Commission briefly discussed a desire to know how many of the parcels on the south side of the street are utilized as single family residences. The graphic below depicts those parcels, shown in purple, which are currently utilized as single family homes.

Finally, the Commission wished to see the hours of operation (items A.3.a and A.3.c) consolidated into one item on the attachment A. As discussed, Staff has consolidated the restricted hours of operation, and all requested ordinance changes are detailed below.

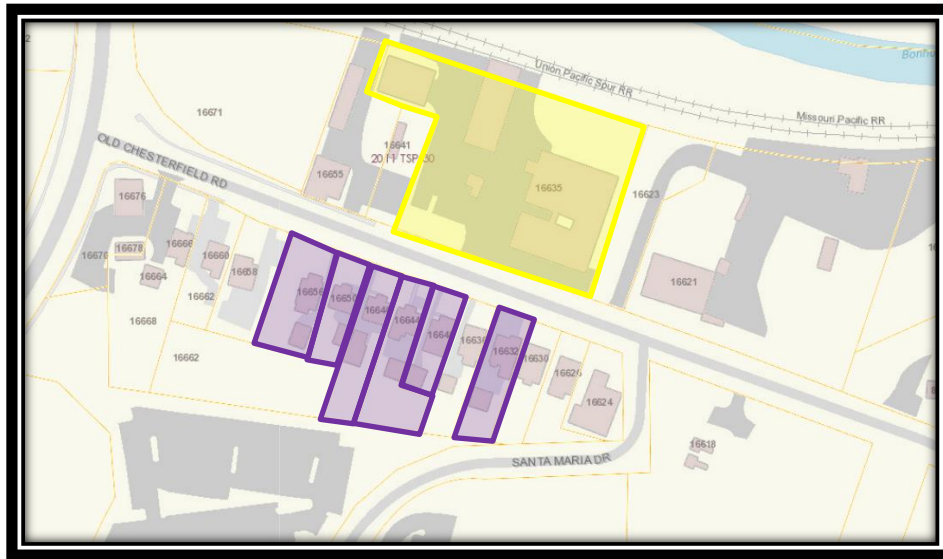


Figure 6- Location of Single Family Homes

Ordinance Changes

The following is a redline version of the proposed changes to Ordinance 2791. The text in italics are Staff comments and will not be incorporated into the Attachment A.

A. PERMITTED USES (*see pages 1-2 of the Attachment A*)

1. The uses allowed in this “PI” Planned Industrial District with a Landmark and Preservation Area (LPA) Procedure shall be:
 - a. Gymnasium;
 - b. Business, professional and technical training schools;
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 - d. Business service establishment;
 - e. Cafeterias for employees and guests only;
 - f. Laundries and dry cleaning plants, which include dry cleaning drop-off and pickup stations;
 - g. Offices or office buildings;
 - h. Plumbing, electrical, air conditioning and heating equipment sales, warehousing and repair facilities;
 - i. Restaurants, sit down;
 - j. Sales, servicing, repairing, cleaning, renting, leasing and necessary outdoor storage of equipment and vehicles used by business, industry and agriculture;
 - k. 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 premises;

- 1. Warehousing, storage or wholesaling of manufactured commodities;
- m. **Farmer’s Market**
- n. **Sno Cone Stand**
- o. Or other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.
- 2. The uses permitted in section 1.a, 1.f, 1.h, 1.j and **1.n** above shall only be permitted in conjunction with the buildings which were in existence at the time of passage of this ordinance.
- 3. HOURS OF OPERATION
 - a. Hours of operation for all uses shall be restricted from ~~6~~8:00 A.M. to ~~10~~8:00 P.M.
 - b. **Use 1.m shall be restricted to Saturday and Sunday operation only.**

D. PARKING AND LOADING REQUIREMENTS (see page 3-4 of the Attachment A)

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code **with the exception of uses, A.1.m, A.1.n, and outdoor sales areas in conjunction with the uses permitted in section A.1.c above which shall be exempt from meeting the minimum parking requirements.**

V. TRUST FUND CONTRIBUTION (see page 12 of the Attachment A. This section is simply being updated on the current rates and uses defined by St. Louis County.)

