



VIIA

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
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Planning Commission Staff Report

Subject: **Ordinance Amendment Vote Report**

Meeting Date: May 27, 2009

From: Shawn Seymour, AICP Annissa McCaskill – Clay, AICP
Project Planner Lead Senior Planner

Location: A 3.038 acre tract and a 10.895 acre tract of land zoned
"C8" Planned Commercial District located on the southwest
and southeast corners respectively of the Baxter Road and
Wild Horse Creek Road intersection.

Petition: P.Z. 26-2008 Chesterfield Village C-119 & C-148
(Chesterfield Village, Inc.)

Proposal Summary

Chesterfield Village, Inc. is requesting an ordinance amendment in a "C8" Planned Commercial District for a 3.038 acre tract of land and a 10.895 acre tract of land located on the southwest and southeast corners respectively of the Baxter Road and Wild Horse Creek Road intersection. A Public Hearing for this request was held on November 10, 2008, at that time the Planning Commission did not have any outstanding issues.

The Petitioner is seeking the ordinance amendment in order to modify the legal descriptions of both parcels of land. Since the original approval for "C8" Planned Commercial Zoning of the parcels a significant amount of change has occurred with regards to the legal descriptions of the properties that provides just cause for the amendment request.

Site Area History

Parcels C-119 and C-148 were zoned "C8" Planned Commercial District by Saint Louis County prior to the incorporation of the City of Chesterfield as part of the master plan for the Chesterfield Village Development by Sach's Properties. In May of 1996, the City of Chesterfield amended the Saint Louis County ordinance for this "C8" Planned Commercial District to add a 0.6 acre property to Parcel C-119. Parcel C-148 was subject to a Boundary Adjustment Plat that was approved by the City of Chesterfield in December of 2006 which modified the southern boundary of the parcel that borders the Reserve at Chesterfield Village subdivision. Finally, in 2007 Wild Horse Creek Road

was realigned, which required that the applicant dedicate a portion of Parcel C-148 for right-of-way for that road improvement.

Due to the above referenced addition of land, boundary adjustment, and right-of-way dedication the legal descriptions of both Parcel C-119 and C-148 as provided for in the "C8" Planned Commercial District legislation, is currently inaccurate. The requested Ordinance Amendment will eliminate this inaccuracy.

Zoning Analysis

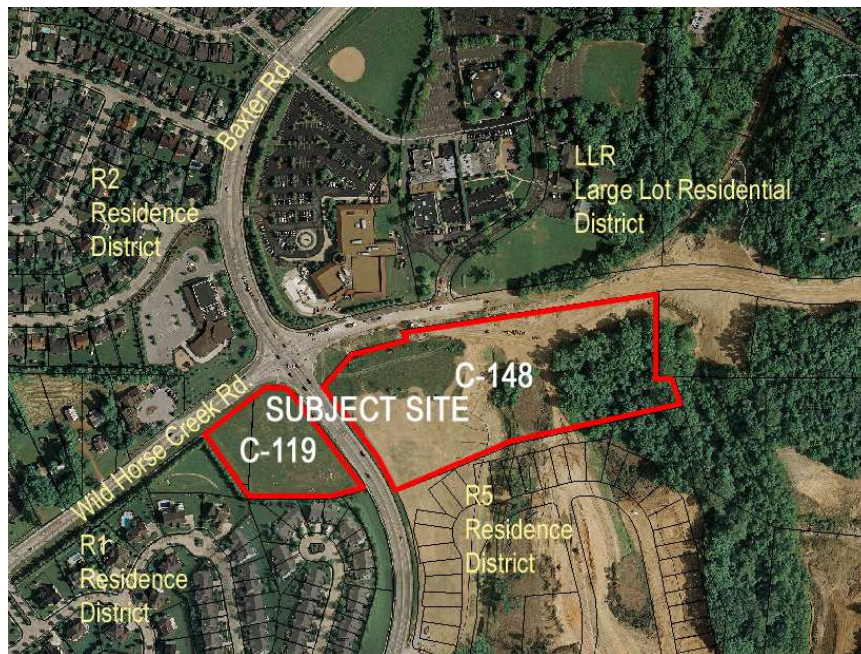
As stated above parcel C-119 and C-148 were zoned "C8" Planned Commercial District by St. Louis County prior to the incorporation of the City of Chesterfield and are part of the Chesterfield Village Development by Sach's Properties. The current "C8" Planned Commercial District permits all of the uses provided for in the "C2" Shopping District and the "C6" Offices and Research Services District without a Conditional Use Permit. Fast Food Restaurants are prohibited. Offices are limited to 90,000 sf., restaurants are limited to 13,000 sf., and retail is limited to 44,000 sf.

No changes are being requested to the above zoning entitlements.

Surrounding Land Use and Zoning

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

- North: The adjacent properties to the north are a school zoned "LLR" Large Lot Residential and a community center zoned "R2" Residence District (15,000 sq. ft.), and a church also zoned "R2" Residence District (15,000 sq. ft.).
- South: The adjacent properties to the south are a residential subdivision, which is zoned "R5" Residence District (6,000 sq. ft.).
- East: The adjacent property to the east is the Riparian Corridor which is a conservation easement placed over the "C8" Planned Commercial District.
- West: The adjacent properties located to the west are a residential subdivision, which is zoned "R1" Residence District.





