



**AGENDA REVIEW MEETING
CHESTERFIELD CITY COUNCIL
Monday, June 20, 2022
5:45 PM**

I. Appointments – President Pro-Tem Mary Monachella

A. Planning Commission – Gail Choate (Appointment)

B. Planning Commission – Khalid Chohan (Appointment)

II. Council Committee Reports

A. Planning and Public Works Committee – Chairperson Dan Hurt, Ward III

1. Bill No. 3393 - P.Z. 03-2022 530 N. Eatherton Road (Rise Development) – An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the “NU” Non-Urban District to “PI” Planned Industrial District for a 16.6-acre tract of land located on the east side of North Eatherton Road [P.Z. 03-2022 530 North Eatherton Road, 16W130064] **Second Reading – Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**

2. Bill No. 3396 - Street Acceptance – Fienup Farms – An ordinance pertaining to the acceptance of Wilbur Court and a portion of Patchwork Fields in Fienup Farms as public streets in the City of Chesterfield. **First Reading – Planning & Public Works Committee recommends approval.**

3. Proposed Resolution - Traffic Generation Assessment (Burkhardt Place) – A resolution of the City of Chesterfield City Council authorizing the disbursement of funds collected through the traffic generation assessment contributions received for the installation of required roadway improvements. **Planning & Public Works Committee recommends approval.**

4. Next Meeting – Thursday, June 23, 2022 (5:30pm)

B. Finance and Administration Committee – Chairperson Barbara McGuinness, Ward I

1. Next Meeting – Monday, July 11, 2022 (4:00pm)

C. Parks, Recreation and Arts Committee – Chairperson Gary Budoor, Ward IV

- 1. Approval for Twelve Synthetic Turf Infields** – Recommendation to authorize the City Administrator to enter into a contract for the Synthetic Turf Infield project, via the TIPS purchasing cooperative, with the budgeted project estimate of \$2,905,000. **(Roll Call Vote required)**
Final budgetary allocations are to be addressed separately.
- 2. Next Meeting – Not yet scheduled**

D. Public Health and Safety Committee – Chairperson Aaron Wahl, Ward II

- 1. Bill No. 3397** – An ordinance amending the Municipal Ordinance, Chapter 210, Article II offenses concerning Tobacco to reflect the change to State Law legislating the minimum age of sale of all tobacco products to 21. **First Reading – Public Health and Safety Committee recommends approval.**
- 2. Next Meeting – Not yet scheduled**

III. Report from the City Administrator & Other Items Requiring Action by City Council – Mike Geisel

- A. Bid Recommendation – 2022 Sidewalk Project A** – Recommendation to accept the low bid submitted by E. Meier Contracting, and to authorize the City Administrator to enter into an Agreement with E. Meier Contracting in an amount not to exceed \$245,000. Sidewalk Project A is funded within Account 120-079-5497 at \$300,000, which includes \$55,000 for the sidewalk leveling contract approved earlier this year by City Council. **(Roll Call Vote) Department of Public Works recommends approval.**
- B. Bid Recommendation – Chesterfield Amphitheater Sound System** – Recommendation to accept the bid submitted by Cignal, and to authorize the City Administrator to enter into an agreement with Cignal for the purchase of a replacement sound system for the Chesterfield Amphitheater in the amount of \$96,127.70. **(Roll Call Vote) Parks, Recreation & Arts Committee recommends approval.**
- C. Liquor License Request** – Arch Nemesis Brewing (17081 N Outer 40 Rd. #208) – has requested a new liquor license for retail sale of all intoxicating liquor by the drink, to be consumed on premise, and Sunday sales. **(Voice Vote)**

IV. Other Legislation

V. Unfinished Business

VI. New Business

VII. Adjournment

NOTE: *City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.*

Notice is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3)1994; Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (RSMo 610.021(9) 1994; and/or bidding specification (RSMo 610.021(11) 1994.

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE CITY COUNCIL MEETING SHOULD CONTACT CITY CLERK VICKIE MCGOWND AT (636) 537-6716, AT LEAST TWO (2) WORKDAYS PRIOR TO THE MEETING.



AGENDA
CITY COUNCIL MEETING
Chesterfield City Hall
690 Chesterfield Parkway West
Monday, June 20, 2022
7:00 PM

- I. CALL TO ORDER** – President Pro-Tem Mary Monachella
- II. PLEDGE OF ALLEGIANCE** – President Pro-Tem Mary Monachella
- III. MOMENT OF SILENT PRAYER** – President Pro-Tem Mary Monachella
- IV. ROLL CALL** – City Clerk Vickie McGownd
- V. APPROVAL OF MINUTES** – President Pro-Tem Mary Monachella
 - A. City Council Meeting Minutes** – June 07, 2022
- VI. INTRODUCTORY REMARKS** – President Pro-Tem Mary Monachella
 - A. Thursday, June 23, 2022 – Planning & Public Works (5:30pm)**
 - B. Monday, June 27, 2022 – Planning Commission (7:00pm)**
 - C. Monday, July 04, 2022 – City Hall Closed for Independence Day**
 - D. Monday, July 11, 2022 – F&A Committee (4:00pm)**
 - E. Monday, July 11, 2022 – Planning Commission (7:00pm)**
 - F. Monday, July 18, 2022 – City Council Meeting (7:00pm)**
- VII. COMMUNICATIONS AND PETITIONS** – President Pro-Tem Mary Monachella

VIII. APPOINTMENTS – President Pro-Tem Mary Monachella

A. Planning Commission – Gail Choate (Appointment)

B. Planning Commission – Khalid Chohan (Appointment)

IX. COUNCIL COMMITTEE REPORTS

A. Planning and Public Works Committee – Chairperson Dan Hurt, Ward III

- 1. Bill No. 3393 - P.Z. 03-2022 530 N. Eatherton Road (Rise Development)** – An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the “NU” Non-Urban District to “PI” Planned Industrial District for a 16.6-acre tract of land located on the east side of North Eatherton Road [P.Z. 03-2022 530 North Eatherton Road, 16W130064] **Second Reading – Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**
- 2. Bill No. 3396 - Street Acceptance – Fienup Farms** – An ordinance pertaining to the acceptance of Wilbur Court and a portion of Patchwork Fields in Fienup Farms as public streets in the City of Chesterfield. **First Reading – Planning & Public Works Committee recommends approval.**
- 3. Proposed Resolution - Traffic Generation Assessment (Burkhardt Place)** – A resolution of the City of Chesterfield City Council authorizing the disbursement of funds collected through the traffic generation assessment contributions received for the installation of required roadway improvements. **Planning & Public Works Committee recommends approval.**
- 4. Next Meeting – June 23, 2022 (5:30pm)**

B. Finance and Administration Committee – Chairperson Barbara McGuinness, Ward I

- 1. Next Meeting- Monday, July 11, 2022 (4:00pm)**

C. Parks, Recreation and Arts Committee – Chairperson Gary Budoor, Ward IV

- 1. Approval for Twelve Synthetic Turf Infields** – Recommendation to authorize the City Administrator to enter into a contract for the Synthetic Turf Infield project, via the TIPS purchasing cooperative, with the budgeted project estimate of \$2,905,000. **(Roll Call Vote required)** Final budgetary allocations are to be addressed separately.
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X. REPORT FROM THE CITY ADMINISTRATOR – Mike Geisel

- A. Bid Recommendation – 2022 Sidewalk Project A** – Recommendation to accept the low bid submitted by E. Meier Contracting, and to authorize the City Administrator to enter into an Agreement with E. Meier Contracting in an amount not to exceed \$245,000. Sidewalk Project A is funded within Account 120-079-5497 at \$300,000, which includes \$55,000 for the sidewalk leveling contract approved earlier this year by City Council. **(Roll Call Vote) Department of Public Works recommends approval.**
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XI. OTHER LEGISLATION

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. ADJOURNMENT

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AGENDA REVIEW – MONDAY, JUNE 20, 2022 – 5:45 PM

An AGENDA REVIEW meeting has been scheduled to start at **5:45 PM, on Monday, June 20, 2022.**

Please let me know, ASAP, if you will be unable to attend this meeting.

EXECUTIVE SESSION

An Executive Session (closed meeting) has been scheduled to take place immediately following the Agenda Review Meeting on Monday, June 20, 2022, which itself is scheduled to begin at 5:45 pm.

The purpose of this meeting is to provide the opportunity for confidential communication by/among the City's elected officials, their City Attorney, and appropriate City Staff.

The discussion during this Executive Session is scheduled to include the following:

RSMo 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys

RSMo 610.021 (2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor.



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

JUNE 7, 2022

The meeting was called to order at 7 p.m.

Mayor Bob Nation led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

Mayor Bob Nation
Councilmember Mary Monachella
Councilmember Barbara McGuinness
Councilmember Aaron Wahl
Councilmember Mary Ann Mastorakos
Councilmember Michael Moore
Councilmember Merrell Hansen
Councilmember Gary Budoor

ABSENT

Councilmember Dan Hurt

APPROVAL OF MINUTES

The minutes of the May 16, 2022 Executive Session meeting were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Wahl, to approve the May 16, 2022 Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the May 16, 2022 City Council meeting were submitted for approval. Councilmember Wahl made a motion, seconded by Councilmember Moore, to approve the May 16, 2022 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nation announced that the next meeting of City Council is scheduled for Monday, June 20, at 7 p.m.

