

III. A.

MEMORANDUM



DATE: October 15, 2009

TO: Planning & Public Works Committee

FROM: Mike Geisel, Director of Planning & Zoning

RE: Assignment of Property Acquisition rights

As you may recall, in conjunction with the rezoning authorizations for both the Mill Ridge Villa and Terra Vista Subdivisions, the City of Chesterfield provided for a reserve corridor for the future extension of Route 141 which would be acquired upon demand by the City. Also, as you know, the Cities of Maryland Heights and Chesterfield have partnered with St. Louis County to construct this road project.

St. Louis County is actively negotiating for easements and rights of way. In order to avoid the City having to acquire the property directly and subsequently conveying it to St. Louis County, we have drafted legislation to assign our acquisition rights for the reserve strip to St. Louis County. City Attorney, Rob Heggie has coordinated the proposed legislation with St. Louis County to ensure it meets their needs.

Accordingly, **I request that the Planning and Public Works Committee consider the attached two ordinances, and recommend their passage to the City Council.**

If you have any questions or require additional information, please advise.

Attachments

Cc Michael G. Herring, City Administrator

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE TO ASSIGN CERTAIN PROPERTY RIGHTS TO
ST. LOUIS COUNTY FOR THE EXPANSION OF HIGHWAY 141**

WHEREAS, the City of Chesterfield acquired and has the right to acquire certain property in the Terra Vista Subdivision that was set aside for the expansion of Highway 141; and

WHEREAS, the City wishes to assign it rights to purchase the property needed for the Highway 141 expansion to St. Louis County since St. Louis County is constructing the Highway.

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

Section 1. The City hereby assigns its rights to purchase the property set out in Exhibit B to the Assignment Agreement.

Section 2. The City Administrator of the City of Chesterfield is authorized to sign the Assignment Agreement and to sign all such deeds, agreements and other documents as are reasonably necessary to complete the exchange.

Section 3. Said Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this ____ day of _____, 2009.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE TO ASSIGN CERTAIN PROPERTY RIGHTS TO
ST. LOUIS COUNTY FOR THE EXPANSION OF HIGHWAY 141**

WHEREAS, the City of Chesterfield acquired and has the right to acquire certain property in the Mill Ridge Villa Subdivision that was set aside for the expansion of Highway 141; and

WHEREAS, the City wishes to assign it rights to purchase the property needed for the Highway 141 expansion to St. Louis County since St. Louis County is constructing the Highway.

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

Section 1. The City hereby assigns its rights to purchase the property set out in Exhibit B to the Assignment Agreement.

Section 2. The City Administrator of the City of Chesterfield is authorized to sign the Assignment Agreement and to sign all such deeds, agreements and other documents as are reasonably necessary to complete the exchange.

Section 3. Said Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this ____ day of _____, 2009.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

ASSIGNMENT OF HIGHWAY 141 ROAD MILL RIDGE VILLA PURCHASE OPTION

ASSIGNMENT made this ____ day of _____, 2009, by and among the City of Chesterfield, Missouri, a municipal corporation (the "City") and St. Louis County, State of Missouri, a body politic of the State of Missouri ("St. Louis County")

RECITALS

A. The City acquired certain rights to purchase land along the future Highway 141 corridor as a result of the passage of City of Chesterfield Ordinance 1995 on December 1, 2003, attached as Exhibit A and the recording of the a site plan approved by the City on July 8, 2004 and recorded in the St. Louis County Recorder of Deeds in Book 352, Pages 494-497.

B. The owner of the property that was rezoned in City of Chesterfield Ordinance 1995 agreed, on behalf of itself and all future owners, to reserve a certain part of the property for the expansion of Highway 141 and agreed to sell the property to the City or its assignee upon demand for One Dollar (\$ 1.00).

C. St. Louis County now desires to expand Highway 141 and needs to acquire title to the property reserved in the site plan and referenced in Ordinance 1995.

D. The City desires to accommodate the needs of St. Louis County.

NOW, THEREFORE, it is agreed by the parties as follows:

1. The Recitals set forth above are incorporated into this Agreement by this reference.
2. The City assigns , transfers and set over to St. Louis County all rights it has under the terms of Ordinance 1995 and the site plan filed for the Mill Ridge Villas.
3. The City assigns it right to purchase the property described in Exhibit B to St. Louis County for One Dollar (\$ 1.00), receipt of which is hereby acknowledged.
- 4 All Exhibits attached hereto are incorporated herein by reference.
5. This Agreement will inure to the benefit of and be binding upon the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY OF CHESTERFIELD, MISSOURI

By: _____

Michael G. Herring, ICMA-CM
City Administrator

ST. LOUIS COUNTY, STATE OF MISSOURI

By: _____

Director of Highways & Traffic and Public Works

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A PLANNED ENVIRONMENT UNIT WITHIN A REQUEST FOR A PLANNED ENVIRONMENT UNIT (PEU) PROCEDURE WITHIN AN EXISTING "FPR-2" RESIDENCE DISTRICT FOR A 19.928 ACRE PROPERTY LOCATED ON THE WEST SIDE OF CREVE COEUR MILL ROAD. (P.Z. 10-2003 MILL RIDGE VILLAS/THE JONES COMPANY)

WHEREAS, the petitioner, the Jones Company, requested a Planned Environment Unit (PEU) for a 19.928 acre tract of land located on the west side of Creve Coeur Mill Road, and;

WHEREAS, the Planning Commission held a public hearing on July 14, 2003 to consider the matter, and;

WHEREAS, the P.Z. 10-2003 Mill Ridge Villas was considered by the Planning Commission of the City of Chesterfield and recommended for approval by a vote of 9-0, and;

WHEREAS, the City Council approved changes to P.Z. 10-2003 regarding the timing of flood plain information, detention, drainage, the reservation strip area for future expansion of Highway 141 and placement of a sound wall to buffer adjacent properties. .

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

Section 1. Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are a part thereof, are hereby amended by establishing a Planned Environment Unit (PEU) in an "FPR-2" Residence District for a 19.928 acre tract of land located on the west side of Creve Coeur Mill Road as described in Exhibit "A."

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in Attachment A, which is attached hereto and made a part hereof.

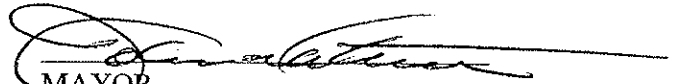
Section 3. The City Council, pursuant to the petition filed by The Jones Company in P.Z. 10-2003 Mill Ridge Villas requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 14th day of July 2003, does hereby adopt this ordinance pursuant to the power granted

to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warnings and summons for violations as set out in Section 1003.410 of the zoning Ordinance of the City of Chesterfield.

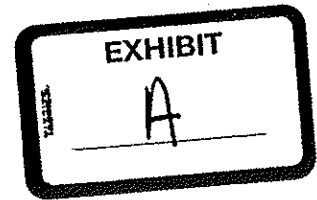
Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 15th day of DECEMBER, 2003.


MAYOR

ATTEST:

DEPUTY Judith A. Higgins
CITY CLERK



PROPERTY DESCRIPTION

Title Commitment No. 02018595

A tract of land in the Southern part of Lot 6 of C.A. Loring's Subdivision (Plat Book 8 page 143, City of St. Louis) and Lots 1 thru 28 and Lots 35 thru 47 of Creve Coeur City (Plat Book 2 Page 45), excepting the right of way per Cause No. 307490 (D.B. 6457 page 270), Township 46 North Range 5 East City of Chesterfield, St. Louis County, Missouri described as follows:

Beginning at a concrete monument on the West right of way line of Creve Coeur Mill (60 feet West) Road, thence along said right of way line South 19 degrees 54 minutes 08 seconds East 28.05 feet, thence South 19 degrees 54 minutes 08 seconds East 40.01 feet to the South right of way line of Amiot (40 feet Wide) Avenue, thence along said South right of way line, South 68 degrees 50 minutes 52 seconds West 290.00 feet to the East line of Lot 35 of Creve Coeur City, as mentioned above, thence along said East line, South 19 degrees 54 minutes 08 seconds East 298.00 feet to the centerline of Creve Coeur Creek, thence along a meander line of said centerline, the following courses and distances, South 75 degrees 40 minutes 45 seconds West 204.62 feet, South 68 degrees 11 minutes 55 seconds West 50.03 feet, South 59 degrees 21 minutes 28 seconds West 68.51 feet, South 41 degrees 45 minutes 10 seconds West 63.98 feet, South 35 degrees 27 minutes 39 seconds West 83.38 feet, South 50 degrees 33 minutes 54 seconds West 44.38 feet South 65 degrees 36 minutes 49 seconds West 184.66 feet, South 78 degrees 27 minutes 12 seconds West 30.41 feet, North 84 degrees 28 minutes 21 seconds West 39.91 feet, North 50 degrees 51 minutes 22 seconds West 35.52 feet, North 26 degrees 18 minutes 45 seconds West 32.52 feet, North 13 degrees 06 minutes 59 seconds West 135.52 feet North 20 degrees 19 minutes 57 seconds West 67.30 feet, North 32 degrees 55 minutes 24 seconds West 99.61 feet, North 39 degrees 06 minutes 44 seconds West 41.60 feet, North 38 degrees 42 minutes 14 seconds West 126.29 feet, North 30 degrees 57 minutes 50 seconds West 48.43 feet, North 21 degrees 18 minutes 02 seconds West 112.24 feet North 03 degrees 15 minutes 07 seconds West 33.28 feet, North 11 degrees 59 minutes 49 seconds East 30.88 feet, North 21 degrees 02 minutes 48 seconds East 170.30 feet, North 24 degrees 04 minutes 28 seconds East 296.44 feet, along a curve to the right with a radius of 409.26 feet, an arc length of 61.88 feet and a chord bearing North 29 degrees 49 minutes 34 seconds East, North 34 degrees 49 minutes 02 seconds East 37.15 feet, thence leaving said Creek centerline along the South right of way line of the City of St. Louis, North 67 degrees 50 minutes 28 seconds East 73.71 feet, thence South 73 degrees 47 minutes 14 seconds East 549.32 feet, thence North 68 degrees 50 minutes 52 seconds East 12.86 feet to the West right of way line of Creve Coeur Mill (variable width) Road, thence along said right of way line the following courses and distances, along a curve to the right with a radius of 522.96 feet, an arc length of 167.82 feet and a chord bearing South 55 degrees 43 minutes 38 seconds East, North 43 degrees 43 minutes 41 seconds East 20.00 feet along a curve to the right with a radius of 542.96 feet, an arc length of 249.89 feet and a chord bearing South 33 degrees 05 minutes 13 seconds East to the point of beginning.