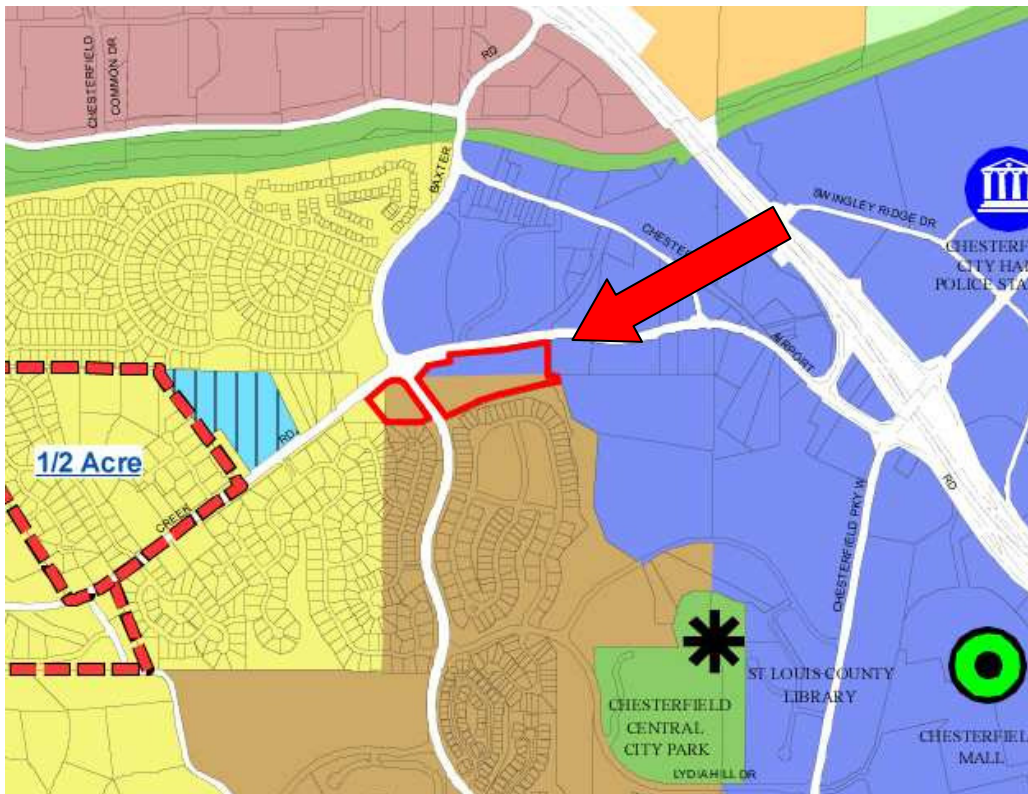
View looking west at C-119 from
Baxter Road



View looking east at C-148 from
Baxter Road

Comprehensive Plan Analysis

Parcel C-119 is located within Ward 4 of the City of Chesterfield and Parcel C-148 is located within Ward 2. The Comprehensive Plan designates Parcel C-119 as both Residential Single Family and Residential Multi-Family while Parcel C-148 is designated at both Residential Multi-Family and Urban Core. The subject parcels are not located in any sub-area identified by the Comprehensive Plan; therefore there are no additional development guidelines for this site.



Issues

A public hearing we held by the Planning Commission on November 10th, 2008. At that time there were no outstanding issues. However, since that time the following issues have been identified and remain open.

1. As detailed on the Preliminary Plan and requested in the petitioners response to issues letter dated, May 6, 2009, the petitioner is requesting three (3) full access points to Sach's parcel C-148 along Wild Horse Creek Road. Staff has reviewed this request and has found that the City of Chesterfield Access Management Standards only permit two (2) access points to C-148 along Wild Horse Creek Road at current configuration.

Per City of Chesterfield Access Management Standards, there must be a minimum of three-hundred and fifty (350) feet from center line to edge of each point of ingress and egress along a major arterial. The current configuration causes the easternmost access point to C-148 along Wild Horse Creek Road to be less than two-hundred (200) feet from the closest additional access point on C-148 to the west. **Staff has written the Attachment A to state that all access points must meet Missouri Department of Transportation, St. Louis County Department of Highways & Traffic, and City of Chesterfield Access Management Standards.**

2. The Petitioner has requested that structure and parking setbacks not apply to the eastern boundary of this "C8" Planned Commercial District.

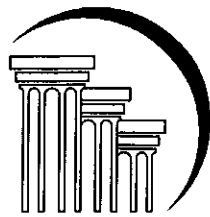
It is the policy of the City of Chesterfield that all planned zoning districts contain perimeter setbacks. **The Attachment A has been written to include a thirty (30) foot structure and a thirty (30) foot parking setback along the eastern boundary of this "C8" Planned Commercial District.**

Request

Staff has reviewed the ordinance amendment request for Parcels C-119 and C-148 of Chesterfield Village in a "C8" Planned Commercial District and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield. Staff requests action on P.Z. 26-2008 Chesterfield Village C-119 & C-148 (Chesterfield Village, Inc.).

Attachments

1. Petitioners Response to Issues Letter
2. Attachment A
3. Preliminary Plan



DOSTERGUIN
JAMES ULLOM BENSON & MUNDORF, LLC
ATTORNEYS AT LAW

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17107 Chesterfield Airport Rd.
Suite 300
Chesterfield, MO 63005
(636) 532-0042
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William B. Remis
wremis@dosterguin.com

May 6, 2009

Via Email Transmission and Regular Mail

Mr. Shawn Seymour, AICP
Project Planner
City of Chesterfield
690 Chesterfield Pkwy W.
Chesterfield, MO 63017-0760

RE: P.Z. 26-2008 Chesterfield Village C-119 & C-148 (Chesterfield Village, Inc.)

Dear Shawn:

This letter constitutes Petitioner's response to your "Issues Letter" dated November 18, 2008.

1. Missouri Department of Transportation comments:

- a. The new sidewalks and curb ramps proposed on Route CC (Wild Horse Creek Road) must be constructed to meet current Federal ADA Standards.
- b. MoDOT will need right of way dedication for future highway construction project.
- c. Show entrances on the north side of Route CC (Wild Horse Creek Road) on plans.
- d. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any changes to the entrances geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards and shall be reviewed and approved by MoDOT.
- e. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right of way.
- f. We request that all drainage detention storage facilities be placed outside of the standard governmental agencies planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.
- g. Any work within MoDOT's right of way will require a MoDOT permit.