The developer shall contribute a Traffic Generation Assessment (TGA) to the_Chesterfield Village Road Trust Fund (Trust Fund No. 554). This contribution shall not exceed an amount established by multiplying the ordinance-required parking space by the following rate schedule:

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General Retail	\$2,223.29/Parking Space
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Recommendation

Staff has reviewed the requested ordinance amendment and has prepared an Attachment A reflecting this request for consideration by the Planning Commission. The petition has met all filing requirements and procedures of the City of Chesterfield. Additionally, all agency comments have been received and the comments are represented in the provided Attachment A. Staff therefore recommends action on P.Z. 16-2016 EJ Properties.

Respectfully Submitted,

Cecilia Hernandez
Project Planner

A copy of Ordinance 2791 may be obtained at
<http://www.chesterfield.mo.us/webcontent/ordinances/2014/ord2791.pdf>.

Attachments

1. Previously Submitted Plan with markings exhibit
2. Petitioner's Narrative Statement
3. Attachment A

cc: Justin Wyse, Director of Planning and Development Services

CHICAGO ROCK ISLAND AND PACIFIC RAILROAD (100'W)

LEICHHAN BUILDING

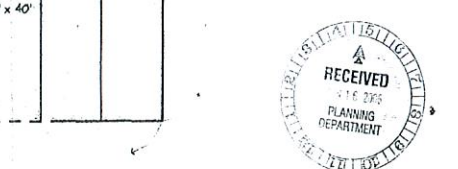
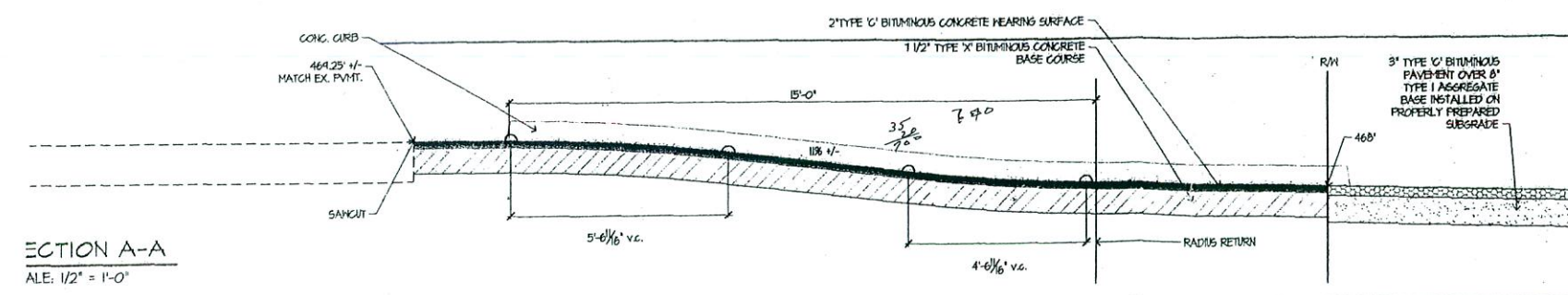
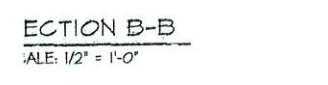
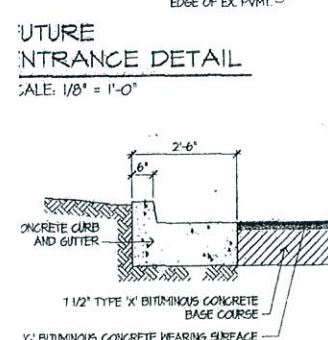
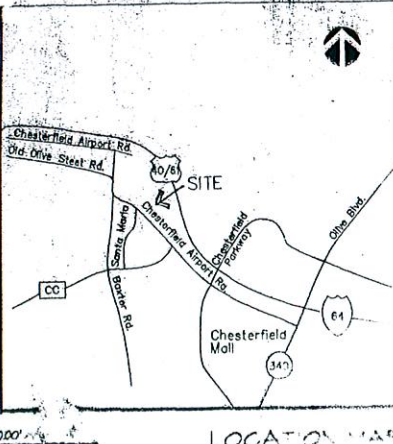
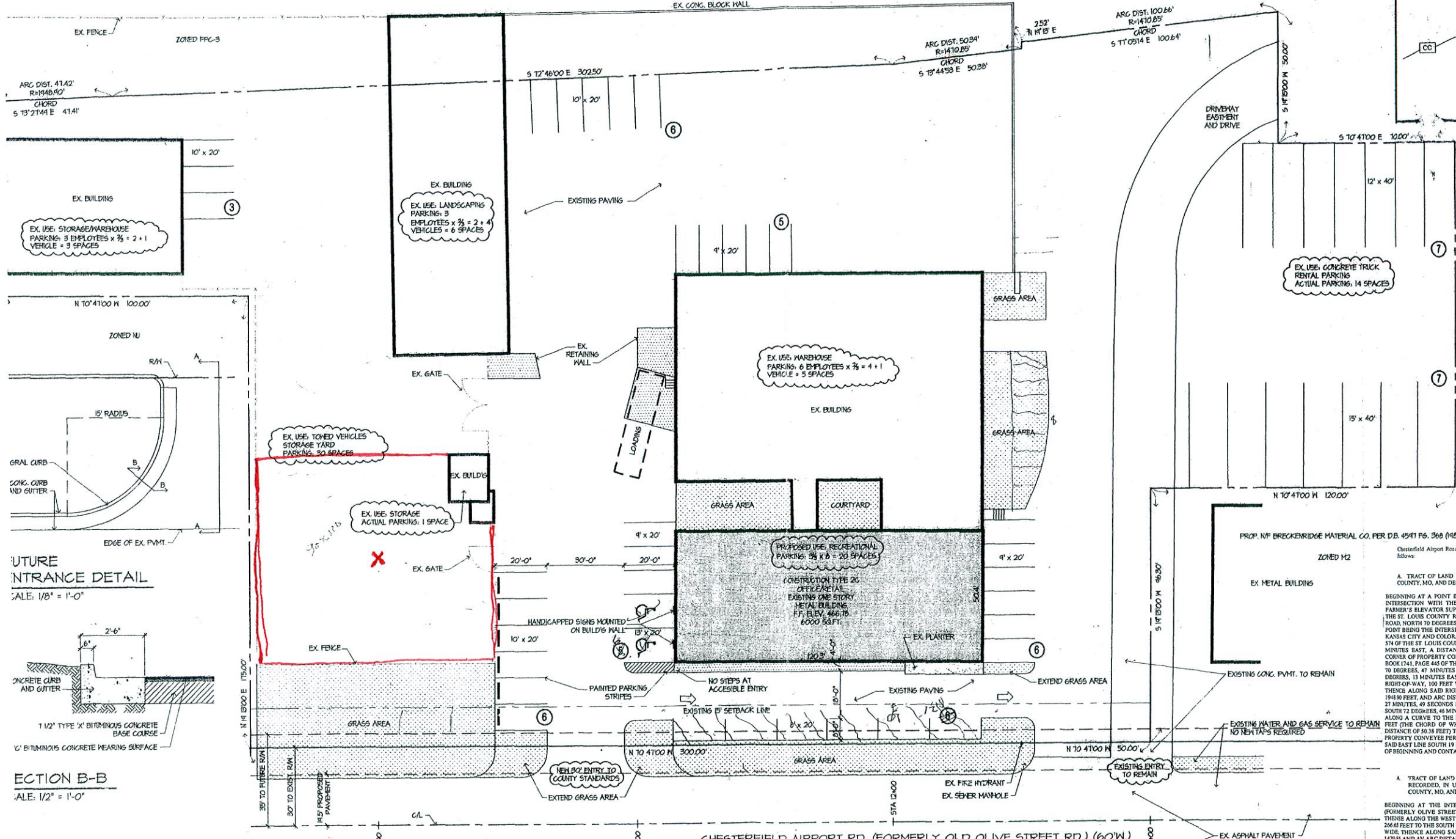
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JOB NUM
0206
DATE

REVISIONS
06/21/03

SHEET NO.
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OF

RECEIVED
City of Chesterfield
JUN - 6 2014
Department of Public Services



Chesterfield Airport Road 450 feet east of Buster Road Extension in the City of Chesterfield described as follows:

A. TRACT OF LAND IN U.S. SURVEY 2031, TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS COUNTY, MO, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF OLIVE STREET ROAD (60 FEET WIDE), AND ITS INTERSECTION WITH THE EAST LINE OF A TRACT OF LAND CONVEYED TO CHESTERFIELD FARMER'S ELEVATOR SUPPLY COMPANY, PER DEED RECORDED IN DEED BOOK 461, PAGE 165 OF THE ST. LOUIS COUNTY RECORDS; THENCE WEST ALONG SAID NORTH LINE OF OLIVE STREET ROAD, NORTH 79 DEGREES, 47 MINUTES, WEST, A DISTANCE OF 3000 FEET TO A POINT, AND SAID POINT BEING THE INTERSECTION OF THE WEST LINE OF PROPERTY CONVEYED TO ST. LOUIS KANSAS CITY AND COLORADO RAILROAD COMPANY BY DEED RECORDED IN DEED BOOK 87, PAGE 574 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG SAID WEST LINE NORTH 19 DEGREES, 13 MINUTES, EAST, A DISTANCE OF 175.00 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF PROPERTY CONVEYED TO LOUIS C. GOEHLI AND WIFE BY DEED RECORDED IN DEED BOOK 1741, PAGE 445 OF THE AFORESAID RECORDS; THENCE ALONG GOEHLI'S NORTH LINE NORTH 79 DEGREES, 47 MINUTES, WEST, A DISTANCE OF 100.00 FEET TO A POINT; THENCE NORTH 19 DEGREES, 13 MINUTES, EAST, A DISTANCE OF 73.84 FEET TO A POINT IN THE SOUTH LINE OF THE RIGHT-OF-WAY, 100 FEET WIDE, OF CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY; THENCE ALONG SAID RIGHT-OF-WAY, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1948.90 FEET, AND AN ARC DISTANCE OF 47.42 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 72 DEGREES, 46 MINUTES, EAST, A DISTANCE OF 47.41 FEET TO A POINT OF TANGENCY; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1470.85 FEET, AN ARC DISTANCE OF 50.39 FEET TO THE POINT OF TANGENCY; THENCE ALONG SAID RIGHT-OF-WAY LINE, THENCE ALONG SAID EAST LINE SOUTH 19 DEGREES, 13 MINUTES, WEST, A DISTANCE OF 254.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 85,049 SQUARE FEET OR 1.95 ACRES, MORE OR LESS.

AND

A. TRACT OF LAND IN LOT 3 AND PART OF LOT 2 OF "BURKHARDT'S SUBDIVISION", NO RECORDING IN U.S. SURVEY 2031, TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS COUNTY, MO, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF CHESTERFIELD AIRPORT ROAD (FORMERLY OLIVE STREET ROAD) 60 FEET WIDE, AND THE WEST LINE OF AFORESAID LOT 3; THENCE ALONG THE WEST LINE OF LOT 3, NORTH 19 DEGREES, 13 MINUTES, EAST, A DISTANCE OF 266 FEET TO THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO OTTO BEBLE BY DEED RECORDED IN BOOK 491, PAGE 368 OF ST. LOUIS COUNTY RECORDS; THENCE ALONG SAID BRECKENRIDGE LINE SOUTH 19 DEGREES, 15 MINUTES, WEST, 30.3 FEET TO A POINT; THENCE SOUTH 79 DEGREES, 47 MINUTES, WEST, A DISTANCE OF 100 FEET TO THE WEST LINE OF A TRACT OF LAND CONVEYED TO OTTO BEBLE BY DEED RECORDED IN BOOK 132, PAGE 421 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG THE WEST LINE OF LOT 2, SOUTH 19 DEGREES, 13 MINUTES, WEST, A DISTANCE OF 90.30 FEET TO THE SOUTHWEST CORNER THEREOF BEING ALSO THE NORTH LINE OF AFORESAID CHESTERFIELD AIRPORT ROAD; THENCE ALONG SAID ROAD, NORTH 79 DEGREES, 47 MINUTES, WEST, 50.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 31,543 SQUARE FEET OF 72 ACRES, MORE OR LESS.