COMMUNICATIONS AND PETITIONS

Mr. Joseph Huesing, 2102 Chesterfield Place, spoke pertaining to Bill No. 3391 (P.Z. 19-2021 2030 Clarkson Road [Srilakshmi Properties, LLC]).

Mr. Matt Kennan, representing Holman Motorcars, spoke pertaining to Bill No. 3392 (P.Z. 02-2022: River Crossings [Holman Motorcars St. Louis]) and requested consideration of an adjustment to signage limitations.

Mr. Bill Behrens, representing Warren Sign, stated that he was available to answer questions pertaining to Bill No. 3392 (P.Z. 02-2022: River Crossings [Holman Motorcars St. Louis]).

Mr. Joseph Bealmear, 947 Cleveland Avenue, Kirkwood, spoke pertaining to Bill No. 3392 (P.Z. 02-2022: River Crossings [Holman Motorcars St. Louis]) and requested consideration of an adjustment to signage limitations.

APPOINTMENTS

There were no appointments scheduled for this meeting.

COUNCIL COMMITTEE REPORTS AND ASSOCIATED LEGISLATION

Planning/Public Works Committee

Bill No. 3391	Amends the Unified Development Code of the City of Chesterfield by changing the boundaries of the “NU” Non-Urban District to “R-5” Residential District for a 2.84-acre tract of land located on the north side of Old Clarkson Road and southeast side of Clarkson Road [P.Z. 19-2021 2030 Clarkson Road, 20T640517] Second Reading – Planning Commission recommends approval. Planning & Public Works Committee recommends approval
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Councilmember Mary Monachella, Vice-Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Budoor, for the second reading of Bill No. 3391. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3391 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3391 with the following results: Ayes – Budoor, Moore, Monachella, Mastorakos, Hansen, McGuinness and Wahl. Nays – None. Whereupon Mayor Nation declared Bill No. 3391 approved, passed it and it became **ORDINANCE NO. 3193**.

Bill No. 3392 Amends City of Chesterfield Ordinance 2566 to modify development criteria contained in Exhibit 2 of Ordinance 2566 to establish new signage criteria for a 15.841-acre tract of land zoned “PC” Planned Commercial District located northeast of the intersection of Chesterfield Airport Road and Public Works Drive (P.Z. 02-2022 River Crossings [Holman Motorcars St. Louis] 17U240066; 17U240077; 17U240088; 17U520061; 17U520072; 17U520171; 17U520182; 17U520193) **Second Reading – Planning Commission recommends approval. Planning & Public Works Committee recommends approval, as amended**

Councilmember Monachella made a motion, seconded by Councilmember McGuinness, for the second reading of Bill No. 3392. Councilmember Hansen made a motion, seconded by Councilmember Wahl, to amend the motion regarding Lots 7 and 8 to permit a maximum of four signs on each building. The signs may be located on a maximum of three facades with no façade having more than two signs. The aggregate area of signs on each façade will not exceed five percent of the area of the wall onto which they are attached, except that for the two building facades facing the private courtyard between the buildings on Lots 7 and 8, the aggregate area of signs on each façade should not exceed eight percent of the total area of the walls. A roll call vote was taken with the following results: Ayes – Budoor, Wahl and Hansen. Nays – Mastorakos, Monachella, McGuinness and Moore. The motion to amend was declared failed.

A voice vote was taken on the motion for second reading of Bill No. 3392, with an affirmative result (Councilmembers Wahl and Budoor voted No) and the motion was declared passed. Bill No. 3392 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 3392 with the following results: Ayes – Monachella, Moore, Hansen, McGuinness and Mastorakos. Nays – Wahl and Budoor. Whereupon Mayor Nation declared Bill No. 3392 approved, passed it and it became **ORDINANCE NO. 3194**.

Bill No. 3393 Amends the Unified Development Code of the City of Chesterfield by changing the boundaries of the “NU” Non-Urban District to “PI” Planned Industrial District for a 16.6 acre tract of land located on the east side of North Eatherton Road [P.Z. 03-2022 530 North Eatherton Road, 16W130064] **First Reading – Planning Commission recommends approval. Planning & Public Works Committee recommends approval**

Councilmember Monachella made a motion, seconded by Councilmember Budoor, for the first reading of Bill No. 3393. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3393 was read for the first time.

Councilmember Monachella made a motion, seconded by Councilmember Moore, to approve the Site Development Section Plan, Landscape Plan, Lighting Plan and amended Architectural Elevations of Terra Corporate Park, Lot 7, as recommended by the Planning Commission and Planning and Public Works Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Monachella made a motion, seconded by Councilmember Hansen, to approve the amended Site Development Concept Plan, Landscape Concept Plan, and Lighting Concept Plan for Wildhorse Village, as recommended by the Planning Commission and Planning and Public Works Committee. A voice vote was taken with an affirmative result (Councilmember McGuinness voted No) and the motion was declared passed.

Councilmember Monachella made a motion, seconded by Councilmember Hansen, to approve the Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations and Architectural Statements of Design for Wildhorse Village Lot 2B-1, as recommended by the Planning Commission and Planning and Public Works Committee. A voice vote was taken with an affirmative result (Councilmember McGuinness voted No) and the motion was declared passed.

Councilmember Monachella made a motion, seconded by Councilmember Wahl, to receive the Petitioner’s Appeal of Denial for P.Z. 07-2021 and to refer the appeal to the Planning and Public Works Committee to conduct the Public Hearing in accordance with City Code. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Monachella announced that the next meeting of this Committee is scheduled for Thursday, June 9, at 5:30 p.m.

Finance and Administration Committee

Councilmember Barbara McGuinness, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Moore, to approve revised F&A Policy No. 2 as unanimously recommended by the Finance and Administration Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember McGuinness made a motion, seconded by Councilmember Moore, to approve a new F&A policy describing when and under what conditions the City considers debt refunding, as recommended by the Finance and Administration Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember McGuinness made a motion, seconded by Councilmember Budoor, to approve a new City Council policy regarding public participation during meetings of the four standing committees of City Council, as recommended by the Finance and Administration Committee.

Councilmember Monachella made a motion, seconded by Councilmember Moore, to amend the motion by eliminating the paragraph under “Purpose” and replacing it with the last paragraph of the proposed policy.

Councilmember Wahl made a motion, seconded by Councilmember Budoor, to further amend the motion by leaving the last sentence of the referenced paragraph which reads, “In order to maintain order and productivity, the Chair may, in their sole discretion, limit the duration and content of public comment and interaction as may be necessary to maintain decorum and productivity” at the end of the policy. The remainder of the referenced paragraph would be moved to the “Purpose” section at the top of the policy, as stated in the first recommended amendment. A voice vote was taken on the second amendment, with a unanimous affirmative result, and the motion to amend was declared passed.

The purpose of the first proposed amendment was negated by approval of the second amendment. A voice vote was taken on the motion, as amended, with a unanimous affirmative result and the motion, as amended, was declared passed.

Councilmember McGuinness made a motion, seconded by Councilmember Moore, to receive and file the five-year financial forecast as presented and received by the Finance and Administration Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Moore stated for the record that staff has been tasked with finding strategies to address the issue of expenses outpacing revenues in the City of Chesterfield.

Councilmember McGuinness announced that the next meeting of this Committee is scheduled for Monday, June 13, at 4:00 p.m.

Parks, Recreation & Arts Committee

Councilmember Gary Budoor, Chairperson of the Parks, Recreation & Arts Committee, announced that the next meeting of this Committee is scheduled for Tuesday, June 14, at 5:15 p.m.

Public Health & Safety Committee

Councilmember Aaron Wahl, Chairperson of the Public Health and Safety Committee, announced that this Committee met on Monday, June 6, and actions from that meeting will be addressed at the next City Council meeting.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Geisel reported that Staff is recommending award of a contract for 2022 Deicing Salt. Based upon review of information provided by Director of Public Works/City Engineer Jim Eckrich, Mr. Geisel joined with him in recommending approval of the low bid as submitted by Compass Minerals on behalf of the St. Louis Metro APWA Cooperative for the purchase and delivery of deicing salt. Councilmember Moore made a motion, seconded by Councilmember Hansen, to approve this recommendation. A roll call vote was taken with the following results: Ayes – Mastorakos, Budoor, Wahl, Hansen, Monachella, Moore and McGuinness. Nays – None. Whereupon Mayor Nation declared the motion passed.