Petitioner acknowledges these requirements.

2. St. Louis County Highways and Traffic comments:

a. Access from Wild Horse Creek Road to the office and retail developments shall be limited to three (3) entrances, with the easternmost entrance limited to right in/right out access. Access shall be located and constructed as directed by the St. Louis County Department of Highways and Traffic.

Petitioner requests revision of this Section to read as follows, "Access from Wild Horse Creek Road to the office and retail developments shall be limited to three (3) entrances." Petitioner has requested clarification from St. Louis County regarding this revision.

b. Access to the office and retail developments from Baxter Road shall be limited to one full access commercial entrance located and constructed near the south property line and aligned with the entrance for the proposed restaurant development.

Petitioner acknowledges this requirement

c. Construct Baxter Road to an eight-two (82) foot right of way and a sixty-three (63) foot wide concrete pavement, eight (8) inches thick on a four (4) inch aggregate base, including all storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic. An additional six (6) feet of right of way and pavement and a four (4) foot wide raised median may be required to restrict left turning movements depending upon the proximity of the driveways to the proposed intersection of Wild Horse Creek Road and the extension of Baxter Road. Improve Wild Horse Creek Road to on half of a eighty-four (84) foot right of way and a sixty-three (63) foot pavement including all storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic.

Petitioner requests deletion of this entire Section as this work has already been completed.

d. The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Trust Fund (Trust Fund No. 554). This contribution shall not exceed an amount established by multiplying the ordinance-required parking spaces for the difference between the existing and proposed uses by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
TGA Category	Contribution
General Office	\$556.13
High Turnover Sit Down Restaurant	\$1,668.47
General Retail	\$1,668.47
Loading Space	\$2,730.25

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

If types of development differ from those listed, rate shall be provided by St. Louis County Department of Highways and Traffic.

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

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

The amount of the required contribution/improvements, if not approved for construction by January 1, 2008, 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.

Petitioner requests that the City revise the provisions regarding TGA included in the Ordinance in a manner consistent with the letter from St. Louis County attached hereto as Exhibit A as petitioner is exempt from the requirements to contribute to the Chesterfield Village Trust Fund pursuant to the attached letter.

3. Site Specific Ordinance Requirements

Floor Area, Height, Building and Parking Structure Requirements

1. FLOOR AREA

- a. Offices shall be limited to no more than two (2) buildings and shall only be located on Parcel C-148.
- b. Restaurants shall be limited to no more than two (2) independent businesses and shall only be located on Parcel C-119.
- c. Retail uses shall be limited to Parcel C-148.

In light of the construction of the Baxter Road extension, neither the current ordinance designating permitted uses on the “eastern” and “western” sides of the parcel or the proposed new ordinance limiting uses to Parcel C-148 and C-119 are clear.

Petitioner proposes revisions to the Ordinance as follows: (i) Permitted Uses for the C-8 District would be those listed on the attached Permitted Uses list; (ii) floor area within the district would be limited to no more than 147,000 square feet; (iii) any restaurant located west of Baxter Road would be no larger than 13,000 square feet (no fast food with drive through).

2. HEIGHT

- a. The maximum height of any office buildings, exclusive of roof screening, shall not exceed three (3) stories.
- b. The maximum height of all other building in this “C8” District shall not exceed one (1) story.

Petitioner acknowledges this requirement

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. Twenty-five (25) feet from the right-of-way of Baxter Road and Wild Horse Creek Road.
- b. Thirty (30) feet from the western boundary of the “C8” District.
- c. Thirty (30) feet from the eastern boundary of the “C8” District.
- d. Ten (10) feet from the southern boundary of the “C8” District.

Petitioner requests deletion of Item c (eastern boundary setback)

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. Fifteen (15) feet from the right-of-way of Baxter Road and Wild Horse Creek Road.
- b. Thirty (30) feet from the western boundary of the “C8” District.
- c. Thirty (30) feet from the eastern boundary of the “C8” District.
- d. Ten (10) feet from the southern boundary of the “C8” District.

Petitioner requests deletion of Item c (eastern boundary setback)

3. Sign Requirements

A sign package will be required for this development.

Petitioner acknowledges this requirement

4. Access

The Access requirements listed under Section 5 of Ordinance 1170 should be removed from the amended ordinance. No verbiage is required in the ordinance as access will be required to comply with the Missouri Department of Transportation, St. Louis County Department of Highways and Traffic, and Department of Planning and Public Works access management criteria.

Petitioner requests that Section 5 of the ordinance read as follows so as to preserve access rights established pursuant to Ordinance 1170 and 13,759.

d. Access from Wild Horse Creek Road to C-148 shall be limited to three (3) entrances.

e. Access to C-119 from Wild Horse Creek Road shall be restricted to one (1) commercial entrance.

f. Access to C-119 from Baxter Road Extension shall be restricted to one (1) commercial entrance located and constructed at or near the south property line and aligned with the entrance for the future development on the east side of Baxter Road as directed by the Department of highways and Traffic.

5. Pedestrian Circulation

Provide a sidewalk adjacent to Wild Horse Creek Road and Baxter Road Extension. Conforming to St. Louis County ADA Standards as directed by St. Louis County Department of Highways and Traffic and The Missouri Highway and Transportation Department.

4. General Conditions

Storm Water

G-2. 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.

G-3. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty (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.

Petitioner acknowledges this requirement.

Geotechnical Report

G-4. 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.

Petitioner acknowledges this requirement.

Final Release of Subdivision Deposits

G-7. 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.

Petitioner acknowledges this requirement.