SITE PLAN
SCALE: 1" = 20'-0"

RECEIVED
City of Chesterfield
JUN - 6 2014
Department of Public Services



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 with a Landmark and Preservation Area (LPA) Procedure shall be:
 - a. Gymnasium;
 - b. Business, professional and technical training schools;
 - c. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services related to floral or interior design, artwork, crafts for the home or other similar and related items are being offered for sale or hire to the general public on the premises including outdoor sales and storage of said items;
 - d. Business service establishment;
 - e. Cafeterias for employees and guests only;
 - f. Laundries and dry cleaning plants, which include dry cleaning drop-off and pickup stations;
 - g. Offices or office buildings;
 - h. Plumbing, electrical, air conditioning and heating equipment sales, warehousing and repair facilities;
 - i. Restaurants, sit down;
 - j. Sales, servicing, repairing, cleaning, renting, leasing and necessary outdoor storage of equipment and vehicles used by business, industry and agriculture;
 - k. 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 premises;
 - l. Warehousing, storage or wholesaling of manufactured commodities;
 - m. Farmer’s Market
 - n. Sno Cone Stand

- o. Or other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.
- 2. The uses permitted in section 1.a, 1.f, 1.h, 1.j, and 1.n above shall only be permitted in conjunction with the buildings which were in existence at the time of passage of this ordinance.
- 3. HOURS OF OPERATION
 - a. Hours of operation for all uses shall be restricted from 6:00 A.M. to 10:00 P.M.
 - b. Use 1.n shall be restricted to Saturday and Sunday operation only.
 - c. Uses 1.c, 1.j, 1.k, and 1.m listed above are considered retail uses and shall be restricted to hours of operation open to the public from 6:00 AM to 11:00 PM. Hours of operation for said 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.

FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

- 1. FLOOR AREA
 - a. Total building floor area shall not exceed 24,990 square feet.
 - b. Total building floor area for the use permitted in section A.1.a above shall not exceed 6,000 square feet.
- 2. HEIGHT
 - a. The maximum height of the building, exclusive of roof screening, shall not exceed one (1) story.
- 3. BUILDING REQUIREMENTS
 - a. Openspace: Openspace includes all areas excluding the building or areas for vehicular circulation.

A minimum of eight percent (8%) openspace is required for this development.
 - b. Floor Area Ratio: F.A.R. is the gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking. Planning Commission may request two (2) calculations: one (1) calculation for those areas above grade and another that includes building area below grade.

This development shall have a maximum Floor Area Ratio (F.A.R.) of (30%).

C. SETBACKS

1. STRUCTURE SETBACKS

No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. Fifty (50) feet from the right-of-way of Old Chesterfield Road. If additional right-of-way is required by the St. Louis County Department of Highways and Traffic, this shall be measured from the right-of-way.
- b. Twenty (20) feet from the northern limits of this "PI" Planned Industrial District.
- c. Twenty five (25) feet from property lines adjoining property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.
- d. Twenty (20) feet from the eastern limits of this "PI" Planned Industrial District.

2. PARKING SETBACKS

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

- a. In this "PI" Planned Industrial District, no unenclosed parking or loading space or internal drive shall be closer than ten (10) feet to any adjoining "PS" Park and Scenic, "NU" Non-Urban or "R" Residence District.
- b. Said parking setbacks shall be effectively screened. Such screening shall consist of a sight-proof fence or wall, and such screening shall be not less than five (5) feet in height above the surface or wall, and such screening shall not be less than five (5) feet in height above the surface elevation of the parking area, except where sight distance regulations at streets require other arrangements.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development shall be as required in the City of Chesterfield Code with the exception of uses, A.1.m, A.1.n, and outdoor sales areas in conjunction with the uses permitted in section A.1.c above which shall be exempt from meeting the minimum parking requirements.

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. Construction parking shall not be permitted on public-maintained roadways. Adequate off-street stabilized parking area(s) shall be provided for construction employees.

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. All signage is subject to review by the City of Chesterfield for compatibility with the existing historic area.
2. 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.
3. 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.
4. No temporary, portable, or advertising signs shall be permitted.

G. LIGHT REQUIREMENTS

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

2. Light standards shall not exceed twenty-four (24) feet in height and the location of light standards shall be as approved by the Planning Commission on the appropriate development plan.
3. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways.
4. Streetlights are required to be added which will be in keeping with the historical character of the area, as approved by the City of Chesterfield.