ATTACHMENT A

In keeping with the following Comprehensive Plan policies, these conditions have been developed:

- 2.1 Quality Residential Development
- 2.1.5 Provide Buffer for Existing Residential Development
- 7.2.1 Maintain Proper Level of Service
- 7.2.2 Arterial Medians
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 7.2.9 Access Management
- 8.2 Public Utilities
- 8.2.2 Underground Electric Service
-

I. PERMITTED USES

A. The uses allowed this "PEU" Planned Environment Unit shall be as follows:

1. Single family attached residential units

B. The above use in the ""PEU" Planned Environment Unit shall be restricted as follows:

1. There shall be no more than 46 units.

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

A. The following requirements will apply to the permitted uses:

1. HEIGHT

- a. The maximum height a residential unit in this development shall not exceed two stories or thirty-five (35) feet, whichever is less..

III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building permit, the developer will submit to the City of Chesterfield for their review and approval a Site Concept Plan. Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning Commission in accord with the City of Chesterfield Zoning Ordinance.

Failure to comply with aforementioned time limits or receipt of an extension prior to the aforementioned time requirements will result in the expiration of the preliminary plan for any portion developed and will require a new public hearing. The Site Development Section Plan will include but not be limited to the following:

IV. GENERAL CRITERIA - CONCEPT PLAN

- A. The Site Development Concept Plan shall include the following:
1. Outboundary plat and legal description of the property.
 2. Conceptual location, and size, including height, of all proposed buildings, parking and loading areas, and lots.
 3. Design (with design statement) and materials of proposed structure.
 3. Specific structure and parking setbacks along all roadways and property lines.
 4. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
 5. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
 6. Preliminary stormwater and sanitary sewer facilities.
 7. Show existing improvements, including roads and driveways on the opposite side of roadways adjacent to the site.

8. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
9. The scale to which the Site Development Concept Plan will be drawn shall be no greater than one (1) inch equals one hundred (100) feet.
10. Show the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
11. 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.
12. Provide the greenspace percentage for the entire development. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

IV. GENERAL CRITERIA

- A. The Site Development Section Plan will include the following:
 1. Outboundary plat and legal description of the property.
 2. Location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.
 3. Location map, north arrow, and plan scale.
 4. Parking calculations.
 5. Architectural elevations (with design statement) and materials of the proposed office building and parking structure.
 6. Specific structure and parking setbacks along all roadways and property lines.
 7. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.

8. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
9. Existing improvements within 150 feet of the site as directed. Road and driveways on the opposite side of roadways adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed will be included.
10. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements and rights-of-way required for utilities, storm water drainage, grading, or other improvements.
11. Prior to Site Development Section Plan approval, show all existing or proposed easements and right-of-way on site. The Site Development Section Plan and Tree Preservation Plan must be approved prior to clearing or grading.
12. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
13. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
14. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
15. The scale to which the Site Development Section Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.
16. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the St. Louis County Highways and Traffic and the City of Maryland Heights.
17. 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.

18. Provide the greenspace percentage for the entire development. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

19. Provide a tree stand delineation.

V. GENERAL CRITERIA - SECTION PLANS

A. Site Development Section Plans shall include the following:

1. Location and size, including height, of all uses, buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, other above ground structures and landscaping.
2. Existing and proposed contour intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site.
3. Existing and proposed roadway, drives, and walkways on and adjacent to the property in question, including location of curb cuts, necessary right-of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of the development.
4. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for utilities, storm water drainage, grading or other improvements.
5. Specific structure and parking setbacks along all roadways and property lines.
6. The location of the proposed storm sewers, detention basins, sanitary sewers, and connection(s) to existing systems.
7. Location and size of all parking areas.
8. A landscape plan, including, but not limited to, location, size, and type of all plant and other material to be used.
9. Area of each building phase.
10. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines.

11. Show existing improvements, including roads and driveways on the opposite side of roadway adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
12. Provide comments/approvals from the appropriate Fire District, the City of Maryland Heights, the Metropolitan St. Louis Sewer District and St. Louis County Department of Highways and Traffic
13. 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.
14. Provide the greenspace percentage for the entire development. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

VI. SITE DEVELOPMENT PLAN SUBMITTAL OPTION

In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may instead submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the Preliminary Development Plan by the City. Said Plan shall be submitted in accord 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.

VII. SPECIFIC CRITERIA

- A. The Site Development Concept and Section Plans shall illustrate adherence to the following specific design criteria. Information to be shown on the Site Development Concept Plan shall be limited to those items specified in Section A, General Criteria-Concept Plan.
- A. The Site Development Section Plan will illustrate adherence to the following site specific design criteria:
 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. 20 feet from the western boundary of the Planned Environment Unit
 - b. 20 feet from the right of way of Creve Coeur Mill Road.
 - c. 20 feet from the northern boundary of the Planned Environment Unit.
 - d. 60 feet from the southern boundary of the Planned Environment Unit.
4. Access
The developer shall be limited to one point of access onto Creve Coeur Mill Road as directed by the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic. The single point of access onto Creve Coeur Mill Road shall provide the required sight distance and align with existing Amiot Drive. The centerline of any intersection or access to the entrance street shall be a minimum of 125 feet from the Creve Coeur Mill Road right-of-way, as directed by the City of Chesterfield Department of Public Works.
5. Public/Private Road Improvements, Including Pedestrian Circulation
a. The developer shall provide any additional right-of-way for Creve Coeur Mill Road, and construct any improvements as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
6. Traffic Study
Provide a traffic study as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic. The study should include internal and external circulation and should be submitted for review and approval. As long as the density of the proposed development falls within the parameters of the regional traffic study, the scope of the study may be limited to the site specific impacts such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other required improvements. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

7. Landscape Plan

The developer shall submit a landscape plan in accord with the Landscape Guidelines adopted by the Planning Commission, either as part of the appropriate Site Development Concept Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:

- a. If the estimated cost of new landscaping indicated on the Site Development Section Plans as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.
- b. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

8. Sign Requirements

- a. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works, and/or the St. Louis County Department of Highways and Traffic for sight distance considerations prior to installation or construction.
- b. All permanent freestanding signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This landscaping shall be as approved by the Planning Commission on the Site Development Section Plan.
- c. All other signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

9. Light Requirements

- a. The location of the light standards will be as approved by the Planning Commission on the Site Development Section Plan and will be in conformance with City of Chesterfield regulations.
- b. Except for required street lighting, no source of illumination will be so situated that light is cast on any public right-of-way or

adjoining property. Lighting will be required in compliance with City of Chesterfield regulations, including the Subdivision Ordinance.

- c. All light standards within this development will not exceed a total vertical height of twenty-four (24) feet.

10. Architectural elevations

The developer shall submit architectural elevations and building materials. Architectural information is to be reviewed by the Planning Commission during Site Development Section Plan stage.

13. Power of Review

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site 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 before posting the agenda for the next City Council meeting after Planning Commission review and approval. The City Council will then take appropriate action relative to the proposal.

14. Miscellaneous

- a. The developer shall provide any additional right-of-way for Creve Coeur Mill Road, and construct any improvements as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
- b. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield. The turn arounds may also be required to accommodate school buses, as directed by the City of Chesterfield Department of Public Works.
- c. Developer shall reserve the area demarcated as a design corridor area for the possible future extension of Highway 141/Maryland Heights Expressway. At the time of the subdivision plat approval, the developer will be required to dedicate to the City of Chesterfield, or as directed by the City of Chesterfield, the design corridor area. The City or its assignee shall have the irrevocable option for up to twenty (20) years from the date of the subdivision plat approval, to purchase for one dollar (\$1) as much land within the design corridor as is necessary for the future construction of the 141 extension. The developer shall be responsible for

all maintenance in the designated design corridor area, until the City shall exercise this option. The developer will be granted an easement and other necessary property rights to use the design corridor area for grading, fill, excavation purposes, flood plain control and hydraulic purposes, and to grade and excavate lakes and perform all other improvements reasonably necessary to implement the developer's plans in substantial compliance with the final site development plan for this site. Neither new structures nor any permanent or required development features that might impede the future extension of Highway 141/Maryland Heights Expressway shall be allowed within the design corridor. The developer's and the City's rights and obligations pertaining to the design corridor area as set out in this condition shall be an obligation that shall run with the land and shall specifically be contained as part of any deed of conveyance by the developer, to all subsequent purchasers, including the individual lot owners of the proposed residential subdivision and shall bind any and all subsequent property owners of any portion of the proposed development, including, but not limited to, any subdivision trustees through their indenture agreement. The developer and the City, and any assignee from the City, shall execute any and all other documents reasonably necessary to effectuate this condition, including but not limited to easements and/or deed restrictions. In addition, these rights and obligations, relative to the design corridor, shall be made a part of any sale contract entered into between the developer and any subsequent purchaser of any portion of the development area that is a part of this zoning. If, at the end of twenty (20) years from the date of the subdivision plat approval, the City or its assignee has not exercised its option, then the land shall revert to the developer or as common ground for the subdivision and /or to the then owners of the proposed development established herein.