Please be advised, the Department of Planning and Public Works has the following comments on the preliminary plan:

1. The preliminary plan does not provide adequate driveway throat length for the entrances on Wild Horse Creek Road and Baxter Road. The City's access management principals, found in Chapter 26 article III of the City Code, require a minimum of 80 feet from the edge of the pavement Wild Horse Creek Road and Baxter Road to the first point of conflict within the site. The distances as measured on the preliminary plan range from 40 feet to 60 feet. This issue will be addressed during the site development plan review process.

May 6, 2009

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2. The proposed access points on the preliminary plan do not comply with the City's access management principals. The minimum spacing for the adjacent left and adjacent right drives is 350 feet. This issue will be addressed during the site development plan review process.

Finally, the petitioner should be advised of the following requirements of the City Code which may impact the project during the later stages of the development process.

- Access management principals to be applied to this development can be found in Chapter 26 of the City Code.

Petitioner acknowledges that the Access Management issues will need to be addressed during the Site Development Plan review process

Very Truly Yours,



William B. Remis

Cc: Kathy Higgins
Mike Doster

Permitted Uses – C-119 & C-148

Permitted Uses

- (1) Adult day care centers
- (2) Auditoriums and other facilities for public assembly
- (3) Bookstores
- (4) Broadcasting studios for radio and television
- (5) Colleges and universities
- (6) Business and professional services wholly accessory to office operations and activities
- (7) Employee dining facilities for the specific use of a designated office or research building or group of office or research buildings under the same ownership or management
- (8) Child care centers, nursery schools and day nurseries
- (9) Churches
- (10) Clubs, lodges and meeting rooms
- (11) Financial Institutions
- (12) Libraries and reading rooms
- (13) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - a. Adequately screened with landscaping, fencing or walls or any combination thereof, or
 - b. Placed underground, or
 - c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
- (14) Medical and dental offices.
- (15) Mortuaries
- (16) Offices or office buildings
- (17) Package liquor stores that are located 1,000 feet or more when measured from the nearest property line, to the nearest property line of another package liquor store.
- (18) Parking areas, including garages, for automobiles, but not including any sales of automobiles or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy two (72) hours.
- (19) Police, fire and postal stations
- (20) Recreational facilities, including indoor theaters, but not including drive-in theaters, golf practice driving ranges and outdoor swimming pools.
- (21) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith. No retail or wholesale sales shall be made from these facilities or laboratories.
- (22) Restaurants, including fast food restaurants except those which provide drive through service or those which constitute the only use in a free standing building.
- (23) Fast food restaurants selling only ice cream products, yogurt or similar dairy dessert products and soft drinks.
- (24) Schools for business, professional or technical training, but not including outdoor areas for driving or heavy equipment training.
- (25) Signs (advertising) provided that an advertising sign is not permitted within 500 feet of any other advertising sign nor within 100 feet of any building or of any business sign.

- (26) Stores, shops, markets, service facilities and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public

Conditional Uses

- (1) All Permitted Land Uses and Developments set forth in Subsection 2 which exceed two (2) stories or forty (40) feet in height, whichever is less, including rooftop mechanical equipment attached to a structure
- (2) Amusement parks for children
- (3) Animal hospitals and veterinary clinics, not including open kennels and exercise yards
- (4) Apartment dwelling units in buildings primarily designated for occupancy by commercial purposes. A minimum of 800 square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises by the exclusive use of the occupants of such apartments.
- (5) Automatic Teller machines (ATM) , freestanding
- (6) Car washes for automobiles
- (7) Fast food restaurants excluded as a Permitted Use in this zoning district
- (8) Filling stations for automobiles
- (9) Highway Department garages
- (10) Hospitals
- (11) Hotels, including customary services for guests
- (12) Nightclub
- (13) Outdoor advertising signs other than those allowed as permitted uses
- (14) Outdoor sales, when no other related sales by the permitted primary uses are occurring on site
- (15) Package liquor stores that are located less than 1,000 feet, when measured from the nearest property line, to the nearest property line of another package liquor store
- (16) Pool and billiard halls
- (17) Public utility facilities
- (18) Restaurants, fast food selling only ice cream products, yogurt, or similar dessert products, and soft drinks.
- (19) Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use
- (20) Small loan business located at least one mile from any existing small loan business and three hundred (300) feet from any residence, school or place of worship as such distances are determined by the Director of Planning
- (21) Structures containing offices with affiliated dwelling units, wherein occupancy of the dwelling units shall be limited to the owners, managers, or employees of the office use or uses and their respective families. A minimum of 800 square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises for the exclusive use of the occupants of such dwelling units.

Charlie A. Dooley
County Executive

Saint Louis
COUNTY
COUNTY COUNSELOR

Patricia Redington
County Counselor

April 1, 2009

Mr. Michael J. Doster
Doster Guin
Attorneys at Law
17107 Chesterfield Airport Rd., Suite 300
Chesterfield MO., 63005

Re: Sachs Properties – Chesterfield Village Trust Fund Contributions

Dear Mr. Doster:

The purpose of this letter is to clarify the TGA requirements imposed on certain properties owned by Sachs Properties located in the City of Chesterfield. I have attached two previous letters from St. Louis County officials to representatives of Sachs Properties that also addressed this issue, namely a letter dated March 13, 1996 from Donald E. Spencer to Jerry Duepner, and a letter dated March 15, 2007 from Garry W. Earls to Kathleen Higgins.

The specific properties in question are designated by Sachs Properties as Parcels C-119 and C-148 located on the southeast and northeast corners respectively of Baxter and Wild Horse Creek Roads. Both of these parcels were rezoned by County Ordinance 6815 in 1973. In 1988, County Ordinance 13,759 amended Ordinance 6,815, and subsequently in 1996, by Ordinance 1170, the City of Chesterfield amended Ordinance 13,759, in relevant part by adding a .6 acre parcel to Parcel C-119.