H. ARCHITECTURAL

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Proposed structures will remain in harmony with the existing surrounding historic area.
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 complemented by adequate landscaping approved by the Planning Commission on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development from Old Chesterfield Road shall be restricted to the existing entrances, as directed by the City of Chesterfield.
2. The entrance(s) shall not be less than twenty-four (24) feet wide or more than forty (40) feet wide at the right-of-way line. The radius used to increase the opening at the curb or pavement edge shall not be less than ten (10) feet or more than forty (40) feet. The City of Chesterfield must approve any method used to channel traffic within the site.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.
2. If street grades in excess of six percent (6%) are desired, steep grade approval must be obtained. In no case shall slopes in excess of twelve percent (12%) be considered. Any request for steep street grades must include justification prepared, signed and sealed by a registered

- professional engineer and include plans, profiles, boring logs, cross-sections, etc in accordance with the Street Grade Design Policy. The justification should clearly indicate site conditions and alternatives considered. If steep grades are approved for this site, a disclosure statement shall be provided to all potential buyers and a note indicating that priority snow removal will not be given to this site shall be included on the Site Development Plan and Record Plat.
3. Obtain approvals from the City of Chesterfield for locations of proposed curb cuts, areas of new dedication, and roadway improvements.
 4. Improve Old Chesterfield Road to one-half of a seventy (70) foot right-of-way and a thirty-nine (39) foot pavement with required tapers and include all storm drainage facilities as directed by the City of Chesterfield.
 5. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along all frontages of the site as directed by the City of Chesterfield. The sidewalk shall provide for future connectivity to adjacent developments and/or roadway projects. The sidewalk may be located within right-of-way controlled by another agency, if permitted by that agency or on private property within a sidewalk, maintenance and utility easement dedicated for public use.
 6. An easement for a pedestrian trail shall be dedicated to the City of Chesterfield. Said easement shall be located along the western property line and the southwestern property line of one hundred (100) feet noted as North 70 degrees 47 minutes 00 seconds West. Easement width shall be ten (10) feet unless adjacent to the existing building as shown on the Preliminary Plan dated March 1999. Easement adjacent to such building shall be the maximum allowable between the property line and the structure.
 7. The existing fence located in the easement shall be relocated by the City of Chesterfield when the pedestrian trail is developed.
 8. If the pedestrian trail is to be located at another location, a vacation of easement will be done by the City of Chesterfield. The setbacks shall be from the property line not the edge of the easement.
 9. Provide street connections to the adjoining properties as directed by the City of Chesterfield. Stub street signage, in conformance with Section 1005.180 of the Subdivision Ordinance, shall be posted within 30 days of the street pavement being placed.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Old Chesterfield Road. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic.

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. 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. The adequacy and condition of the existing downstream system shall be verified and upgraded if necessary.
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. Detention/retention, channel protection, and water quality measures are to be provided in each watershed as required by the City of Chesterfield and the Metropolitan St. Louis Sewer District. The storm water management facilities shall be operational prior to paving of any

- driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty percent (60%) of the 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 all Site Development Plans.
4. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.
 5. The lowest opening of all structures shall be set at least two (2) feet higher than the one hundred (100) year high water elevation in detention/retention facilities. All structures shall be set at least 30 feet horizontally from the limits of the one hundred (100) year high water.
 6. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

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 shall 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. Sleeves for future telecommunication services are required to be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

3. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.
4. 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.

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

- A.** The developer shall submit a Site Development Concept plan within 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 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, 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 PLAN SUBMITTAL REQUIREMENTS

The Site Development 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. Outboundary plat and legal description of the 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 open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street

from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.

15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of 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 two (2) feet, 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. Provide a lighting plan in accordance with the City of Chesterfield Code.
20. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
21. 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.
22. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, and Spirit of St. Louis Airport.
23. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

The developer shall contribute a Traffic Generation Assessment (TGA) to the_Chesterfield Village Road Trust Fund (Trust Fund No. 554). This contribution shall not exceed an amount established by multiplying the ordinance-required parking space by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Recreational Use	\$512.12/Parking Space
General Office	\$741.06/Parking Space
General Retail	\$2,223.29/Parking Space

Loading Space \$3638.14/Parking Space

(Parking Space as required by the site-specific ordinance or by section 1003.165 of the Saint Louis County Zoning Ordinance.)

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

Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.

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

The amount of the required contribution, if not approved for construction by January 1, 2015, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

Traffic generation assessment contributions shall be deposited with Saint 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.

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.