City Administrator Geisel reported that Staff is recommending award of a contract for Eberwein Park Construction. Based upon review of information provided by Director of Public Works/City Engineer Jim Eckrich, Mr. Geisel joined with him in recommending authorization for the City Administrator to enter into an agreement with the low bidder, Kozeny-Wagner, Inc. for the construction of the Eberwein Park Trail Restoration Project in an amount not to exceed \$840,000 and to authorize an agreement with Horner & Shifrin for construction engineering services in an amount not to exceed \$70,000. Councilmember Mastorakos made a motion, seconded by Councilmember Moore, to approve this recommendation. A roll call vote was taken with the following results: Ayes – Hansen, McGuinness, Moore, Budoor, Mastorakos, Monachella and Wahl. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember Moore made a motion, seconded by Councilmember Mastorakos, to approve two budget amendments associated with the Eberwein Trail Remediation Project. A roll call vote was taken with the following results: Ayes – Monachella, Mastorakos, Moore, Budoor, Hansen, Wahl and McGuinness. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember Moore made a motion, seconded by Councilmember Budoor, to authorize the City Administrator to purchase a 2 ½ ton dump body truck and a tandem dump body truck, from the MoDOT Cooperative, for the amount of \$413,723, both of

which are necessary and essential for emergency operations, including the City's snow removal response. A roll call vote was taken with the following results: Ayes – Moore, Budoor, McGuinness, Hansen, Mastorakos, Wahl and Monachella. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember Moore made a motion, seconded by Councilmember Monachella, to approve a budget amendment in the amount of \$67,612 to fund the increased cost for Public Works vehicles, specifically a 2 ½ ton dump body truck and a tandem dump body truck. A roll call vote was taken with the following results: Ayes – Moore, Mastorakos, Monachella, McGuinness, Budoor, Wahl and Hansen. Nays – None. Whereupon Mayor Nation declared the motion passed.

OTHER LEGISLATION

Bill No. 3394 Provides for the approval of a Lot Split Plat of Lot 2B of Wildhorse Village totaling 1.5 acres, with all tracts zoned "PC&R" Planned Commercial and Residence District **(First & Second Readings)**
Department of Planning recommends approval

Bill No. 3395 Provides for the approval of a Boundary Adjustment Plat for two tracts of land totaling 13.08 acres zoned "R3" Residence District and "PC" – Planned Commercial District located on the south side of Olive Boulevard, west of State Highway 141 (16Q311770; 16Q330911) **(First & Second Readings)** **Department of Planning recommends approval**

Councilmember Hansen made a motion, seconded by Councilmember Moore, for the first and second readings of Bill Nos. 3394 and 3395. A voice vote was taken with an affirmative result (Councilmember McGuinness voted No) and the motion was declared passed. Bill Nos. 3394 and 3395 were read for the first and second time.

A roll call vote was taken for the passage and approval of Bill No. 3394 with the following results: Ayes – Wahl, Monachella, Mastorakos, Moore, Hansen and Budoor. Nays – McGuinness. Whereupon Mayor Nation declared Bill No. 3394 approved, passed it and it became **ORDINANCE NO. 3195**.

A roll call vote was taken for the passage and approval of Bill No. 3395 with the following results: Ayes – Hansen, Budoor, Moore, Monachella, Wahl, Mastorakos and McGuinness. Nays – None. Whereupon Mayor Nation declared Bill No. 3395 approved, passed it and it became **ORDINANCE NO. 3196**.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda for this meeting.

NEW BUSINESS

There was no new business.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 8:43 p.m.

Mayor Bob Nation

ATTEST:

Vickie McGownd, City Clerk

APPROVED BY CITY COUNCIL: _____

UPCOMING MEETINGS/EVENTS

- A. Thursday, June 23, 2022 – Planning & Public Works (5:30pm)**
- B. Monday, June 27, 2022 – Planning Commission (7:00pm)**
- C. Monday, July 04, 2022 – City Hall Closed for Independence Day**
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COMMUNICATIONS AND PETITIONS

This section provides time for the public to speak and express their views during public comment. Each speaker is limited to not more than four minutes, after which, the City Administrator will indicate that their time has expired. It is important to remember that this section of the agenda is not intended or appropriate for debate or question and answer period. This is the public's opportunity to share their comments in a public forum.

APPOINTMENTS

Planning Commission – Gail Choate (Appointment)
Planning Commission – Khalid Chohan (Appointment)

PLANNING AND PUBLIC WORKS COMMITTEE

Chair: Councilmember Hurt

Vice-Chair: Councilmember Monachella

Bill No. 3393 - P.Z. 03-2022 530 N. Eatherton Road (Rise Development) – An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the “NU” Non-Urban District to “PI” Planned Industrial District for a 16.6-acre tract of land located on the east side of North Eatherton Road [P.Z. 03-2022 530 North Eatherton Road, 16W130064] **Second Reading – Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**

Bill No. 3396 - Street Acceptance – Fienup Farms – An ordinance pertaining to the acceptance of Wilbur Court and a portion of Patchwork Fields in Fienup Farms as public streets in the City of Chesterfield. **First Reading – Planning & Public Works Committee recommends approval.**

Proposed Resolution - Traffic Generation Assessment (Burkhardt Place) – A resolution of the City of Chesterfield City Council authorizing the disbursement of funds collected through the traffic generation assessment contributions received for the installation of required roadway improvements. **Planning & Public Works Committee recommends approval.**

NEXT MEETING

The next meeting of the Planning and Public Works Committee is scheduled for Thursday, June 23rd, 2022, at 5:30 pm.

If you have any questions or require additional information, please contact Director of Planning - Justin Wyse, Director of Public Works – Jim Eckrich, or me prior to Tuesday’s meeting.

BILL NO. 3393

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE “NU” NON-URBAN DISTRICT TO “PI” PLANNED INDUSTRIAL DISTRICT FOR A 16.6 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF NORTH EATHERTON ROAD [P.Z. 03-2022 530 NORTH EATHERTON ROAD, 16W130064].

WHEREAS, the petitioner, Rise Development, has requested a change in zoning from the “NU” Non-Urban District to “PI” Planned Industrial District for a 16.6 acre tract of land located on the east side of North Eatherton Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on April 11, 2022; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the change of zoning by a vote of 7-0; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of a change of zoning to the “PI” Planned Industrial District by a vote of 4-0; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning request.

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

Section 1. City of Chesterfield Unified Development Code and the Official Zoning District Map, which are part thereof, are hereby amended by establishing a “PI” Planned Industrial District designation for a 16.6 acre tract of land located on the east side of North Eatherton Road as described as follows:

A TRACT OF LAND BEING PART OF LOT 2 OF “SUBDIVISION OF E. KROENUNG ESTATE”, A SUBDIVISION ACCORDING TO THE INSTRUMENT RECORDED IN PLAT BOOK 11 PAGE 11 OF THE ST. LOUIS COUNTY RECORDS, IN U.S. SURVEY 362, TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI.

BEGINNING AT A FOUND STONE MARKING THE NORTHEAST CORNER OF LOT 3 OF "PRECISION PLAZA", A SUBDIVISION ACCORDING TO THE INSTRUMENT RECORDED IN PLAT BOOK 357 PAGE 286 OF SAID RECORDS; THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID LOT 3 OF "PRECISION PLAZA" AND ALONG THE DIRECT WESTWARDLY PROLONGATION THEREOF, SOUTH 78 DEGREES 58 MINUTES 27 SECONDS WEST 594.16 FEET TO THE EAST RIGHT OF WAY LINE OF EATHERTON ROAD (WIDTH VARIES); THENCE NORTHWARDLY ALONG SAID EAST RIGHT OF WAY LINE OF EATHERTON ROAD (WIDTH VARIES), THE FOLLOWING COURSES AND DISTANCES: NORTH 11 DEGREES 40 MINUTES 55 SECONDS WEST 455.66 FEET; NORTH 78 DEGREES 37 MINUTES 46 SECONDS EAST 14.77 FEET; NORTH 11 DEGREES 22 MINUTES 14 SECONDS WEST 580.16 FEET; ALONG A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS NORTH 78 DEGREES 37 MINUTES 46 SECONDS EAST 925.00 FEET FROM THE LAST MENTIONED POINT, AN ARC DISTANCE OF 154.90 FEET; ALONG A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS SOUTH 59 DEGREES 54 MINUTES 13 SECONDS EAST 105.00 FEET FROM THE LAST MENTIONED POINT, AN ARC DISTANCE OF 88.91 FEET; AND NORTH 11 DEGREES 23 MINUTES 20 SECONDS WEST 5.00 FEET TO A POINT IN THE SOUTH LINE OF FORMER OLD EATHERTON ROAD (40 FEET WIDE), VACATED BY CITY OF CHESTERFIELD ORDINANCE NUMBER 2649 AND RECORDED IN DEED BOOK 19501 PAGE 473 OF SAID RECORDS; THENCE EASTWARDLY ALONG SAID SOUTH LINE OF FORMER OLD EATHERTON ROAD (40 FEET WIDE), NORTH 78 DEGREES 36 MINUTES 40 SECONDS EAST 493.10 FEET TO THE WEST LINE OF PROPERTY CONVEYED TO BURKHARDT FAMILY INVESTMENTS, LLC ACCORDING TO THE INSTRUMENT RECORDED IN DEED BOOK 17645 PAGE 4855 OF SAID RECORDS; THENCE SOUTHWARDLY ALONG SAID WEST LINE OF THE BURKHARDT FAMILY INVESTMENTS PROPERTY AND ALONG THE WEST LINE OF PROPERTY CONVEYED TO ST. LOUIS COUNTY, MISSOURI ACCORDING TO THE INSTRUMENT RECORDED IN DEED BOOK 12257 PAGE 1819 OF SAID RECORDS, SOUTH 11 DEGREES 14 MINUTES 20 SECONDS EAST 1234.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 16.587 ACRES.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Unified Development Code is granted, subject to all of the ordinances, rules and regulations.