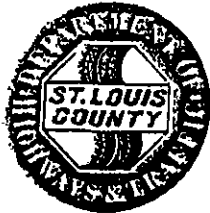
Mr. Spencer did not address County Ordinance 13,759 and Chesterfield Ordinance 1170 even though Ordinance 13,759 existed and Ordinance 1170 was pending at the time of his correspondence. However, we have reviewed County Ordinance 13,759 and Chesterfield Ordinance 1170, and find no provision inconsistent with Mr. Spencer's letter. Likewise, Mr. Earls' conclusions relating to the assessment of TGAs in this area are consistent with Mr. Spencer's.

Therefore, please be advised that the County's position is affirmed that a TGA will be assessed for Parcels C-119 and C-148 only if density is increased in conjunction with a rezoning process.

Sincerely



Robert H. Grant
Deputy County Counselor



RECEIVED

MAR 18 1996

SACHS PROPERTIES

ST. LOUIS COUNTY, MISSOURI
BUZZ WESTFALL, COUNTY EXECUTIVE
DEPARTMENT OF HIGHWAYS AND TRAFFIC
J. MICHAEL DOOLEY, P.E., DIRECTOR

March 13, 1996

Roads

Mr. Jerry Duepner
Sachs Properties
400 Chesterfield Center
Chesterfield, Missouri 63017

Subject: Chesterfield Village Trust Fund (No. 561)

Dear Mr. Duepner:

As stated in your letter of February 16, 1996 and discussed previously in a phone conversation, all road improvements relating to Chesterfield Village Trust Fund, No. 561 have been completed and the Trust Fund closed. 561


For your planning purposes, the following guidelines will be adhered to by this Department in the Chesterfield Village area:

1. Any property which was rezoned and approved for development by Ordinance Nos. 6,815 and 6,817 and can be developed without any further rezoning procedure will not be subject to any Trust Fund contribution.
2. Any previously zoned property in this area subject to a rezoning procedure which increases the density of that parcel will be subject to a Trust Fund contribution into Chesterfield Village Parkway Trust Fund, No. 554. The amount of contribution will be based on the increased use. 554

I hope this information will enable you to plan for any future projects in this area. However, I am sure you are aware that the final authority relating to Traffic Generation Assessment (TGA) and Trust Fund requirements in the Chesterfield Village area rests with the City of Chesterfield.

If you need any further information, please feel free to contact me.

Sincerely,


Donald E. Spencer P.E.
Assistant Director

DES:ECT:11

cc: City of Chesterfield, 922 Roosevelt Parkway, Chesterfield,
Missouri 63017-2079, Attention: Ms. Laura Griggs-McElhanon
Mr. J. Michael Dooley, P.E., Director

Charlie A. Dooley
County Executive

Saint Louis
COUNTY
HIGHWAYS & TRAFFIC
PUBLIC WORKS

Garry W. Earls, P.E.
Director

March 15, 2007

Ms. Kathleen Higgins, President
Sachs Properties, Inc.
400 Chesterfield Center, Suite 600
Chesterfield, Missouri 63017

COPY

3.22.07
cc: Jim Jacobai
Bar Osborn
FYI.
Kathy

RECEIVED

MAR 21 2007

SACHS PROPERTIES

Important

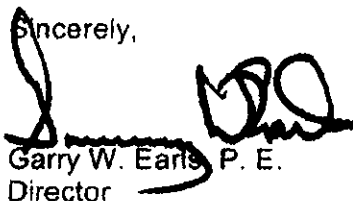
RE: Chesterfield Village Trust Fund

Dear Kathy:

I received your letter dated March 8, 2007, and believe you misinterpreted that we discussed when we met. While you are correct that one of the Chesterfield Village Trust Funds is closed (#561) there is still one that remains open and active (#554). Because of that, we still collect traffic generation assessments in the Chesterfield Village Trust Fund.

Regarding zoning, the City of Chesterfield is the zoning authority for the parcels you mention in your letter. If C-8 zoning is the current zoning which applies to these parcels, and the buyer does not have to rezone the property for his use, then TGA would not be assessed in Trust Fund #554 because contribution to this fund is based on rezoning. Despite the contributions Sachs Properties Inc. has made in the area, developers of parcels in Trust Fund # 554 have to contribute to the Trust Fund under Trust Fund guidelines currently in place. What will be in effect, given the contributions made by Sachs Properties Inc., is Don Spencer's letter of March 13, 1996 which states in item #2 that the TGA contribution will be made on the density increase. Again, this is under a rezoning condition.

I hope this clarifies what we discussed.

Sincerely,

Garry W. Earls, P. E.
Director

GWE:SLS:slr

cc: Ms. Stephanie Leon Streeter, P. E., Division Manager, Planning and Programming
Mr. Gus Heck, P. E., Area Engineer, North and West St. Louis County
Mr. Jim Knoll, P. E., Acting Plan Review Supervisor
Mr. Mike Geisel, P. E., Public Works Director, City of Chesterfield

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 "C8" District shall be all those uses permitted in the "C2" Shopping District and those uses permitted in the "C6" Office and Research Service District without a Conditional Use Permit, or more specifically:

Permitted Uses

- a. Adult day care centers and child care centers.
- b. Auditoriums and other facilities for public assembly.
- c. Bookstores.
- d. Broadcasting studios for radio and television.
- e. Business and professional services wholly accessory to office operations and activities.
- f. Child care centers, nursery schools and day nurseries.
- g. Churches.
- h. Clubs, lodges, and meeting rooms.
- i. Colleges and universities.
- j. Employee dining facilities for the specific use of a designated office or research building or group of office or research buildings under the same ownership or management.
- k. Financial institutions.
- l. Libraries and reading rooms.
- m. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - i. adequately screened with landscaping, fencing or walls, or any combination thereof, or