- d. Any request to install a gate on the entrance street for this development must be approved by the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic. Any request to install a gate on an internal street must be approved by the City of Chesterfield. No gate installation will be permitted on public right-of-way or within 60 feet of a cross access easement. In addition, a minimum stacking distance of 60 feet, and a turnaround for rejected vehicles, designed to accommodate a single unit truck, must be provided in advance of the gate as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
- e. If a gate is installed on a street in this development the following additional requirements shall apply:
 1. The streets within this development or that portion of the development that is gated shall be private and remain private forever. A disclosure

statement shall be provided to all potential buyers in conformance with Section 1005.180 of the Chesterfield Subdivision Ordinance. Signage indicating the private street shall be provided in accordance with the above referenced section of the Chesterfield Subdivision Ordinance.

2. No driveway shall be located within 40 feet of the gate as directed by the City of Chesterfield Department of Public Works.
 3. The first cross street to intersect a gated street must be located a minimum of 40 feet from the gate. The distance should be measured from the line of the gate to the edge of pavement of the proposed cross street.
- f. Maintenance of private subdivision streets, including, but not limited to, snow removal, shall be the responsibility of the developer/subdivision.
 - g. No lot shall be allowed direct access to Creve Coeur Mill Road.
 - h. Development must adhere to the City of Chesterfield Ordinance #1063 (An ordinance establishing a Flood Damage Prevention Program under the Federal Statutes).
 - i. All required subdivision improvements shall be completed prior to issuance of building permits exceeding 90% of the approved dwelling units.
 - j. Any roads proposed within this development shall be built above the base flood elevation with proper freeboard or protected from flood damage by an appropriate levee.
 - k. Access/Utility easements are required throughout the development. A 10 foot wide utility/access easement shall be provided at a minimum of every other break between structures, as directed by the City of Chesterfield. A continuous 15 foot wide backyard easement shall be provided for every lot. A 20 foot wide access shall be provided for all common ground areas. Should retaining walls be introduced into the development, the retaining walls shall be located within common ground or easement(s). Appropriate easements for access shall also be provided.
 - l. All structures must be set two feet vertically higher in elevation and 30 feet horizontally offset from the 100-year high water level noted within all detention/retention basins.
 - m. The lowest floor, including the basement, of all structures must be elevated to a minimum of one foot above the base flood elevation.

- n. Ornamental entrance monument construction, if proposed, shall be reviewed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works for sight distance considerations prior to installation or construction.
- o. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided for all storm sewers as directed by the City of Chesterfield, Department of Public Works.
- p. Four foot wide sidewalks located in five foot wide sidewalk, maintenance, utility and roadway widening easements shall be provided on both sides of the roads internal to the development in accordance with St. Louis County Department of Highways and Traffic and City of Chesterfield standards, as directed by the City of Chesterfield
- q. The adequacy of the existing downstream conditions shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works.
- r. The developer will be responsible for the installation of any necessary water taps so that an irrigation system may be installed at a later date. The median(s) shall be constructed with appropriate conduit for irrigation and electrical service as directed by the City of Chesterfield. The median(s) is to be backfilled with approved topsoil and temporarily seeded as directed by the City of Chesterfield Department of Public Works. The City of Chesterfield will be responsible for installation of the irrigation system, permanent landscaping and future maintenance.
- s. No construction related parking shall be permitted within the Creve Coeur Mill Road right-of-way.
- t. The City of Chesterfield is NOT responsible for any costs associated with the future construction of a sound wall.

VII. VERIFICATION PRIOR TO APPROVAL

- A. Prior to approval of the Site Development Section Plan, the developer will provide the following:

1. Roadway Improvements and Curb Cuts.
 - a. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Highways and Traffic for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.
 - b. Improve Creve Coeur Mill Road to one-half of a 70 foot right-of-way and a 24 foot pavement, with required tapers, including all storm drainage facilities as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
 - c. Improvements to Creve Couer Mill Road shall be completed prior to issuance of building permits exceeding 60% of the approved dwelling units. Delays due to utility relocation and/or adjustment (for which the developer is responsible monetarily) will not constitute a cause to allow occupancy prior to completion of the required road improvements.

2. Stormwater and Sanitary Sewer.
 - a. Neither new structures nor any permanent development that may impede the future extension of Highway 141 shall be allowed within the proposed 400-foot design corridor. The design corridor area will be 400 feet unless detention is required. If detention is required, the detention may be located within the design corridor area so long as it is not within a 350-foot wide design corridor area as originally proposed by the petitioner
 - b. Detention/retention is to be provided in each watershed as required by the City of Chesterfield Department of Public Works. Detention may be required such that the release rates will not exceed the allowable release rate for the post developed peak flow of the 2-year and 100-year, 24-hour storm event. Detention of storm water runoff is required by providing permanent detention/retention facilities, such as dry reservoirs, ponds, underground vaults or other alternatives acceptable to the Department of Public Works. The maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet. Wetland mitigation will not be allowed within a detention basin. The detention/retention facilities shall be operational prior to issuance of building permits exceeding sixty (60%) of the approved dwelling units. Detention/retention facilities shall be operational in each plat, watershed, or phase prior to issuance of 60% of the building permits in each plat, phase, or watershed. The location and types of detention/retention facilities shall be identified on the Site Development Plan.

- c. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system. Storm sewers discharging to the northwest along the long slope shall be extended to the toe of the slope unless; extraordinary measures are taken to protect the slope from erosion in the long term, as approved by the City of Chesterfield, Department of Public Works.
 1. If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluating the impacts of the proposed work shall be provided as directed by the City of Chesterfield Department of Public Works. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.
 2. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
- c. 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..
- d. Downstream sanitary sewers need to be evaluated to ensure adequate capacity. Downstream sanitary sewers may need to be replaced or upgraded.
- e. Detention may be required for areas within the site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24-hour storm event. Stormwater must be discharged at an adequate discharge point. Wetland mitigation will not be allowed within the detention basin

3. Geotechnical Report.

Provide a geotechnical report prepared by a Professional Engineer licensed to practice in the State of Missouri. Said Report will verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, will be included on all Site Development Section Plans and Improvement Plans. This report will address the existence of any

potential sinkholes, ponds, dams, septic fields, etc., and recommendation for treatment.

4. Grading and Improvement Plans.

- a. A clearing/grading permit or improvement plan approval is required prior to any grading on the site. The Site Development Section Plan and Tree Preservation Plan must be approved prior to issuance of clearing and grading. A floodplain development permit must be obtained prior to any work in the regulated floodplain.
- b. Interim storm water drainage control in the form of siltation control and/or siltation basins is required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to approval of any clearing or grading. The SWPPP will address required erosion control practices specific to site conditions. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP's) to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. The SWPPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.
- c. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
- d. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions will be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the Director of Public Works/City Engineer upon demand.
- e. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized erosion, if adequate storm water detention and erosion control devices have not been established.

- f. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area. Parking on non-surface areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked on the pavement causing hazardous roadway and driving conditions. The contractor will keep the roads in the area clear of mud and debris related to his construction at all times. The streets surrounding this development and any street used for construction access thereto will be cleaned at the end of each day.
- g. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
- h. This development may require an NPDES Permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five or more acres. A copy of the NPDES permit must be submitted to the City of Chesterfield Department of Public Works prior to issuance of a grading permit or approval of improvement plans.

VIII. RECORDING

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

X. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to improvement plan approval, the developer will provide the following:

1. Comments/approvals from the St. Louis County Highways and Traffic, the Metropolitan St. Louis Sewer District and the appropriate Fire District.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

XI. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

- A. Subsequent to approval of the Site Development Section Plan and prior to the issuance of any foundation or building permit, the following requirements will be met:

1. Notification of Department of Planning

Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

2. Notification of St. Louis County Department of Public Works

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, {the St. Louis County Highways and Traffic (Department of Highways and Traffic)} and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

3. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer will be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

XII. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. 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 outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
- B. Prior to final occupancy of any building the developer will provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

- C. Prior to issuance of an occupancy permit, all disturbed areas will be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions.
- D. The obligations and conditions set forth in this attachment are specific to the developer. These obligations and conditions survive the issuance building permits until they are fulfilled and an occupancy permit shall not be released to the developer until they are met.

XIII. FINAL RELEASE OF ESCROW

Prior to the release of final escrow, the developer will provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XVI. GENERAL DEVELOPMENT CONDITIONS

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
 - 1. Detention/retention will be provided for this site. A fence complimentary to the office building and parking structure is required around the detention basin.
 - 2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
 - 3. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accord with the Site Development Section Plan approved by the City of Chesterfield and the terms of this Attachment A.
 - 4. Waiver of Notice of Violation per Section 1003.410(2) of the City of Chesterfield Zoning Ordinance.