Section 3. The City Council, pursuant to the petition filed by Rise Development in P.Z. 03-2022, requesting the rezoning embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 11th day of April, 2022, 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 8 of the City of Chesterfield Unified Development Code.

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

Passed and approved this _____ day of _____, 2022.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie McGownd, CITY CLERK

FIRST READING HELD: 06/07/2022

ATTACHMENT A

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

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this PI District shall be:
 - a. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility
 - b. Mail order sales warehouse
 - c. Industrial sales, service, and storage
 - d. Professional and technical service facility
 - e. Office general
 - f. Warehouse, general
2. Hours of Operation.
 - a. Hours of operation for this "PI" District shall not be restricted.
3. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City Code.

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

1. Height
 - a. The maximum height of the building, exclusive of roof screening, shall not exceed 35 feet.
2. Building Requirements
 - a. A minimum of 35% openspace is required for each lot within this development.
 - b. This development shall have a maximum F.A.R. of fifty-five hundredths (0.55).

C. SETBACKS

1. Structure Setbacks

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

- a. The minimum building setback shall be thirty-five (35) feet from front, side and rear of the property line

2. Parking Setbacks

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

- a. The minimum parking setback shall be twenty-five (25) feet from front, side, and rear of the property line.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
3. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be 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.

E. LANDSCAPE AND TREE REQUIREMENTS

The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code, with the exception of 25' landscape buffer shall be provided along North Eatherton Road.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
2. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction shall be reviewed by the City of

Chesterfield/Saint Louis County Department of Transportation for sight distance consideration and approved prior to installation or construction.

G. LIGHT REQUIREMENTS

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

H. ARCHITECTURAL

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.

I. ACCESS/ACCESS MANAGEMENT

1. Access to the development shall be as shown on the Preliminary Development Plan and adequate sight distance shall be provided, as directed by the City of Chesterfield and St. Louis County Department of Transportation, as applicable.
2. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide adequate sight distance as directed by the Saint Louis County Department of Transportation.
3. Roadway improvements shall be as directed by the St. Louis County Department of Transportation and shall be per the concept plan approved by the City of Chesterfield/St. Louis County Department of Transportation.
4. The existing 40 foot wide access easement along the southern property line shall be partially vacated and a new easement granted, that allows those parties with rights to the easement access to N. Eatherton Road by way of the access locations depicted on the Preliminary Site Plan. The owner of the property to which this ordinance applies shall be responsible for coordinating the vacation and reestablishment of the access easement with those parties which have rights to the easement.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the St. Louis County Department of Transportation. No gate installation will be permitted on public right-of-way.

2. If a gate is installed on a street in this development, the streets within the development, or that portion of the development that is gated, shall be private and remain private forever.
3. Provide a 5 foot wide sidewalk, conforming to ADA standards, along the Eatherton Road frontage of the site. The sidewalk shall provide for future connectivity to adjacent developments and/or roadway projects. The sidewalk may be located within the Eatherton Road right-of-way, if permitted by St. Louis County or on private property within a 6 foot wide sidewalk, public access and utility easement dedicated to the City and maintained by the property owner.

K. TRAFFIC STUDY

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

L. MONARCH-CHESTERFIELD LEVEE DISTRICT

Plans shall be submitted to Levee District and MSD for approval/comments.

M. POWER OF REVIEW

The development shall adhere to the Power of Review Requirements of the City of Chesterfield Code.

N. STORM WATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. Provide stormwater management facilities as required by the City of Chesterfield, the Metropolitan St. Louis Sewer District, and the Monarch-Chesterfield Levee District. The location and types of storm water management facilities shall be identified on all Site Development Plans.
3. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield.

4. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.
5. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield, the Metropolitan Saint Louis Sewer District, and the Monarch-Chesterfield Levee District.

O. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

P. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Services. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

R. MISCELLANEOUS

1. All utilities will be installed underground.
2. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the City of Chesterfield and Saint Louis County Department of Transportation. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
3. The developer is advised that utility companies will require compensation for relocation of their 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.

II. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide openspace percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is a separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.

16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. 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.
21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St. Louis Sewer District (MSD) and St. Louis County Department of Transportation.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

III. TRUST FUND CONTRIBUTION

The developer shall be required to contribute to the **TGA**. Traffic generation assessment contributions shall be deposited with St. Louis County/ City of Chesterfield (as directed by City of Chesterfield) prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

A. ROADS

1. The developer shall be required to contribute a Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund (No.556). This contribution shall not exceed an amount established by multiplying the required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Retail	\$2,477.85/parking space
General Office	\$825/parking space
Warehouse	\$1,156.36/parking space

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

If types of development differ from those listed, rates shall be provided by the Saint Louis County Department of Transportation.

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

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

2. As this development is located within a trust fund area established by Saint Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development shall be retained in the appropriate trust fund.
3. Road Improvement Traffic Generation Assessment contribution shall be deposited with Saint Louis County Department of Transportation. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Transportation or prior to the issuance of building permits in the case where no Special Use Permit is required. If development phasing is anticipated, the developer shall provide the Traffic Generation Assessment contribution prior to the issuance of building permits for each phase of development. Funds shall be payable to Treasurer, Saint Louis County/ City of Chesterfield.

B. WATER MAIN

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$996.57 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the Saint Louis County Department of Transportation. The deposit shall be made before Saint Louis County approval of the Site Development Plan or Concept Plan unless otherwise directed by the Saint Louis County Department of Transportation. Funds shall be payable to Treasurer, Saint Louis County/City of Chesterfield.

C. STORM WATER

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by Saint Louis County and the Metropolitan Saint Louis Sewer District. The amount of the storm water contribution will be computed based on \$3,161.89 per acre for the total area as approved on the Site Development Plan.

The storm water contributions to the Trust Fund shall be deposited with the Saint Louis County Department of Transportation. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Transportation or prior to the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to Treasurer, Saint Louis County/ City of Chesterfield.

D. SANITARY SEWER

The sanitary sewer contribution is collected as the Caulk Creek impact fee.

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

The amount of all required contributions for roadway, storm water and primary water line improvements, if not submitted by January 1, 2023, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Transportation/ City of Chesterfield.