- ii. placed underground, or
- iii. enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area. All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- n. Medical and dental offices.
- o. Mortuaries.
- p. Nursery schools and day nurseries.
- q. Offices or office buildings.
- r. Package liquor stores that are located 1,000 feet or more when measured from the nearest property line, to the nearest property line of another package liquor store.
- s. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- t. Police, fire, and postal stations.
- u. Recreational facilities, including indoor theaters, but not including drive-in theaters, golf practice driving ranges, and outdoor swimming pools.
- v. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith. No retail or wholesale sales shall be made from these facilities or laboratories.
- w. Restaurants, including banquet facilities.
- x. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- y. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public within the interior of any authorized building or structure located on the premises, or as otherwise permitted under Section 1003.167 Miscellaneous Regulations.

- z. Telecommunication towers up to one hundred (100) feet in height and co-used telecommunication towers or disguised support structures of one hundred twenty (120) feet or less in height.

Conditional Uses Permitted Without a Conditional Use Permit

- a. All Permitted Land Uses and Developments set above which exceed two (2) stories or forty (40) feet in height, whichever is less, including roof top mechanical equipment attached to a structure.
- b. Amusement parks for children.
- c. Animal hospitals and veterinary clinics, not including open kennels and exercise yards.
- d. Apartment dwelling units in buildings primarily designated for occupancy by commercial purposes. A minimum of eight hundred (800) square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises for the exclusive use of the occupants of such apartments.
- e. Automatic Teller Machines (ATM), freestanding.
- f. Car washes for automobiles.
- g. Filling stations for automobiles.
- h. Financial institutions with drive-through facilities.
- i. Highway Department garages.
- j. Hospitals.
- k. Hotels, including customary services for guests.
- l. Nightclub.
- m. Outdoor advertising signs other than those allowed as permitted uses.
- n. Outdoor sales, when no other related sales by the permitted primary use are occurring on site.
- o. Package liquor stores that are located less than one thousand (1,000) feet, when measured from the nearest property line, to the nearest property line of another package liquor store.
- p. Pawn shops.

- q. Pool and billiard halls.
 - r. Public utility facilities.
 - s. Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use.
 - t. Small loan businesses located at least one (1) mile (five thousand two hundred eighty (5,280) linear feet) from any existing small loan business and three hundred (300) feet from any residence, school or place of worship as such distances are determined by the Director of Planning.
 - u. Structures containing offices with affiliated dwelling units, wherein occupancy of the dwelling units shall be limited to the owners, managers, or employees of the office use or uses and their respective families. A minimum of eight hundred (800) square feet of contiguous open space per dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling units, shall be provided on the premises for the exclusive use of the occupants of such dwelling units.
 - v. Tattoo parlors.
 - w. Telecommunication towers up to two hundred (200) feet in height.
 - x. Thrift stores.
 - y. Vehicle service centers for automobiles.
 - z. Vehicle repair facilities for automobiles.
3. HOURS OF OPERATION.
- a. Hours of operation for this "C8" District shall not be restricted.

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

1. FLOOR AREA
- a. Restaurants shall be limited to no more than 13,000 square feet of gross floor area.
 - b. Offices shall be limited to no more than 90,000 square feet of gross floor area in a maximum of two (2) buildings.

- c. Retail Center shall be limited to no more than 44,000 square feet of gross floor area.

2. HEIGHT

- a. The maximum height of any office buildings, exclusive of roof screening, shall not exceed three (3) stories.
- b. The maximum height of all other building in this "C8" District shall not exceed one (1) story.

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. Twenty-five (25) feet from the right-of-way of Baxter Road and Wild Horse Creek Road.
- b. Thirty (30) feet from the western boundary of the "C8" District.
- c. Thirty (30) feet from the eastern boundary of the "C8" District.
- d. Ten (10) feet from the southern boundary of the "C8" District.

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. Fifteen (15) feet from the right-of-way of Baxter Road and Wild Horse Creek Road.
- b. Thirty (30) feet from the western boundary of the "C8" District.
- c. Thirty (30) feet from the eastern boundary of the "C8" District.
- d. Ten (10) feet from the southern boundary of the "C8" District.

D. PARKING AND LOADING REQUIREMENTS

Parking and loading spaces for this development will be as required in the City of Chesterfield Code.

E. LANDSCAPE AND TREE REQUIREMENTS

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

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 Planning Commission on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. Access to both Baxter Road and Wild Horse Creek Road will be required to meet the access management criteria of the City of Chesterfield, St. Louis County, and Missouri Department of Transportation.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a sidewalk adjacent to Wild Horse Creek Road and Baxter Road Extension. Conforming to St. Louis County ADA Standards as directed by St. Louis County Department of Highways and Traffic and The Missouri Highway and Transportation Department.

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 an adequate piped system.
2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty (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.

M. GEOTECHNICAL REPORT

Prior to Site Development Section 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.

N. MISCELLANEOUS

1. All utilities will be installed underground.
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.

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 REQUIREMENTS

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.

B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

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

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs
10. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways,

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

13. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
18. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
19. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

- A. No Trust Fund Contribution will be required for this "C8" Planned Commercial District.