5. The entrance geometrics and drainage design will be in accordance with St. Louis County Highways and Traffic (MoDot) standards and will be reviewed and approved by the City of Chesterfield and the St. Louis County Highways and Traffic (MoDot).
6. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach MoDot right of way.
7. If any development in, or alteration of, the floodplain is proposed, the developer shall submit a Floodplain Study and Floodplain Development Permit/Application to the Department of Public Works for approval. If any change in the location of the floodplain is proposed, the Developer shall be required to obtain both a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The Floodplain Study must be approved prior to approval of the Site Development Plan, as directed by the City of Chesterfield Department of Public Works. The CLOMR shall be obtained prior to approval of Improvement Plans. A Floodplain Development Permit/Application must also be approved prior to approval of the Grading or Improvement Plans. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development.

The flood study and hydraulic models for the Mill Ridge Villas development shall include the proposed Mill Ridge Villas development and a reasonable approximation of the Highway 141/Maryland Heights Expressway extension configuration. Certification of "no rise" in base flood elevations shall be provided for two potential phases of development. Analysis shall address construction of the Mill Ridge Villas development with and without construction of the Highway 141/Maryland Heights Expressway. Specific design elements required for each phase to cause "no rise" in base flood elevations shall be identified so that appropriate items can be constructed with the residential development, and items related to the construction of the Highway 141/Maryland Heights Expressway extension can be constructed concurrently with the extension

8. The Floodplain Study and Floodplain Development Permit/Application must be approved by the Department of Public Works prior to the approval of Improvement Plans or Grading Plans.
9. Detention may be required for the entire project site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24 hour storm event. Stormwater must be discharged

at an adequate discharge point. Wetland mitigation will not be allowed in the detention basin area.

10. The developer will 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 outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
 11. All drainage detention storage facilities will be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.
 12. 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
- B. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

ASSIGNMENT OF HIGHWAY 141 ROAD TERRA VISTA PURCHASE OPTION

ASSIGNMENT made this ____ day of _____, 2009, by and among the City of Chesterfield, Missouri, a municipal corporation (the "City") and St. Louis County, State of Missouri, a body politic of the State of Missouri ("St. Louis County")

RECITALS

A. The City acquired certain rights to purchase land in the Terra Vista Subdivision along the future Highway 141 corridor as a result of the passage of City of Chesterfield Ordinance 1690 on November 20, 2000, attached as Exhibit A and the recording of the a site plan approved by the City on April 28, 2004 and recorded in the St. Louis County Recorder of Deeds in Book 352 Pages 296-297.

B. The owner of the property that was rezoned in City of Chesterfield Ordinance 1690 agreed, on behalf of itself and all future owners, to reserve a certain part of the property for the expansion of Highway 141 and agreed to sell the property to the City or its assignee upon demand for One Dollar (\$ 1.00).

C. St. Louis County now desires to expand Highway 141 and needs to acquire title to the property reserved in the site plan and referenced in Ordinance 1690.

D. The City desires to accommodate the needs of St. Louis County.

NOW, THEREFORE, it is agreed by the parties as follows:

1. The Recitals set forth above are incorporated into this Agreement by this reference.
2. The City assigns, transfers and set over to St. Louis County all rights it has under the terms of Ordinance 1690 and the site plan filed for the Terra Vista Subdivision.
3. The City assigns it right to purchase the property described in Exhibit B to St. Louis County for One Dollar (\$ 1.00), receipt of which is hereby acknowledged.
- 4 All Exhibits attached hereto are incorporated herein by reference.
5. This Agreement will inure to the benefit of and be binding upon the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY OF CHESTERFIELD, MISSOURI

By: _____

Michael G. Herring, ICMA-CM
City Administrator

ST. LOUIS COUNTY, STATE OF MISSOURI

By: _____

Director of Highways & Traffic and Public Works

EXHIBIT B MILL RIDGE VILLA

A tract of land being all of Reserve Tract "A" as platted within the Common Ground on "MILL RIDGE VILLAS" (Plat Book 355 Page 758), and reported as subject to conditions stated on said Plat Book 355 Page 758; being situated in U.S. Survey 433, Township 46 North, Range 5 East, City of Chesterfield, Saint Louis County, Missouri; and being more particularly described as:

Beginning at the intersection of the meanders of Creve Coeur Creek, along the Northwest line of "MILL RIDGE VILLAS" (Plat Book 355 Page 758), with the East line of Reserve Tract "A" as platted within the Common Ground on said plat of "MILL RIDGE VILLAS"; thence Southerly along new limited access right-of-way for Maryland Heights Expressway (as the extension of Highway 141) and along the East line of said Reserve Tract "A" the following two courses: Southerly along a curve to the right which radius point bears South 54°33'14" West 2155.65 feet from the last mentioned point, and which curve has a chord bearing and distance of South 31°00'56" East 333.05 feet, an arc distance of 333.39 feet to a point of compound curvature; and Southerly along a curve to the right which radius point bears South 63°24'54" West 32566.37 feet from the last mentioned point, and which curve has a chord bearing and distance of South 25°57'36" East 710.53 feet, an arc distance of 710.55 feet to a point not being a point of tangency in the approximate meanders of Little Creve Coeur Creek flowing West as shown on an aerial orthophoto prepared by Surdex specifically for Saint Louis County Project AR-1236 and photographed in 2009 (Little Creve Coeur Creek being both a riparian boundary of the herein described tract of land and the dividing line between U.S. Survey 387 along the left descending side and U.S. Survey 433 along the right descending side of the creek.); thence Westerly downstream descending along the approximate meanders of Little Creve Coeur Creek as shown on the aforesaid 2009 orthophoto by Surdex the following two courses: South 59°21'21" West 22.72 feet; and South 32°42'00" West 180.94 feet to a point in the approximate meanders of Creve Coeur Creek flowing West as shown

on an aerial orthophoto prepared by Surdex specifically for Saint Louis County Project AR-1236 and photographed in 2009 (Creve Coeur Creek being both a riparian boundary of the herein described tract of land and the dividing line between U.S. Survey 387 along the left descending side and U.S. Survey 433 along the right descending side of the creek.); thence Westerly downstream descending along the approximate meanders of Creve Coeur Creek as shown on the aforesaid 2009 orthophoto by Surdex North 72°58'00" West 28.76 feet to a point labeled within a triangle as "13" on the aforesaid "MILL RIDGE VILLAS" (Plat Book 355 Page 758); thence continuing downstream along the approximate meanders of Creve Coeur Creek per said "MILL RIDGE VILLAS" and as shown on the aforesaid 2009 orthophoto by Surdex the following two courses: South 65°36'42" West 184.66 feet; and South 78°27'05" West 18.60 feet to a nontangent point of curve in the West line of the aforesaid Reserve Tract "A"; thence leaving the meanders of Creve Coeur Creek Northerly along the West line of said Reserve Tract "A" the following two courses: Northerly along a curve to the left which radius point bears South 64°47'30" West 32166.37 feet from the last mentioned point, and which curve has a chord bearing and distance of North 25°53'48" West 772.83 feet, an arc distance of 772.85 feet to a point of compound curvature; and Northerly along a curve to the left which radius point bears South 63°24'54" West 1755.65 feet from the last mentioned point, and which curve has a chord bearing and distance of North 27°01'31" West 26.97 feet, an arc distance of 26.97 feet to a point not being a point of tangency in the approximate meanders of Creve Coeur Creek flowing Northeasterly both as platted on

"MILL RIDGE VILLAS" (Plat Book 355 Page 758) and as shown on an aerial orthophoto prepared by Surdex specifically for Saint Louis County Project AR-1236 and photographed in 2009 (Creve Coeur Creek being both a riparian boundary of the herein described tract of land and the dividing line between U.S. Survey 387 along the left descending side and U.S. Survey 433 along the right descending side of the creek.); thence downstream Northeasterly descending along the approximate meanders of Creve Coeur Creek as shown on both the aforesaid 2009 orthophoto by Surdex and the aforesaid Plat Book 355 Page 758 the following two courses: North 21°02'41" East 119.79 feet; North 23°59'16" East 196.10 feet to a point estimated to be in the common line between U.S. Survey 387 and U.S. Survey 433 in the estimated last naturally flowing location of Creve Coeur Creek prior to an artificial realignment of said creek associated with St Louis County Project 70-1; thence leaving said common line of U.S. surveys along the meanders of Creve Coeur Creek as artificially realigned by St Louis County Project 70-1 and as shown on both the aforesaid 2009 orthophoto by Surdex and the aforesaid Plat Book 355 Page 758 the following three courses: North 23°59'16" East 84.98 feet to a point of tangent curve; along a curve to the right having a radius of 409.26 feet, which curve has a chord bearing and distance of North 29°24'09" East 77.24 feet, an arc distance of 77.35 feet to a point of tangency; and North 34°49'02" East 5.51 feet to the point of beginning, per calculations based on right of way plans for Saint Louis County Project No. AR-1236, and containing 383403 Square Feet more or less based upon the stated assumptions, and subject to fluctuation in area due to the rise and fall of water levels and the action of erosion and accretion along Creve Coeur Creek as well as possible variations in the calculation of area based upon the subjective interpretations inherent to describing the approximate meanders of watercourses.

Also, all abutters' rights of direct access between the highway now known as Maryland Heights Expressway (as the extension of Highway 141), and grantors' abutting land in U.S. Survey 433, Township 46 North, Range 5 East, City of Chesterfield, Saint Louis County, Missouri.