IV. RECORDING

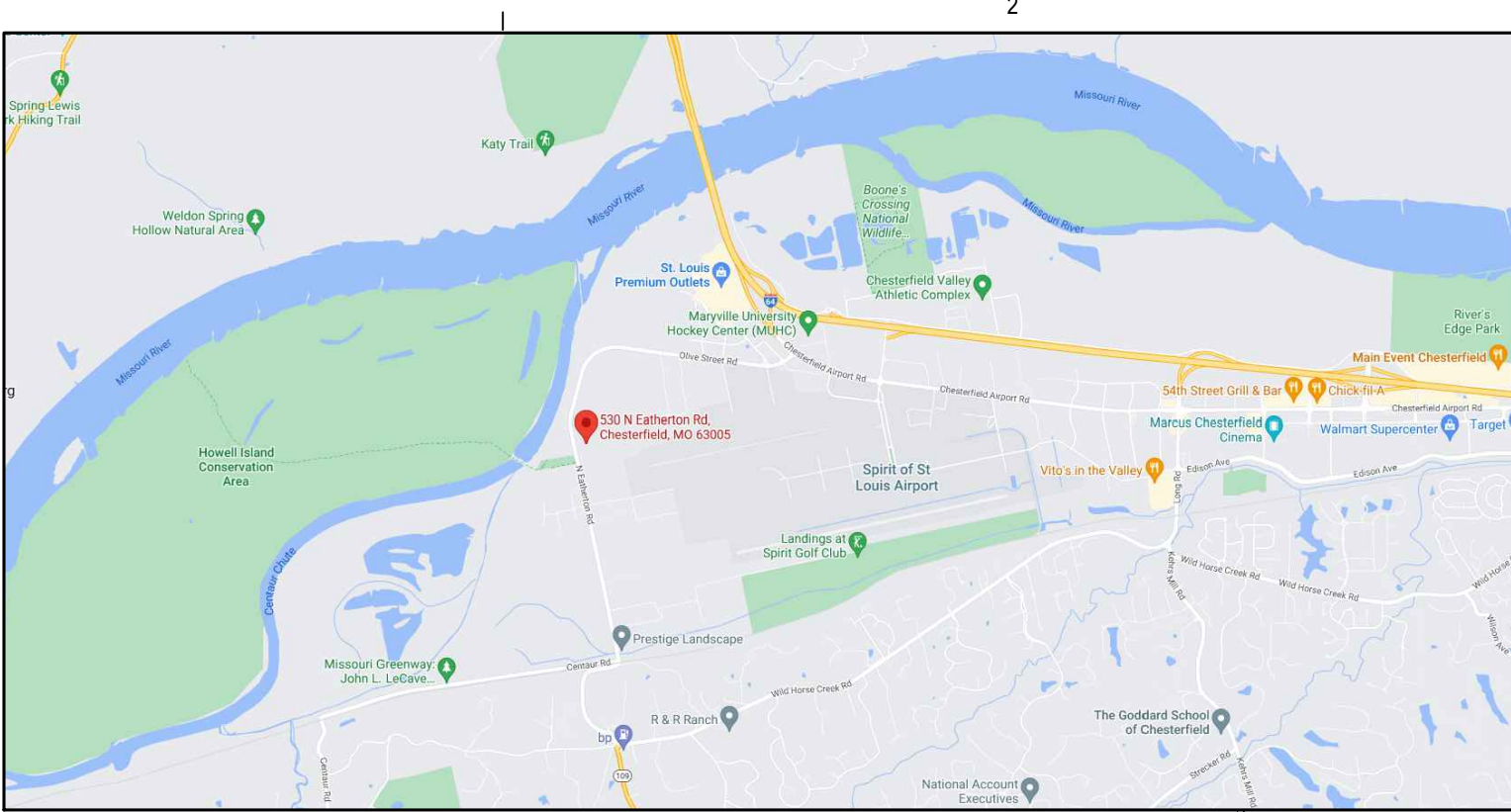
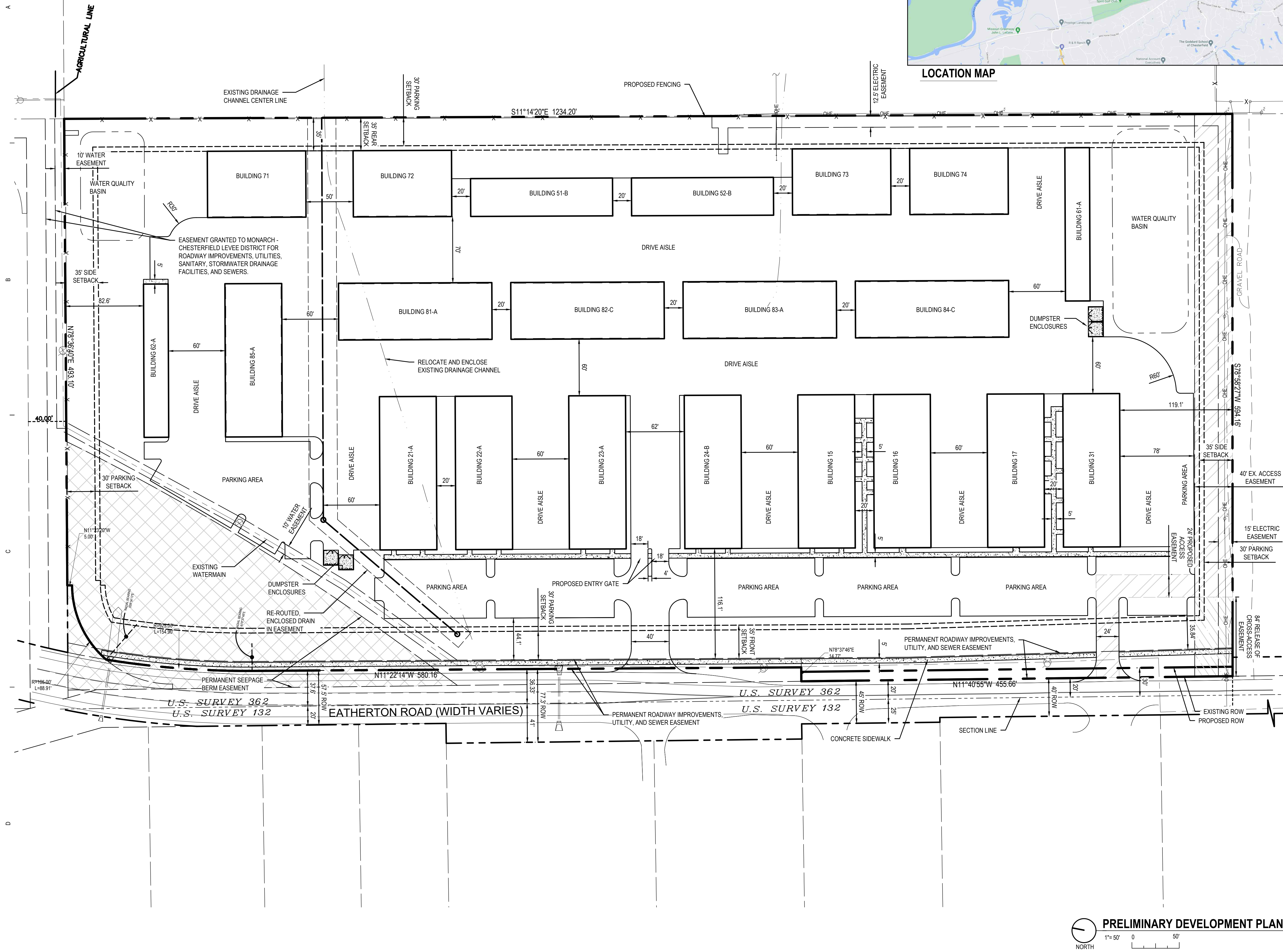
Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

V. ENFORCEMENT

A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.

- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

ATTACHMENT B



- 811**
Know what's below.
Call before you dig.
www.CALL811.com
- CALL 811 NOTE:**
CONTRACTOR TO CONTACT 811 SERVICE AT LEAST 3 WORKING DAYS PRIOR TO CONSTRUCTION, TO CONFIRM LOCATION OF EXISTING UTILITIES. DIAL 811.
- GENERAL SITE LAYOUT NOTES**
- ALL WORKMANSHIP AND MATERIALS SHALL BE ACCORDING TO THE CURRENT MISSOURI DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 - CONTACT "MISS DIG" TOLL FREE AT 1-800-482-7171 THREE (3) DAYS PRIOR TO THE START OF CONSTRUCTION, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS.
 - NO DIMENSION MAY BE SCALED. REFER UNCLEAR ITEMS TO THE ENGINEER FOR INTERPRETATION.
 - DIMENSIONS SHOWN ARE TO FACE OF CURB UNLESS OTHERWISE NOTED AS B-B (BACK TO BACK) OR E-E (EDGE OF METAL TO EDGE OF METAL).
 - CONTRACTOR TO PAINT STRIPE ALL PARKING SPACES SHOWN. PAINT COLOR TO BE YELLOW.
 - UPON REQUEST, ELECTRONIC INFORMATION WILL BE PROVIDED FOR SITE LAYOUT PURPOSES. CONTRACTOR SHALL REQUEST ALL INFORMATION IN WRITING THROUGH PROGRESSIVE AE LAYOUT OF ALL NEW CONSTRUCTION SHALL BE DONE BY A LICENSED SURVEYOR.
 - ALL CONCRETE JOINTS SHALL BE TOOLED PER SPECIFICATIONS.
 - CONTRACTOR MUST RESTORE AND REPAIR ANY EXISTING CONDITIONS DISTURBED BY CONSTRUCTION. THIS IS TO INCLUDE BURIED UTILITIES, LIGHTING, LANDSCAPING, SPRINKLING, ETC.
 - ANY AREA DISTURBED BY CONSTRUCTION TO BE RESTORED TO CONDITION EQUAL TO OR BETTER THAN BEFORE CONSTRUCTION BEGAN.
 - ALL PAVEMENT, CURB & GUTTER, SIDEWALK AND UTILITIES WITHIN PUBLIC RIGHT OF WAY SHALL MEET CITY OF CHESTERFIELD STANDARDS.