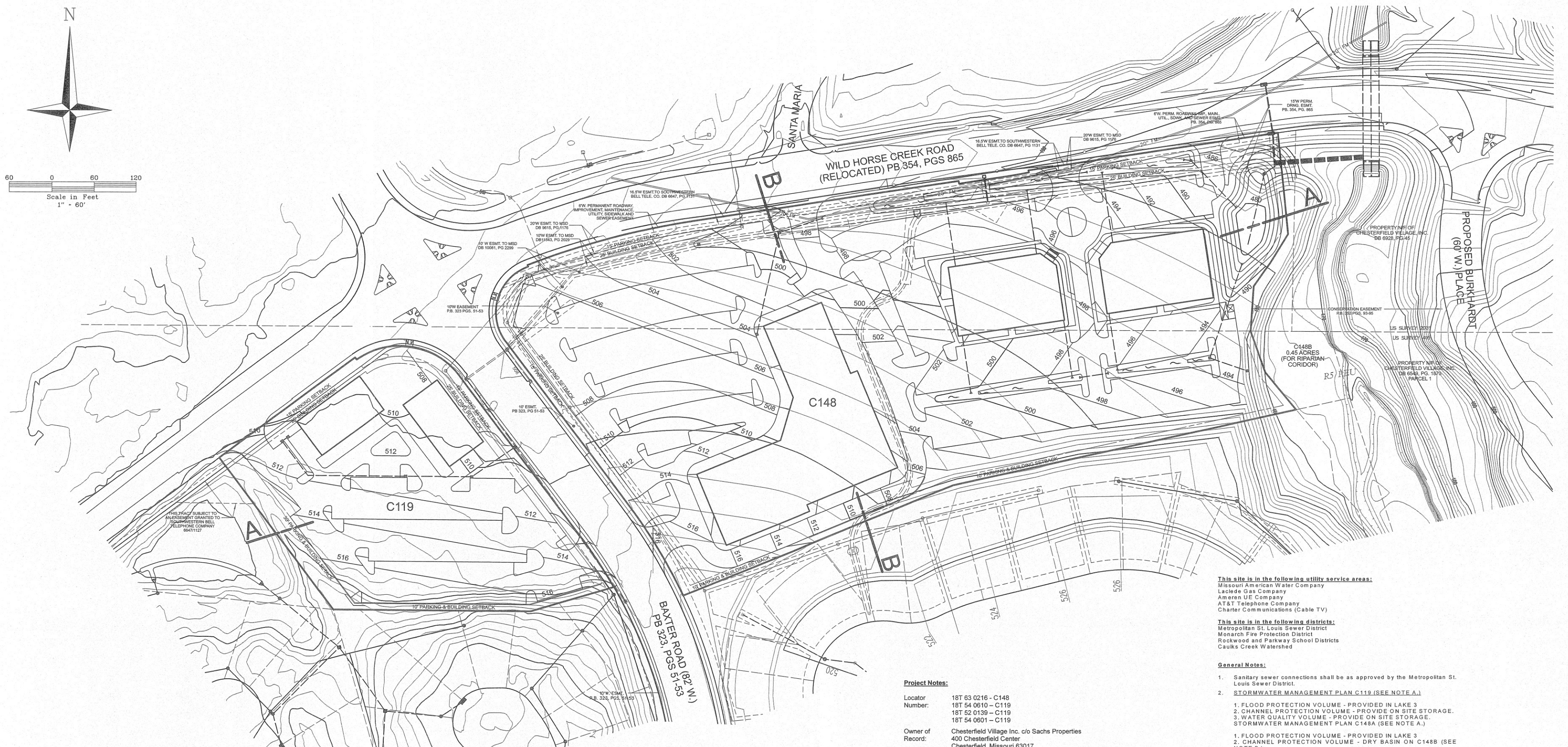
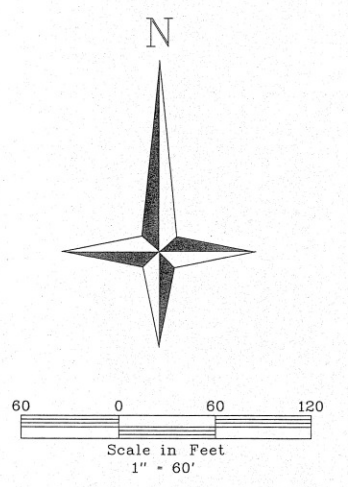
VI. RECORDING

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 Site Development 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.



This site is in the following utility service areas:
 Missouri American Water Company
 Laclede Gas Company
 Ameren UE Company
 AT&T Telephone Company
 Charter Communications (Cable TV)

This site is in the following districts:
 Metropolitan St. Louis Sewer District
 Monarch Fire Protection District
 Rockwood and Parkway School Districts
 Caulks Creek Watershed

Project Notes:

Locator: 18T 63 0216 - C148
 Number: 18T 54 0610 - C119
 18T 52 0139 - C119
 18T 54 0601 - C119

Owner of Record: Chesterfield Village Inc. c/o Sachs Properties
 400 Chesterfield Center
 Chesterfield, Missouri 63017
 Suite 600
 636-537-1000

Prepared By: Volz Incorporated
 10849 Indian Head Ind'l Blvd.
 St. Louis, Missouri 63132
 314-426-6212