BILL NO. 1869

ORDINANCE NO. 1690

AN ORDINANCE ESTABLISHING A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE "R-2" 15,000 SQUARE-FOOT RESIDENCE DISTRICT AND THE "FPR-2" FLOOD PLAIN 15,000 SQUARE-FOOT RESIDENCE DISTRICT FOR A 37.4 ACRE TRACT OF LAND LOCATED ON THE WEST SIDE OF CREVE COEUR MILL ROAD, NORTH OF OLIVE BOULEVARD. (P.Z. 10-2000 MILL VALLEY ESTATES)

WHEREAS, the petitioners, Levinson Building and Realty, Inc., et. al., in conjunction with a request for rezoning, have requested a Planned Environment Unit (PEU) in an "R-2" 15,000 square-foot Residence District and an "FPR-2" Flood Plain 15,000 square-foot Residence District for a 37.4 acre tract of land located on the west side of Creve Coeur Mill Road, north of Olive Boulevard; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of a Planned Environment Unit, in conjunction with P.Z. 9-2000 and have forwarded same to the City Council.

WHEREAS, the Planning and Zoning Committee, having considered said request, recommended approval of a Planned Environment Unit (PEU) subject to changes in the Attachment "A" requiring Disclosure Statements about the extension of Missouri Route 141 being provided to property owners, the incorporation of language concerning the pier configuration being included in the hydraulic model, incorporation of language concerning the reservation/dedication of the possible future extension of Highway 141 and removal of the Walsh property from the reservation and dedication area.

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

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a Planned Environment Unit (PEU) in the "R-2" 15,000 square-foot Residence District and "FPR-2" Flood Plain 15,000 square-foot Residence District for a 37.4 acre tract of land located on the west side of Creve Coeur Mill Road, north of Olive Boulevard as described in Exhibits "A" and "B" attached.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in Attachment "A", which is attached hereto and made a part of.

Section 3. The City Council, pursuant to the petition filed by Levinson Building and Realty, Inc., et. al., in P.Z. 10-2000, requesting the amendment embodied in this

ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 24th day of April, 2000, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 20TH day of NOVEMBER, 2000.

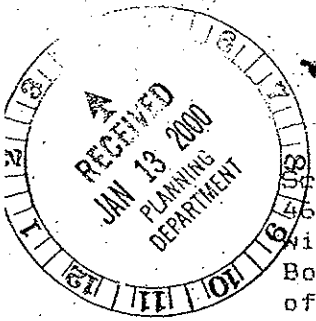
MAYOR

ATTEST:

Matthew L. DeMay
CITY CLERK

Exhibit "A"

SURVEY DESCRIPTION



A tract of land being part of Lot 5 of "William Schrader's Estate" in U.S. Surveys 367 and 923, Township 46 North, Range 5 East, according to the Plat recorded with the Report of the Commissioners in Partition in Deed Book 43, page 102 of the St. Louis County Records, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at a point on the Western line of Creve Coeur Mill Road, variable width, said point being South 37 degrees 31 minutes 09 seconds East, 87.28 feet from the intersection of the South line of a tract of land conveyed to Edward H. and Virginia Kellmann per Deed Book 6289, page 1857 of the St. Louis County Records with the Western line of said Creve Coeur Mill Road; thence along the Western line of said Creve Coeur Mill Road in a Southeasterly direction the following courses and distances: South 37 degrees 31 minutes 09 seconds East, 170.87 feet, South 21 degrees 01 minutes 00 seconds East, 196.29 feet, South 02 degrees 30 minutes 50 seconds East, 446.88 feet, South 54 degrees 30 minutes 40 seconds East, 693.34 feet, South 46 degrees 00 minutes 30 seconds East, 343.86 feet, South 80 degrees 00 minutes 10 seconds East, 172.55 feet and South 15 degrees 00 minutes 10 seconds East, 42.08 feet to the Northern line of Old Olive Street Road, 60 feet wide, (formerly Olive Street Road); thence along the Northern line of said Old Olive Street Road in a Westerly direction along a curve to the left, having a radius of 1,462.69 feet a central angle of 3 degrees 50 minutes 51 seconds, and a chord that bears South 71 degrees 11 minutes 38 seconds West, 98.21 feet, an arc distance of 98.22 feet to the point of tangent; thence South 69 degrees 16 minutes 12 seconds West, 138.68 feet to the intersection of the center line of Creve Coeur Creek as located on May 28, 1993; thence departing said Northern road line along the center line of Creve Coeur Creek as located May 28, 1993 in a Northwesterly direction the following courses, distances and curves: North 42 degrees 54 minutes 05 seconds West, 125.27 feet, North 50 degrees 13 minutes 53 seconds West, 233.24 feet, along a curve to the left, having a radius of 85 feet, a central angle of 84 degrees 25 minutes 48 seconds, and a chord that bears South 87 degrees 33 minutes 13 seconds West, 114.23 feet, an arc distance of 125.25 feet, South 45 degrees 20 minutes 19 seconds West, 70.56 feet, along a curve to the right, having a radius of 90.00 feet, a central angle of 73 degrees 11 minutes 01 seconds, and a chord that bears South 81 degrees 55 minutes 49 seconds West, 107.30 feet, an arc distance of 114.96 feet, North 61 degrees 28 minutes 40 seconds West, 120.53 feet, North 33 degrees 44 minutes 03 seconds West, 225.23 feet, North 18 degrees 31 minutes 29 seconds West, 112.09 feet, along

a curve to left, having a radius of 150.00 feet, a central angle of 53 degrees 28 minutes 34 seconds, and a chord that bears North 45 degrees 15 minutes 46 West, 134.97 feet, an arc distance of 140.00 feet, North 72 degrees 00 minutes 03 seconds West, 243.59 feet, North 33 degrees 09 minutes 01 seconds West, 44.69 feet, North 65 degrees 36 minutes 35 seconds West, 241.07 feet, North 45 degrees 49 minutes 24 seconds West, 58.64 feet, North 58 degrees 51 minutes 47 seconds West, 311.79 feet, North 27 degrees 47 minutes 24 seconds West, 128.51 feet, North 11 degrees 52 minutes 04 seconds West, 96.62 feet, along a curve to the left, having a radius of 150.00 feet, a central angle of 70 degrees 33 minutes 14 seconds, and a chord that bears North 47 degrees 08 minutes 41 seconds West, 173.26 feet, an arc distance of 184.71 feet, North 82 degrees 25 minutes 18 seconds West, 71.20 feet, North 82 degrees 25 minutes 18 seconds West, 162.34 feet, North 61 degrees 27 minutes 45 seconds West, 183.36 feet, South 59 degrees 47 minutes 36 seconds West, 178.04 feet, South 65 degrees 29 minutes 49 seconds West, 133.78 feet, along a curve to the right, having a radius of 125.00 feet, a central angle of 155 degrees 17 minutes 50 seconds, and a chord that bears North 36 degrees 51 minutes 16 seconds West, 244.21 feet, an arc distance of 338.81 feet, North 59 degrees 59 minutes 39 seconds East, 76.51 feet, North 40 degrees 47 minutes 39 seconds East, 112.70 feet, North 57 degrees 23 minutes 43 seconds East, 143.97 feet, North 49 degrees 45 minutes 54 seconds East, 172.99 feet, North 43 degrees 57 minutes 10 seconds East, 205.27 feet, along a curve to the left, having a radius of 250.00 feet, a central angle of 51 degrees 48 minutes 21 seconds, and a chord that bears North 18 degrees 03 minutes 00 seconds East, 218.42 feet, an arc distance of 226.05 feet and North 07 degrees 51 minutes 11 seconds West, 77.92 feet to point on the center line of said Creve Coeur Creek as Located May 28, 1993; thence departing said center line along the center line of Creve Coeur Creek as it existed per location by August Elbring, County Surveyor, in November, 1890 the following courses and distances: North 61 degrees 03 minutes 55 seconds East, 67.26 feet, South 84 degrees 25 minutes 08 seconds East, 43.91 feet South 56 degrees 46 minutes 28 seconds East, 78.78 feet, South 40 degrees 07 minutes 53 seconds East, 173.75 feet, South 28 degrees 41 minutes 38 seconds East, 133.22 feet, South 47 degrees 08 minutes 34 seconds East, 116.84 feet, South 76 degrees 48 minutes 22 seconds East, 103.06 feet, North 59 degrees 21 minutes 07 seconds East, 100.92 feet and North 24 degrees 58 minutes 32 seconds East, 11.51 feet to the intersection of the North line of Lot 5 of the William Schrader Estate, as aforementioned; thence along said North line of Lot 5 South 82 degrees 22 minutes 00 seconds East, 22.67 feet to a point on said North line, said point being the Northwest corner of a tract of land conveyed to Kellmann,

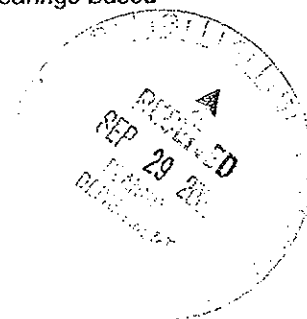
Exhibit A
P.Z. 10-2000

as aforementioned; thence departing said North line South
07 degrees 38 minutes 00 seconds West, 335.34 feet;
thence South 82 degrees 22 minutes 00 seconds East,
551.59 feet to the point of beginning and containing 37.4
acres more or less. Bearings Based on the North line of
"William Schraders Estate", as aforementioned.