- GENERAL NOTES**
- VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
 - PROTECT AND MAINTAIN CROSSINGS OF OTHER UTILITIES.
 - REFER TO DRAWING ___ FOR BENCHMARK INFORMATION.
 - ALL MATERIAL, SPECIFICATIONS AND CONSTRUCTION METHODS SHALL BE IN CONFORMANCE WITH ALL APPLICABLE MUNICIPAL AGENCIES.
 - RESTORE ALL STREET SURFACES, DRIVEWAYS, CULVERTS, ROADSIDE DRAINAGE DITCHES, AND OTHER PUBLIC OR PRIVATE STRUCTURES THAT ARE DISTURBED OR DAMAGED AS A RESULT OF CONSTRUCTION ACTIVITIES TO MATCH AT A MINIMUM EXISTING CONDITIONS.
 - CONTRACTOR'S MANNER AND METHOD OF INGRESS AND EGRESS WITH RESPECT TO THE PROJECT AREAS SHALL IN NO WAY PROHIBIT OR DISTURB NORMAL PEDESTRIAN OR VEHICULAR TRAFFIC IN THE VICINITY AND IS SUBJECT TO REGULATION AND WRITTEN APPROVAL OF

ZONING NOTES

PROPOSED ZONE DISTRICT: PI (PLANNED INDUSTRIAL)
ADJACENT ZONING: PI, NU
PARCEL SIZE: 16.59 ACRES

REQUIRED SETBACKS:		
FRONT:	REQUIRED 35 FEET	PROVIDED 126 FEET
SIDE:	35 FEET	82.6 FEET
REAR:	35 FEET	35 FEET
PARKING SETBACK:	30 FEET MIN.	35 FEET

PARKING REQUIRED: 222 SPACES
OFFICE SPACE: 3.3 SPACES / 1,000 SFT MIN OR 4.5 MAX / 1,000 SFT
17,440/1000 = 58 SPACES

STORAGE FACILITY : 1 SPACE / 1,000 SFT MIN, MAX IS 120% OF MIN
163,960/1000 = 164 SPACES

PARKING PROVIDED:
STANDARD (9'X19'): 224 SPACES
BARRIER FREE: 6 SPACES
TOTAL SPACES: 230 SPACES

OPEN SPACE REQUIRED 35.0 %
OPEN SPACE PROVIDED 35.5 %

NOT FOR RISE COMMERCIAL DISTRICT CONSTRUCTION

ISSUANCE
PRELIMINARY DEVELOPMENT PLAN
04/25/2022

REVISIONS

NO.	DATE	DESCRIPTION
1	04/25/2022	REVISION 1
2	04/29/2022	REVISION 2

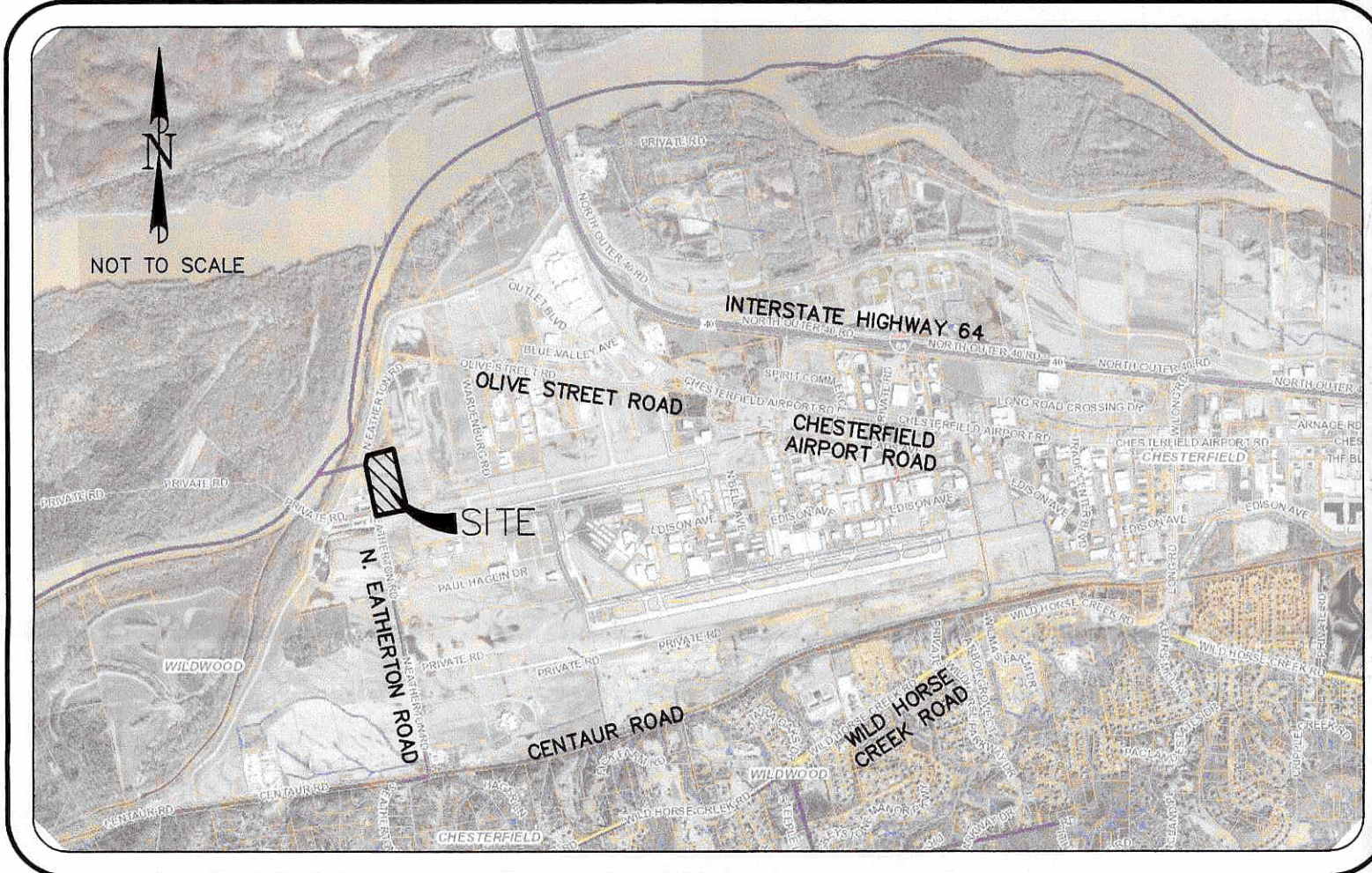
FILE NUMBER 92420006
PROJECT MANAGER JPM
PROFESSIONAL JRS
DRAWN BY AQA
CHECKED BY JRS

PRELIMINARY DEVELOPMENT PLAN C200

1811.4 Mile Rd NE, Grand Rapids, MI 49525 616.361.2654 www.progressiveae.com

530 EATHERTON ROAD CHESTERFIELD, MO. 63055

ALTA/NSPS LAND TITLE SURVEY
A TRACT OF LAND BEING
PART OF LOT 2 OF
"SUBDIVISION OF E. KROENUNG ESTATE"
PLAT BOOK 11 PAGE 11
IN U.S. SURVEY 362
TOWNSHIP 45 NORTH, RANGE 3 EAST
CITY OF CHESTERFIELD,
ST. LOUIS COUNTY, MISSOURI



UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE TAKEN FROM UTILITY LOCATIONS AS CONTRACTED THROUGH DIGRITE AND MARKED IN THE FIELD BY VARIOUS UNDERGROUND UTILITY LOCATORS, INCLUDING USIC.

DIGRITE TICKET NUMBER: #213542392 (12/20/2021).

AMEREN MISSOURI ELECTRIC: "CLEAR/NO CONFLICT" PER EMAIL MESSAGE FROM TICKETCHECK.

ATT DISTRIBUTION: "CLEAR/NO CONFLICT" PER EMAIL MESSAGE FROM TICKETCHECK.

CHARTER COMMUNICATIONS: "CLEAR/NO CONFLICT" PER EMAIL MESSAGE FROM TICKETCHECK.

MARATHON PIPELINE: "CLEAR/NO CONFLICT" PER EMAIL MESSAGE FROM TICKETCHECK.

MISSOURI AMERICAN WATER CO: "MARKED" PER EMAIL MESSAGE FROM TICKETCHECK. NO MARKS WERE FOUND.

SPIRE MO EAST: "CLEAR/NO CONFLICT" PER EMAIL MESSAGE FROM TICKETCHECK.

ST. LOUIS METROPOLITAN SEWER: "CLEAR/NO CONFLICT" PER EMAIL MESSAGE FROM TICKETCHECK.

ALL UTILITY MARKS FOUND IN THE FIELD WERE LOCATED BY THE SURVEYOR AND ARE SHOWN HEREON. THE SURVEYOR CLAIMS NO RESPONSIBILITY AS TO THE ACCURACY OR COMPLETENESS OF SAID UTILITY MARKS.

UTILITIES ARE ALSO SHOWN HEREON AS SCALED FROM MAPS OBTAINED FROM SPIRE, MSD AND MAW AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NONEXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE OR OTHER UTILITIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND UTILITIES, SHOWN OR NOT SHOWN, AND SHALL BE LOCATED IN THE FIELD PRIOR TO ANY GRADING, EXCAVATION, OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319, RSMO.

SITE IS SUBJECT TO PRIVATE UTILITY INSTALLATIONS. PRIVATE UTILITY INSTALLATIONS DO NOT APPEAR ON UTILITY BASE MAPS, NOR DO UTILITY LOCATORS MARK PRIVATE UTILITIES.

CONTROL DATUM NOTES

THE HORIZONTAL COORDINATES WERE ESTABLISHED AND VERIFIED BY GPS OBSERVATIONS USING A TRIMBLE SC3 DATA COLLECTOR AND TRIMBLE TS3C DATA COLLECTOR AND BASED ON THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION GLOBAL NAVIGATION SATELLITE REAL TIME NETWORK FOR CONTINUOUS OPERATING REFERENCE STATIONS, WHICH UTILIZES THE NAD83(2011) EPOCH 2010.00 GPS NETWORK.