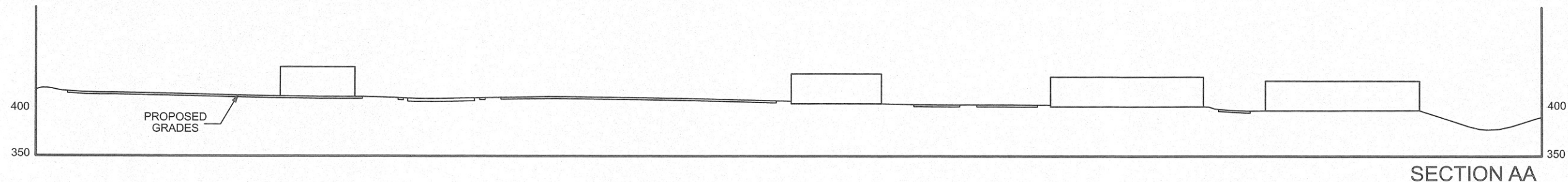
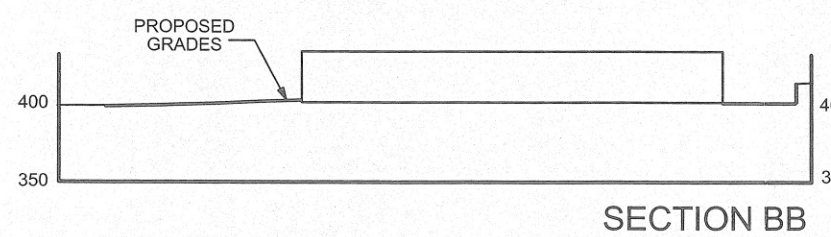
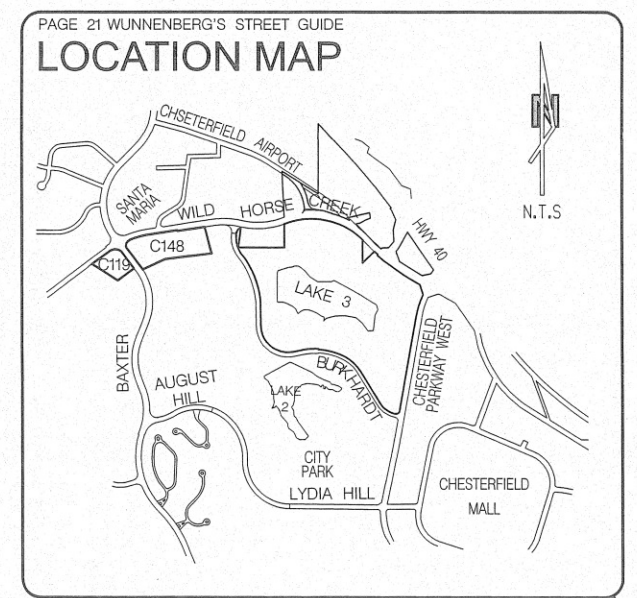
Prepared For: Chesterfield Village Inc. c/o Sachs Properties
 400 Chesterfield Center
 Chesterfield, Missouri 63017
 Suite 600
 636-537-1000

Existing Zoning: "C-8"
 Ordinance # 1170 #13759 (St. Louis County)

Proposed Use: Restaurant / Retail / Office

Area of Site: 13.93 Acres

- General Notes:**
- Sanitary sewer connections shall be as approved by the Metropolitan St. Louis Sewer District.
 - STORMWATER MANAGEMENT PLAN C119 (SEE NOTE A.)**
 - FLOOD PROTECTION VOLUME - PROVIDED IN LAKE 3
 - CHANNEL PROTECTION VOLUME - PROVIDE ON SITE STORAGE.
 - WATER QUALITY VOLUME - PROVIDE ON SITE STORAGE.
 - STORMWATER MANAGEMENT PLAN C148A (SEE NOTE A.)**
 - FLOOD PROTECTION VOLUME - PROVIDED IN LAKE 3
 - CHANNEL PROTECTION VOLUME - DRY BASIN ON C148B (SEE NOTE B.)
 - WATER QUALITY VOLUME - USE ON SITE SWALES FOR CREDITS OR PROVIDE ON SITE STORAGE.
 - STORMWATER MANAGEMENT PLAN C148B (SEE NOTE A.)**
 - FLOOD PROTECTION VOLUME - PROVIDED IN LAKE 3
 - CHANNEL PROTECTION VOLUME - DRY BASIN ON SITE
 - WATER QUALITY VOLUME - USE ON SITE SWALES FOR CREDITS OR PROVIDE ON SITE STORAGE.
- A. CHANNEL PROTECTION AND WATER QUALITY NOT REQUIRED IF UNDER PERMIT BEFORE OCTOBER 1, 2008 PER MSD.
- B. IF C148B IS PERMITTED BEFORE OCT. 1, 2008, THE CHANNEL PROTECTION VOLUME FOR C148A WILL STILL NEED TO BE PROVIDED WITHIN A BASIN ON C148A OR C148B.
- The location of storm and sanitary sewer improvements are approximately only. Actual location shall be determined by field conditions and shall be indicated on the improvement plan.
 - Grading shall be per City of Chesterfield standards.
 - Landscaping, streetlights and sidewalks shall be per City of Chesterfield standards.
 - The underground utilities shown herein were plotted from available information and do not necessarily reflect the actual existence.



By order of Chesterfield Village Inc. we have prepared a Preliminary Development Plan, the results of which are currently represented on this drawing, which is a Preliminary Development Plan - NOT FOR CONSTRUCTION - and was prepared for the sole limited purpose of providing a concept for the proposed development of the tract and is intended only for the preliminary use of governmental reviewing authorities for the purpose of obtaining approval of a concept and is subject to such comments, recommendations or revisions as may be deemed necessary of appropriate in furtherance of such purposes.

In the preparation of this plan, no grading balances have been done and this concept plan is subject to that which a more detailed evaluation may indicate; soils and sub-surface information have not been available and hence not taken into account; boundary lines have been prepared from information supplied by the client without benefit of title search or field surveys; topographic data has been taken from existing maps and not verified by physical elevations; zoning density is assumed; and the location, capacity and availability of utilities are taken from available information without verification; accordingly, the undersigned disclaims responsibility for the accuracy of the information and matters for diligence that would be necessary to address all other issues of development.

Professional Engineer
 Timothy J. Meyer, P.E.
 10/17/08

Bruce E. Thomas, P.L.S.
 Professional Land Surveyor
 MO P.L.S. #2220

PARCEL C119 & C148
 A TRACT OF LAND BEING PART OF U.S. SURVEY 415, AND FRACTIONAL SECTION 9, T45 N - R 4 E, WITHIN THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

PRELIMINARY DEVELOPMENT PLAN
 Base Map No. 18-T-857-3

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