LEGAL DESCRIPTION – MO 141 ROADWAY CORRIDOR

A tract of land being part of Lot 5 of "William Schrader's Estate" in U.S. Surveys 367 and 923, Township 46 North, Range 5 East, according to the Plat recorded with the report of the Commissioners in Partition in Deed Book 43, page 102 of the St. Louis County Records, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at a point on the Western line of Creve Coeur Mill Road, variable width, said point being South 37 degrees 31 minutes 09 seconds East, 87.28 feet from the intersection of the South line of a tract of land conveyed to Edward H. and Virginia Kellmann per Deed Book 6289, page 1857 of the St. Louis County Records with the Western line of said Creve Coeur Mill Road; thence along the Western line of said Creve Coeur Mill Road in a Southeasterly direction the following courses and distances: South 37 degrees 31 minutes 09 seconds East, 170.87 feet South 21 degrees 01 minutes 00 seconds East, 196.29 feet, South 02 degrees 30 minutes 50 seconds East, 446.88 feet, South 54 degrees 30 minutes 40 seconds East, 693.34 feet, South 46 degrees 00 minutes 30 seconds East, 343.86 feet, South 80 degrees 00 minutes 10 seconds East, 172.55 feet and South 15 degrees 00 minutes 10 seconds East, 42.08 feet to the Northern line of Old Olive Street Road, 60 feet wide, (formerly Olive Street Road); thence along the Northern line of said Old Olive Street Road in a Westerly direction along a curve to the left, having a radius of 1,462.69 feet a central angle of 3 degrees 50 minutes 51 seconds, and a chord that bears South 71 degrees 11 minutes 38 seconds West, 98.21 feet, an arc distance of 98.22 feet to the point of tangent; thence South 69 degrees 16 minutes 12 seconds West, 138.68 feet the intersection of the center line of Creve Coeur Creek as located on May 28, 1993; thence departing said Northern road line along the center line of Creve Coeur Creek as located May 28, 1993 in a Northwesterly direction the following courses, distances and curves: North 42 degrees 54 minutes 05 seconds West, 125.27 feet, North 50 degrees 13 minutes 53 seconds West, 233.24 feet, along a curve to the left, having a radius of 85 feet, a central angle of 84 degrees 25 minutes 48 seconds, and a chord that bears South 87 degrees 33 minutes 13 seconds West, 114.23 feet, an arc distance of 125.25 feet, South 45 degrees 20 minutes 19 seconds West, 70.56 feet, along a curve to the right, having a radius of 90.00 feet, a central angle of 73 degrees 11 minutes 01 seconds, and a chord that bears south 81 degrees 55 minutes 49 seconds West, 107.30 feet, an arc distance of 114.96 feet, North 61 degrees 28 minutes 40 seconds West, 120.53 feet, North 33 degrees 44 minutes 03 seconds West, 225.23 feet, North 18 degrees 31 minutes 29 seconds West, 112.09 feet, along a curve to the left, having a radius of 150.00 feet, a central angle of 53 degrees 28 minutes 34 seconds, and a chord that bears North 45 degrees 15 minutes 46 seconds West, 134.97 feet, an arc distance of 140.00 feet, North 72 degrees 00 minutes 03 seconds West, 243.59 feet, North 33 degrees 09 minutes 01 seconds West, 44.69 feet, North 65 degrees 36 minutes 35 seconds West, 73.34 feet, To the **POINT OF BEGINNING**: Thence continuing along the aforementioned course 167.73 feet, thence North 45 degrees 49 minutes 24 seconds west, 58.64 feet, North 58 degrees 51 minutes 47 seconds West, 311.79 feet, North 27 degrees 47 minutes 24 seconds West, 128.51 feet, North 11 degrees 52 minutes 04 seconds West, 96.62 feet, along a curve to the left, having a radius of 150.00 feet, a central angle of 70 degrees 33 minutes 14 seconds, and a chord that bears North 47 degrees 08 minutes 41 seconds West, 173.26 feet, an arc distance of 184.71 feet, North 82 degrees 25 minutes 18 seconds West, 59.03 feet, North 25 degrees 12 minutes 34 seconds West, 85.53 feet, North 68 degrees 19 minutes 28 seconds East, 400.76 feet, and South 25 degrees 12 minutes 34 seconds East, 918.04 feet to the point of beginning and containing 5.1 acres more or less. Bearings Based on the North line of "William Schraders Estate", as aforementioned.



ATTACHMENT A

1. PERMITTED USES

This Planned Environment Unit (PEU) authorizes the development of a maximum of thirty-three (33) attached and detached single-family homes, of which a maximum of thirty-two (32) can be attached single-family homes.

2. BUILDING AND HEIGHT REQUIREMENTS

- a. No building cluster shall contain more than two (2) attached single-family units
- b. Building elevations shall be as approved by the Planning Commission in conjunction with the Site Development Plan

3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to site preparation, the developer shall submit to the Planning Commission for its review and approval, a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended by the Planning Commission in accordance with requirements of Section 1003.187 of the City of Chesterfield Zoning Ordinance.

4. GENERAL CRITERIA

The Site Development Plan shall include the following:

- a. Outboundary plat and legal description of the property.
- b. A general development plan, indicating the basic location, size and arrangement of single-family lots, roadways on and adjacent to the property, setback lines and, if appropriate, a typical lot with minimum and maximum lot sizes.
- c. A graphic scale.
- d. Prior to the Site Development Plan approval, show all existing and proposed easements/rights of way on site and all existing or proposed off-site easements required for utilities, storm water drainage, grading or other improvements.
- e. The location and size of all freestanding signs, lighting, fences, sidewalks and other above-ground structures including retaining walls in common areas.

- f. Existing and proposed contours at two (2) feet intervals extending 150 feet beyond the limits of the site.
- g. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers, and connection(s) to existing systems.
- h. Density calculations.
- i. Zoning district and flood plain lines.
- j. Building and parking setbacks.
- k. A landscape plan including, but not limited to, the location, minimum size and general type of all plant materials to be used.
- l. Show existing improvements within 150 feet of the site, including roads and driveways on the opposite side of the roadways adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
- m. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, the Missouri Department of Transportation and the Federal Emergency Management Agency.
- n. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

5. SITE DEVELOPMENT PLAN DESIGN CRITERIA

The above Site Development Plan shall adhere to the following specific design criteria:

Building and Structure Setbacks

- a. Front yard: Minimum setback shall be twenty (20) feet from the internal road rights-of-way.

Should the developer choose to exercise the option of reducing the right-of-way width by ten (10) feet whereby the placement of required sidewalks would be within a five (5) foot wide sidewalk, maintenance, utility and roadway widening easement, the minimum setback shall be increased by five (5) feet.

- b. twenty (20) feet from the common ground adjacent to the new right-of-way of Creve Coeur Mill Road;
- c. twenty (20) feet from the remainder of the perimeter of this PEU;
- d. sixteen (16) feet from the side of a building to the side of an adjacent building;
- e. twenty-three (23) feet from the rear of a building to the side of an adjacent building;
- f. thirty (30) feet from the rear of a building to the rear of an adjacent building;
- g. thirty-five (35) feet from the rear of a building to the front of an adjacent building.

- h. Structured detention basins must be at least fifteen (15) feet from the property line.

Parking Requirements

- i. Minimum parking requirements shall be as required by Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Access and Roadway Improvements, Including Sidewalks

- j. Developer is required to reserve the area demarcated on the attached Exhibit C as a design corridor area for the possible future extension of Highway 141. At the time of subdivision plat approval developer will be required to dedicate to the City of Chesterfield, or as directed by the City of Chesterfield, the design corridor area. The City or its assignee shall have the option for up to twenty (20) years from the date of the subdivision plat approval, to grant to the City, or the assignee as designated by the City, an irrevocable option to purchase for One Dollar (\$1) as much land within the designed corridor as is necessary for the future construction of the 141 extension. The developer shall be responsible for all maintenance in the designated design corridor area, until the City shall exercise this option. The developer will be granted an easement and other necessary property rights to use the design corridor area for grading, fill, excavation purposes, flood plain control and hydraulic purposes and to grade and excavate lakes and perform all other improvements reasonably necessary to implement the developer's plans in substantial compliance with the final sight development plan for this site. Except for any existing structures, no new structures, or any permanent development that might impede the future extension of Highway 141 shall be allowed within the design corridor. The developer's and the City's rights and obligations pertaining to the design corridor area as set out in this condition shall be an obligation that shall run with the land and shall specifically be contained as part of any deed of conveyance by the developer, to all subsequent purchasers, including the individual lot owners of the proposed residential development and shall bind any and all subsequent property owners of any portion of the proposed development, including, but not limited to, any subdivision trustees through their indenture agreement. The developer and the City, and any assignee from the City, shall execute any and all other documents reasonably necessary to effectuate this condition, including, but not limited to, easements and/or deed restrictions. In addition, these rights and obligations, relative to the design corridor, shall be made a part of any sale contract entered into between the developer and any subsequent purchaser of any portion of the development area that is a part of this zoning. If, at the end of twenty (20) years from the date of the subdivision plat approval, the City has not exercised this option, then the land shall revert to the developer or as common ground for the subdivision and /or to the then-owners of the proposed development as established herein.
 - k. Conform to the requirements and/or recommendations of the Missouri Department
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of Transportation regarding Route 141 Extension in this area.