A SITE GRID AZIMUTH AND GRID FACTOR (COMBINED SCALE FACTOR AND ELEVATION FACTOR) WAS CALCULATED UTILIZING THE TRIMBLE TS3C DATA COLLECTOR SURVEY CONTROLLER SOFTWARE ON FIELD CONTROL POINT 1.

FIELD CONTROL POINT 1 HAS A LATITUDE OF 38°39'56.96787"N AND LONGITUDE OF 90°40'31.39661"W.

THE GEOD UTILIZED TO OBTAIN PROJECT COORDINATES IS G12BDS.

TO THE BEST OF OUR KNOWLEDGE, THE MODIFIED MISSOURI STATE PLANE, EAST ZONE, COORDINATES MEET THE ACCURACY OF THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS (20 CSR 2030-16.040) AS AN URBAN CLASS SURVEY.

PROJECT ELEVATIONS UTILIZE THE NAVD 88 VERTICAL DATUM AND WERE GENERATED BY GPS OBSERVATIONS USING A CELLULAR EQUIPPED TRIMBLE 88 GNSS ROVER AND TRIMBLE TS3C DATA COLLECTOR AND BASED ON THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION GLOBAL NAVIGATION SATELLITE REAL TIME NETWORK FOR CONTINUOUS OPERATING REFERENCE STATIONS.

REFERENCE BENCHMARK: "STANDARD ALUMINUM DISK" STAMPED SL-41 1990 DISK IS SET ALONG THE EAST SIDE OF EATHERTON ROAD JUST NORTH OF THE SHELL PIPELINE MARKER. 19' EAST OF THE CENTERLINE OF EATHERTON ROAD AND NORTH OF THE EAST PIPELINE MARKER. APPROXIMATELY 1.1 MILE SOUTH OF THE INTERSECTION OF OLIVE STREET ROAD AND EATHERTON ROAD. (#330 EATHERTON) ELEVATION = 461.10 (NAVD88).

SITE BENCHMARK (NAVD 88) - CHISELED CROSS IN SQUARE ON TOP OF FLARED END SECTION LOCATED ON SUBJECT PROPERTY AND ALONG THE EAST SIDE OF N. EATHERTON ROAD (ELEVATION=470.16). LOCATED AS SHOWN HEREON.

GENERAL NOTES

1. BASIS OF BEARINGS IS THE "MISSOURI COORDINATE SYSTEM OF 1983, EAST ZONE" (GRID NORTH).
2. ALL LINES SHOWN HEREON ARE PERPENDICULAR TO THE PROPERTY LINES TO WHICH THEY ARE TIED UNLESS NOTED OTHERWISE.
3. TO DETERMINE THE LOCATION OF FLOOD DESIGNATIONS AND BOUNDARIES, WE DETERMINED THE HORIZONTAL LOCATION OF THIS TRACT OF LAND BY SCALING THE FOLLOWING FLOOD INSURANCE RATE MAP (FIRM): ST. LOUIS COUNTY, MISSOURI AND INCORPORATED AREAS, MAP NUMBER 2916C014SK, WITH AN EFFECTIVE DATE OF FEBRUARY 4, 2015.

COMMUNITY: CITY OF CHESTERFIELD
NUMBER: 290896
PANEL: 0145
SUFFIX: K

BY EXPRESS REFERENCE TO THIS MAP AND ITS LEGEND, THE TRACT OF LAND IS INDICATED TO BE WITHIN ZONE X (HATCHED) - OTHER FLOOD AREAS - AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

THE EVALUATION PROVIDED IN THIS NOTE IS RESTRICTED TO SIMPLY INDICATING THE APPARENT HORIZONTAL LOCATION OF THE PROPERTY WITH RESPECT TO THE FEATURES DISPLAYED ON THE MAP. NO FIELD STUDY OF THE DRAINAGE CHARACTERISTICS TO WHICH THIS PROPERTY MAY BE SUBJECT TO HAS BEEN CONDUCTED AND NO REPRESENTATION CONCERNING THE INSURABILITY OF THIS PROPERTY OR THE POTENTIAL SUSCEPTIBILITY TO FLOODING HAS BEEN MADE. BAX ENGINEERING MAKES NO REPRESENTATION CONCERNING THE ACCURACY OF THE ABOVE REFERENCED FIRM MAP WHICH INCLUDES A NOTE THAT THIS MAP IS FOR USE IN ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM. IT DOES NOT NECESSARILY IDENTIFY ALL AREA SUBJECT TO FLOODING, PARTICULARLY FROM LOCAL DRAINAGE SOURCES OF SMALL SIZE.

THIS FLOOD ZONE DETERMINATION AND THE FLOOD ZONE LIMITS SHOWN HEREON, IF ANY, WERE MADE USING FEMA INFORMATION WHICH WAS AVAILABLE ON THE DATE THIS SURVEY WAS SIGNED AND SEALED.

4. THE SUBJECT PROPERTY CONTAINS 0 REGULAR PARKING SPACES AND 0 HANDICAPPED PARKING SPACES. THIS INCLUDES ONLY PARKING SPACES WHICH ARE CLEARLY DESIGNATED BY STRIPING ON THE GROUND.
5. THERE WAS NO OBSERVED EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WHILE CONDUCTING THE FIELDWORK OF THIS SURVEY.
6. THERE WAS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WHILE CONDUCTING THE FIELDWORK OF THIS SURVEY. THE SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES.
7. DIGRITE (MISSOURI ONE CALL) WAS CONTACTED AND REQUESTED TO MARK BURIED UTILITIES. HOWEVER, THE UTILITY LOCATOR MADE AN INCOMPLETE RESPONSE. THIS RESULTED IN AN INCOMPLETE DESIGNATION OF BURIED UTILITIES ON THIS SURVEY. THE INDIVIDUAL RESPONSES TO THE DIGRITE TICKET(S) ARE SHOWN HEREON IN "UTILITY NOTES". IT SHOULD BE NOTED THAT SOME OF THE BURIED UTILITIES DESIGNATED AS "MARKED" ON THE RESPONSE FROM MISSOURI ONE CALL TICKETCHECK WERE NEVER ACTUALLY MARKED, OR MARKED INCOMPLETELY, IN THE FIELD AT THE TIME OF SURVEY FIELD WORK.
8. THE "AS-SURVEYED" LEGAL DESCRIPTION FOR SUBJECT PROPERTY IS INTENDING TO DESCRIBE THE SAME PROPERTY AS THE REFERENCED TITLE COMMITMENT. THE "AS-SURVEYED" LEGAL DESCRIPTION REFLECTS THE ACTUAL MEASUREMENTS MADE BY THE LAND SURVEYOR.
9. THIS SURVEY CONFORMS TO CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS ESTABLISHED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS UNDER THE RULES OF THE DEPARTMENT OF COMMERCE AND INSURANCE (20 CSR 2030-16).

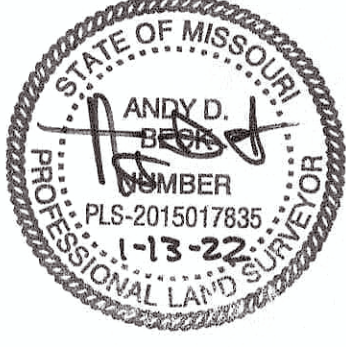
ALTA/NSPS SURVEYOR'S CERTIFICATION

- TO:
- FIRST AMERICAN TITLE INSURANCE COMPANY
 - ESAP INDIANA LLC AND ITS AFFILIATES, SUCCESSORS, ASSIGNS, AND NOMINEES

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7A, 8, 9, 11b, 17, 19, AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 3, 2022.

DATE OF PLAT OR MAP: JANUARY 13, 2022

ANDY D. BECK
MO LICENSE NO. PL5-2015017835
abeck@beckenengineering.com



RECEIVED

FEB - 7 2022

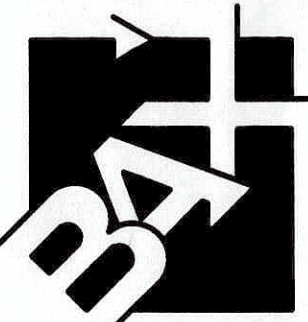
City of Chesterfield Department of Planning

PREPARED FOR:
RISE COMMERCIAL DISTRICT
ATTN: JEREMY HAYNES
8070 CASTLETON ROAD
INDIANAPOLIS, IN 46250

DISCLAIMER OF RESPONSIBILITY
I hereby disclaim any responsibility for all other drawings, specifications, estimates, reports or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey other than those authenticated by my seal.