- l. Improve Creve Coeur Mill road to one-half of a seventy (70) foot right-of-way and a twenty-four (24) foot pavement with required tapers and including all storm drainage facilities as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. These improvements shall be accomplished full width in areas where Creve Coeur Mill Road is to be raised one foot above the 100-year base flood elevation as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. Special cash escrows must be established to guarantee completion of the required road improvements before a special use permit will be issued.
- m. Provide a five (5) foot wide sidewalk conforming to St. Louis County ADA standards adjacent to Creve Coeur Mill Road as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. Any necessary easements for construction of the sidewalks shall be provided as directed by the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways and Traffic.
- n. Four (4) foot wide sidewalks shall be installed on both sides of Mill Valley Court in accordance with the St. Louis County Department of Highways and Traffic ADA standards as directed by the City of Chesterfield and St. Louis County Department of Highways and Traffic. Any necessary easements for construction of the sidewalks shall be provided as directed by the City of Chesterfield Department of Public Works.
- o. The developer shall provide one point of access onto Creve Coeur Mill Road as directed by the City of Chesterfield Department of Public Works and the St. Louis County Highways and Traffic Department. The single point of access onto Creve Coeur Mill Road shall provide required sight distance and be constructed one foot above the base flood elevation as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. Any intersection or access to this street shall be a minimum of 125 feet from the new right-of-way of Creve Coeur Mill Road .
- p. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield. The cul-de-sac bulbs may also be required to accommodate school buses, as directed by the City of Chesterfield Department of Public Works.
- q. No entrance to Creve Coeur Mill Road or Old Olive Street Road will be permitted from any single lot within the subdivision.
- r. Provide a sight distance evaluation report, as required by the City of Chesterfield Department of Public Works and/or the St. Louis County Department of Highways

and Traffic, for the proposed entrance onto Creve Coeur Mill Road.

- s. Improvements to Creve Coeur Mill Road must be completed prior to issuance of building permits exceeding sixty percent (60 %) of the approved dwelling units. Delays due to utility relocation and/or adjustment (which the developer is responsible for monetarily) will not constitute a cause to allow occupancy prior to completion of required road improvements.
- t. If internal roadways are to be private, they shall be private forever. If a gate is installed at the entrance to this development, the streets within this development shall be private and remain private forever. A disclosure statement shall be provided to all potential buyers in conformance with Section 1005.180 of the Chesterfield Subdivision Ordinance. A sign shall be posted at the entrance of the subdivision and shall contain the following required disclosure language:

THE STREETS IN THIS SUBDIVISION ARE PRIVATE. THE (Pick one from the list in brackets within the Subdivision Ordinance) [OWNERS or HOMEOWNERS' ASSOCIATION or CONDOMINIMUM ASSOCIATION] IS RESPONSIBLE FOR ALL REPAIRS AND MAINTENANCE.
- u. Maintenance of private subdivision streets, including, but not limited to, snow removal, shall be the responsibility of the developer/subdivision.
- v. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield Department of Public Works and the St. Louis County Department of Highways & Traffic. No installation will be permitted on right-of-way. In addition, a minimum stacking distance of 60 feet, and a turnaround for rejected vehicles, designed to accommodate a single unit truck, must be provided in advance of the gate as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
- w. No construction related parking shall be permitted on Creve Coeur Mill Road.
- x. The petitioner shall provide adequate detention to eliminate any additional water discharge to encroach MoDOT right-of-way.
- y. Based on the preliminary plan, improvements to Creve Coeur Mill Road must be completed prior to issuance of the building permits in excess of sixty percent (60%) of the total. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
- z. Prior to Special Use Permit Issuance by the St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit must be established with St. Louis County Department

of Highways and Traffic to guarantee completion of the required roadway improvements.

- aa. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as directed by the St. Louis County Department of Highways and Traffic.
- bb. As portions of these roadway improvements may require the acquisition of additional right-of-way and easements from private property, the normal sequence of design, right-of-way acquisition and construction shall commence immediately upon approval of the requested rezoning. If the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owners involved, St. Louis County will acquire same through eminent domain proceedings. The cost of appraisals, negotiations, administrations, court proceedings and all associated costs incurred by County proceedings shall be paid by the developer.
- cc. If any public roads are proposed within this development, they must be built above the 100-year flood elevation with proper freeboard, or protected from flood damage by an appropriate levee. Any roads and/or drives proposed below this elevation not protected by an appropriate levee are to be private and remain private forever.
- dd. The entrance geometrics and drainage design shall be in accordance with St. Louis County Department of Highways and Traffic and the City of Chesterfield standards and shall be reviewed and approved by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
- ee. Installation of landscaping and ornamental entrance monument or identification signage construction, if approved, shall be reviewed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works for sight distance considerations and approved prior to installation or construction.
- ff. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
- gg. During development of the hydraulic models for the Mill Valley Development, the Engineer will provide a model, which includes cross-sections representing a reasonable approximation of the pier configuration for a future elevated section of

Missouri Route 141. The engineer must demonstrate that the no-rise certification can be achieved with the presence of the anticipated elevated road section.

Landscape Requirements

- hh. All new deciduous trees shall be a minimum of two and one-half (2 1/2) inches in caliper. All new evergreen trees shall be a minimum of six (6) feet in height, and all shrubs shall have a minimum diameter of eighteen (18) inches.
- hh. Retention of existing tree masses and individual trees shall be provided for. Trees to be retained and all proposed landscaping shall be depicted on the Site Development Plan. Prior to removal of any trees on the site for development, a landscape plan depicting all existing tree masses and those to be retained shall be submitted to the Planning Commission for review and approval.
- ii. All landscape improvements shall be escrowed along with standard subdivision improvements.

Miscellaneous Improvements

- jj. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. Lighting shall be required in compliance with the City of Chesterfield Subdivision Ordinance.
 - kk. Required street lighting and sidewalks within the development shall be depicted on the Site Development Plan, and escrows shall be established for these improvements.
 - ll. All signs shall be erected in accordance with Section 1003.168 Sign Regulations.
 - mm. Exterior trash areas in common ground, if any, shall be surrounded by a six (6) foot high sight-proof fence.
 - nn. All stormwater sewers and appurtenances shall be designed per City of Chesterfield and Metropolitan St. Louis Sewer District design standards.
 - oo. The developer is responsible for obtaining the necessary easements and temporary construction licenses necessary to construct and dedicate the stormwater and sanitary sewer systems.
 - pp. Access/Utility easements are required throughout the development. Every other break between structures must contain a ten foot wide access/utility easement, as directed by the City of Chesterfield. A continuous backyard easement of 15 feet wide must be provided for every lot. A similar access easement will be required for the common ground areas. Should retaining wall(s) be introduced into the development, the
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retaining wall(s) must be located within common ground or easement(s) and appropriate easements for access must be provided.

Power of Review

- qq. Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan for a development 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. The City Council will then take appropriate action relative to the proposal.

6. VERIFICATIONS PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the developer shall provide the following:

Stormwater

- a. Submit to the Planning Commission a preliminary engineering plan approved by the Chesterfield Department of Public Works, the Metropolitan St. Louis Sewer District, MoDOT and the St. Louis County Department of Highways and Traffic showing that adequate handling of the stormwater drainage of the site is provided.
1. The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield standards.
 2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. No change in water shed will be permitted. Wetland mitigation will not be allowable within the detention basin area.
 3. The adequacy of any existing downstream stormwater conditions shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works and MSD. Improvements may be required to reduce downstream effects of this development.
 4. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided for all stormsewers.
 5. Off-site easements for areas inundated by headwater from on-site improvements shall be provided as directed by the City of Chesterfield Department of Public Works and MSD.

6. Detention/retention is to be provided in each watershed as required by the City of Chesterfield Department of Public Works and/or MSD. Detention of differential runoff of stormwater is required by providing permanent detention/retention facilities, such as dry reservoirs, ponds or another acceptable alternative. The maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet. The detention/retention facilities shall be operational prior to issuance of building permits exceeding sixty percent (60%) of the approved dwelling units. Detention/retention facilities shall be operational in each plat, watershed or phase prior to issuance of sixty percent (60%) of the building permits in each plat, phase or watershed. The location and types of detention/retention facilities shall be identified on the Site Development Plan.
7. Storm water runoff can not be directed toward any habitable structures.
8. The petitioner shall provide adequate detention to eliminate any additional water discharge to encroach MoDOT right-of-way.
9. All drainage detention storage facilities shall be placed outside of the standard setbacks, or 15 feet from the new or existing right-of-way of Olive Boulevard, whichever is greater.

Geotechnical Report

- b. Provide a geotechnical report, as directed by the City of Chesterfield, Department of Public Works, prepared by a Professional Engineer licensed in the State of Missouri. Said report shall verify the suitability of grading, backfill material and proposed improvements with soil and geologic conditions. The report shall also address the existence of any potential sinkholes, 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.

Sanitary Sewers

- c. Provide verification of approval by M.S.D. for adequate handling of sanitary sewage.
- d. Existing downstream sanitary sewer systems shall be evaluated and upgraded or replaced, as required by the Metropolitan St. Louis Sewer District.

Steep Grade Approval

- e. If street grades in excess of a six percent slope are desired, steep grade approval must be obtained from the City of Chesterfield Department of Public Works prior to Site Development Plan approval. In no case shall slopes in excess of twelve (12) percent be permitted. Any request for steep street grades must include justification prepared, signed, sealed and dated by a professional engineer and include plans, profiles, boring logs, cross-sections, etc. The justification should clearly show site conditions and alternative considerations. A note shall be included on the site development plan and provided to all prospective buyers indicating that priority snow removal will not be given to this site.

Miscellaneous

- f. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic and MoDOT.
- g. The developer is responsible for obtaining the necessary easements and temporary construction licenses necessary to construct and dedicate the storm water and sanitary sewer systems.

Floodplain

- h. All structures must be two feet vertically higher in elevation and 30 feet horizontally offset from the 100-year high water level noted within all detention/retention basins.
 - i. The lowest floor, including basement, of all structures must be elevated to a minimum of one (1) foot above the base flood elevation.
 - j. Development must adhere to the City of Chesterfield Ordinance Number 1063 (an ordinance establishing a Flood Damage Prevention Program under the Federal Statutes).
 - k. Any proposed development in, or alteration of, the floodplain shall require the developer to submit a Floodplain Study and Floodplain Development Permit/Application to the Department of Public works for review. The Floodplain Study and floodplain Development Permit/Application must be approved by the City of Chesterfield Department of Public works prior to the approval of the Improvement Plans or Grading Plans. If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA). The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development.
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- l. Any proposed development in, or alteration of, the floodway shall require the developer to provide a No Rise Certificate to the City of Chesterfield Department of Public Works.
- m. Any lot located in an existing or proposed Special Flood Hazard Area shall be clearly labeled as being located in the Floodplain on the approved Site Development Plan. And Improvement Plans. The lowest Reference Level (floor), as defined by FEMA, shall be constructed a minimum of one foot above the base flood elevation unless a LOMAR has been issued by FEMA prior to construction. The minimum elevation for the Reference Level for each lot shall also be noted on the approved Site Development Plan and Improvement Plans.
- n. A disclosure statement shall be included on all Site Development Plans and posted in the sales trailer notifying potential buyers of the existence of the floodplain and floodway throughout the site.
- o. An approved flood plain study from the City of Chesterfield will be required prior to approval of the roadway improvement plans

7. RECORDING

Within sixty (60) days of approval of the Site Development Plan by the Planning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

8. TRUST FUNDS

As this development is not located within an established traffic generation assessment trust fund area, the roadway improvements required herein represent the developer's road improvement obligation. These improvements may exceed an amount established by multiplying the ordinance required parking spaces by the following applicable rates:

<u>Type of Development</u>	<u>Required Contribution</u>
Single Family	\$707.95/parking space

(Parking space as required by the site specific ordinance or by Section 1003.165 of the St. Louis County Zoning Ordinance.)

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

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

Credits for roadway improvements will be awarded as directed by the St. Louis County Department of Highways and Traffic.

9. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

- a. Provide comments/approvals from the Missouri Department of Transportation, the St. Louis County Department of Highways and Traffic, the Metropolitan St. Louis Sewer District and the appropriate Fire District.
- b. Copies of recorded easements for off-site work, including book and page information, shall be provided.
- c. Show the minimum acceptable elevation for the lowest opening of any proposed structure for each lot around the lake.

10. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the issuance of any building permit, other than in accord with an approved Display Plat, the following requirements shall be met:

Development Phasing

- a. The developer shall furnish a bond or place into escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the developer shall provide the necessary funds, as above, for each plat or phase of development.

Notification of Department of Planning

- b. Prior to the issuance of foundation or building permits, all approvals from the Metropolitan St. Louis Sewer District, MoDOT, the St. Louis Department of Highways and Traffic and the Chesterfield Department of Public Works, must be received by the City of Chesterfield Department of Planning.

Certification of Plans

- c. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer
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shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

11. VERIFICATION PRIOR TO ISSUANCE OF OCCUPANCY PERMITS

- a. The Developer shall cause, at his expense, 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 outboundaries 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.
- b. The Developer shall provide certification by a Registered Land Surveyor that no United States Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.
- c. All lots shall be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded before an occupancy permit shall be issued; except that a temporary occupancy permit may be issued by the City of Chesterfield Planning Department in case of undue hardship because of unfavorable ground conditions.

12. GENERAL DEVELOPMENT CONDITIONS

- a. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, shall be constructed to allow for settling of sediment prior to the discharge of storm water from this site. Erosion and siltation control devices shall be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
 - b. Within two (2) years of the date of approval of the Site Development Plan by the Planning Commission, construction shall commence. Said time may be extended one additional year on approval by the Planning Commission.
 - c. A clearing and/or grading permit or improvement plan approval is required prior to any grading on the site. The Site Development Plan and Tree Preservation Plan must be approved prior to approval of clearing and/or grading permit.
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- d. Interim storm water drainage control in the form of siltation control and/or siltation basins shall be required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the City of Chesterfield Department of Public Works prior to any clearing or grading permit approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and adherence to the SWPPP plan. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMPs) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with the land disturbance activities. The SWPPP shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.
- e. Clearing activities require a permit. No clearing may occur on the site without the appropriate permit approval. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions shall be taken to retain soil materials on site. The Director of Public Works/City Engineer may require protective measures, such as permanent seeding, periodic wetting or other means.
- f. Soft soils in the bottom and banks of any existing or former pond sites or tributaries or any sediment basins or traps should be removed, spread out or permitted to dry sufficiently to be used as fill. None of this material should be placed in proposed public right-of-way locations or in any stormsewer location.
- g. All fills placed under proposed storm and sanitary sewer lines and/or paved areas, including trench backfill within and off the road right-of-way, shall be compacted to ninety percent (90%) of maximum density as determined by the "Modified AASHTO T-189 Compaction Test" (ASTM D-1557) for the depth of the fill. Compacted granular backfill is required in all trench excavation within the street right-of-way and under all paved areas. All tests shall be performed under the direction of and verified by a soils engineer concurrent with grading and backfilling operations.
- h. All finished grades (areas not to be disturbed by future improvements) in excess of 20% slopes (5:1) shall be mulched and tacked at the rate of 100 pounds per 1,000 square feet when seeded.
- i. The petitioner shall be responsible for obtaining all necessary permits from the Department of Natural Resources Clean Water Commission as they relate to the development of this tract.
- j. This development will require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five (5) or more acres. A copy of the permit application must be submitted

to the City of Chesterfield Department of Public Works prior to the issuance of a grading permit or approval of the improvement plans.

- k. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses, shall be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
- l. Provide adequate temporary off street parking for construction employees and a vehicle washdown/cleaning area. Parking on non-surfaced areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions. The contractor shall keep the roads in the area clear of mud and debris related to construction at all times. The streets surrounding this development and any street used for construction access thereto shall be cleaned at the end of each day.
- m. A copy of the most recently approved Site Development Plan for this PEU development shall at all times be prominently displayed in all display area sales offices within this development.
- n. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.
- o. The City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accordance with Site Development Plans approved by the Planning Commission or the Department of Planning.

EXHIBIT B TERRA VISTA

A tract of land being all of Reserve Tract "A" as platted within the Common Ground on "TERRA VISTA - PLAT ONE" (Plat Book 354 Pages 545 and 546), and reported as subject to conditions stated near the upper left corner of Plat Book 354 Page 546; being situated in U.S. Surveys 923 and 367, Township 46 North, Range 5 East, City of Chesterfield, Saint Louis County, Missouri; and being more particularly described as:

Commencing at the Northwest corner of Lot 9 of "TERRA VISTA - PLAT ONE" (Plat Book 354 Pages 545 and 546); thence Westerly along the North line of said "TERRA VISTA - PLAT ONE" and along the South line of property shown as Lot 33 on the plat of "TERRA VISTA-PLAT ONE" (Plat Book 354 Page 545) but described thereon as not part of said subdivision South 68°37'35" West 40.09 feet to the Northeast corner of the aforesaid Reserve Tract "A" and the actual point of beginning; thence Southerly along new limited access right-of-way for Maryland Heights Expressway (as the extension of Highway 141) and along the East line of said Reserve Tract "A" South 25°11'40" East 326.29 feet to a point being the Southwest corner of Lot 10 of said "TERRA VISTA-PLAT ONE"; thence continuing along said new limited access right-of-way and along the East line of Reserve Tract "A" South 25°11'40" East 595.23 feet more or less to a point in the approximate meanders of Creve Coeur Creek flowing Northwesterly as shown located by Clayton Engineering in 1993 on Plat Book 332 Page 29 and on the aforesaid "TERRA VISTA - PLAT ONE" (Plat Book 354 Pages 545 and 546), and also as shown on an aerial orthophoto prepared by Surdex specifically for Saint Louis County Project AR-1236 and photographed in 2009; thence downstream Northwesterly descending along the approximate meanders of Creve Coeur Creek as shown on the aforesaid 2009 orthophoto by Surdex, and along the Southwest lines of the aforesaid Plat Book 332 Page 29 and the aforesaid Plat Book 354 Page 545 the following seven courses: North 65°18'01" West 172.14 feet more or less; North 45°30'50" West 58.64 feet; North

58°33'13" West 311.79 feet; North 27°28'51" West 128.51 feet; North 11°33'30" West 96.62 feet to a point of tangent curve; along a curve to the left having a radius of 150.00 feet, which curve has a chord bearing and distance of North 46°50'07" West 173.26 feet, an arc distance of 184.71 feet to a point of tangency; and North 82°06'44" West 60.93 feet more or less to a point in the West line of the aforesaid Reserve Tract "A"; thence leaving the meanders of Creve Coeur Creek along the West line of said Reserve Tract "A" North 25°11'40" West 84.56 feet more or less to the Northwest corner of said Reserve Tract "A"; thence Easterly along the aforesaid North line of "TERRA VISTA-PLAT ONE" North 68°37'35" East 400.89 feet to the aforesaid Northeast corner of Reserve Tract "A" and the actual point of beginning, per calculations based on right of way plans for Saint Louis County Project No. AR-1236, and containing 226239 Square Feet more or less based upon the stated assumptions, and subject to fluctuation in area due to the rise and fall of water levels and the action of erosion and accretion along Creve Coeur Creek as well as possible variations in the calculation of area based upon the subjective interpretations inherent to describing the approximate meanders of watercourses.

Also, all abutters' rights of direct access between the highway now known as Maryland Heights Expressway (as the extension of Highway 141), and grantors' abutting land in U.S. Surveys 923 and 367, Township 46 North, Range 5 East, City of Chesterfield, Saint Louis County, Missouri.