REVISIONS

NO.	DATE	DESCRIPTION



ENGINEERING
PLANNING
SURVEYING

221 Point West Blvd.
St. Charles, MO 63301
636-928-5552
FAX 636-928-1718

Box Engineering Company, Inc.
Missouri State Certificate of Authority
Engineering #000650
Missouri State Certificate of Authority
Surveying #000144

01-13-2022

21-18588

PROJECT NUMBER

1 of 1

SHEET OF

15588 ALTA.DWG

FILE NAME

ADB MEC

DRAWN CHECKED

Memorandum

Department of Public Works



TO: Michael O. Geisel, PE
City Administrator

cc: James A. Eckrich, PE
Director of Public Works / City Engineer

Justin Wyse, AICP, PTP
Director of Planning

FROM: Zachary S. Wolff, PE
Assistant City Engineer *ZSW*

DATE: May 26, 2022

RE: Public Street Acceptance
Fienup Farms – Plat 8

Forward to PPW for review
and recommendation to the
full Council

Michael O. Geisel 2022-5-27

Public Works staff recently conducted an inspection of Plat 8 of the Fienup Farms subdivision. As part of the inspection, we have determined that the following streets meet the City of Chesterfield's design and construction standards for acceptance as public streets:

- | | |
|-----------------------|--|
| (1) Patchwork Fields: | Approximately 1,116 feet; from 40 feet east of Fienup Lake Drive to the cul-de-sac of Patchwork Fields
Book 368 Pages 6-9 |
| (2) Wilbur Court: | Approximately 114 feet; from 40 feet east of Fienup Lake Drive to the cul-de-sac of Wilbur Court
Book 368 Pages 6-9 |

A draft ordinance and a map showing the locations of the above referenced street and the associated record plat exhibits are attached. Please note that this is the second of multiple street acceptance recommendations that will be required for Fienup Farms. As you may recall, the Fienup Farms subdivision includes 11 plats. All but one plat includes public streets. All streets in Fienup Farms have been completed and are in use; however, at this time, not all of the responsible parties have addressed deficiencies.

Action Recommended

I recommend forwarding the acceptance of the above-referenced streets and associated sidewalks to the Planning and Public Works Committee for its consideration. If the Planning and Public Works Committee recommends approval, the matter should be forwarded to City Council for consideration.

BILL NO. 3396

ORDINANCE NO. _____

AN ORDINANCE PERTAINING TO THE ACCEPTANCE OF WILBUR COURT AND A PORTION OF PATCHWORK FIELDS IN FIENUP FARMS AS PUBLIC STREETS IN THE CITY OF CHESTERFIELD

WHEREAS, the City of Chesterfield has approved the construction of Fienup Farms; and

WHEREAS, the streets in Fienup Farms were intended to be public streets and were therefore constructed to the design standards of the Department of Public Works of the City of Chesterfield; and

WHEREAS, McBride Fienup Farms, LLC has completed required improvements in Plat 8 of Fienup Farms including Wilbur Court and Patchwork Fields.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, AS FOLLOWS:

Section 1. The following streets are hereby accepted by the City of Chesterfield for future care and maintenance:

- | | |
|-----------------------|--|
| (1) Patchwork Fields: | Approximately 1,116 feet; from 40 feet east of Fienup Lake Drive to the cul-de-sac of Patchwork Fields
Book 368 Pages 6-9 |
| (2) Wilbur Court: | Approximately 114 feet; from 40 feet east of Fienup Lake Drive to the cul-de-sac of Wilbur Court
Book 368 Pages 6-9 |

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2022.

PRESIDING OFFICER

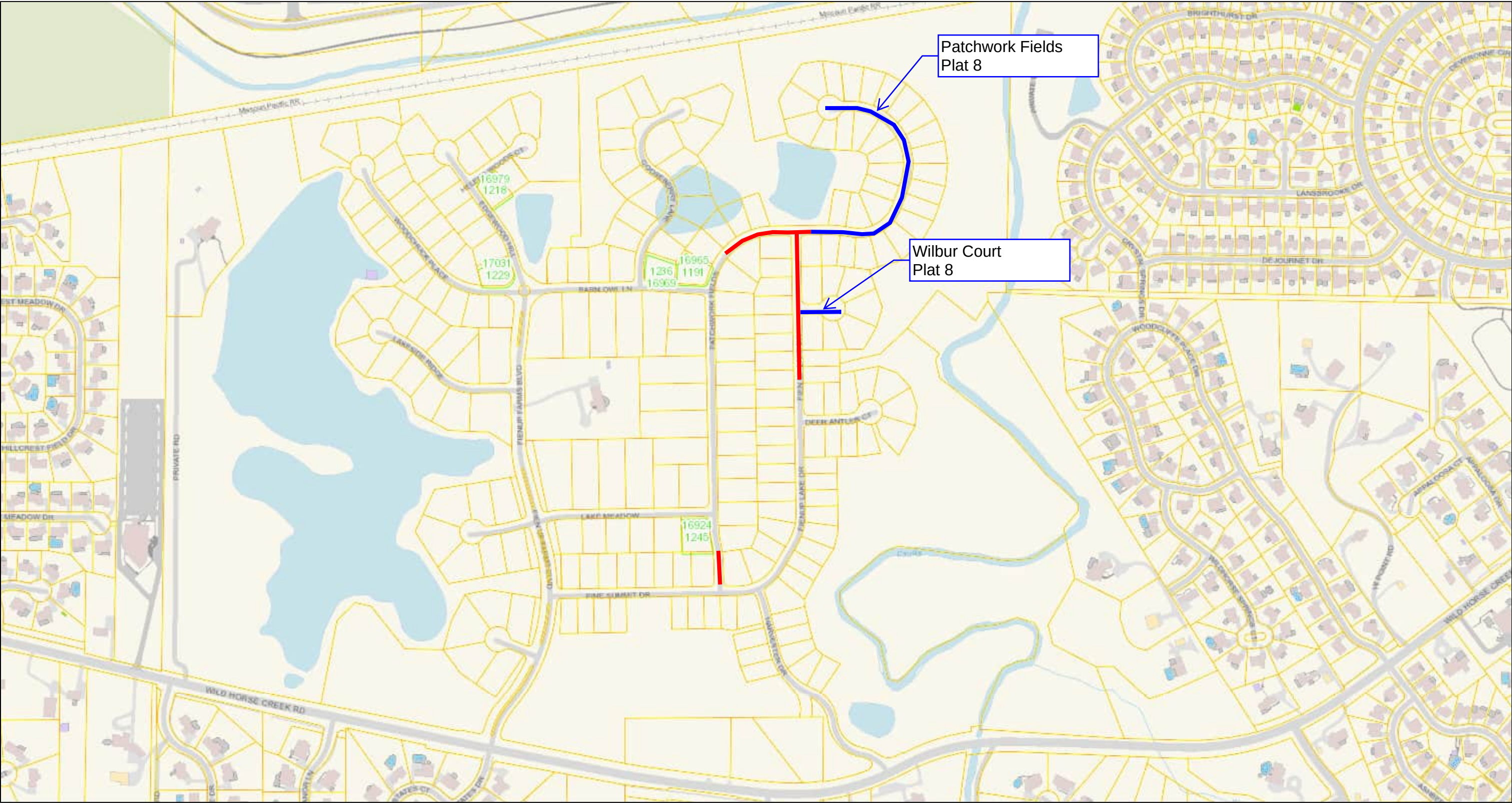
MAYOR

ATTEST:

CITY CLERK

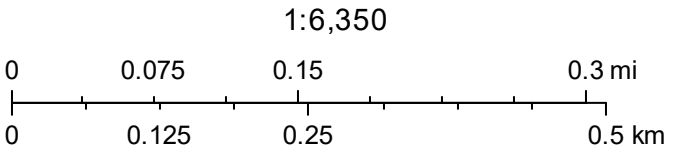
FIRST READING HELD: 6/20/2022

Fienup Farms Public Street Acceptance



12/28/2021, 11:47:50 AM

- Parcels
- Preliminary Parcels
- Previously Accepted Streets
- Streets Recommended for Acceptance



Esri, Inc., City of Chesterfield, Missouri

FIENUP FARMS PLAT EIGHT

A TRACT OF LAND BEING PART OF ADJUSTED TRACT "A" OF FIENUP TRACT - BOUNDARY ADJUSTMENT PLAT
RECORDED IN PLAT BOOK 366, PAGES 195-198, LOCATED IN U.S. SURVEYS 125 AND 2031,
TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE FIFTH PRINCIPAL MERIDIAN,
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI.
ZONED "PUD" PLANNED UNIT DEVELOPMENT, ORDINANCE NO. 2971

2020010200350
PLAT: BK: 368, PG: 6-9
FILED FOR RECORD
Jan 02, 2020 11:28 AM
RECORDER OF DEEDS
ST. LOUIS COUNTY, MO.
Witness my hand and official seal
on this day and year aforesaid

Chasale E. Smith
Deputy Recorder, Plac

OWNER'S CERTIFICATE:

WE, THE UNDERSIGNED, OWNERS OF A TRACT OF LAND HEREIN PLATTED AND FURTHER DESCRIBED IN THE FORGOING SURVEYORS CERTIFICATION HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT, WHICH SUBDIVISION SHALL HEREAFTER BE KNOWN AS "FIENUP FARMS PLAT EIGHT" (PATRONAGE FIELDS) TOGETHER WITH ALL CURB-DE-SACS AND ROUNDINGS LOCATED AT THE STREET INTERSECTIONS WHICH FOR BETTER IDENTIFICATION ARE SHOWN DATED (11/11/19) ON THIS PLAT, ARE HEREBY DEDICATED TO CITY OF CHESTERFIELD FOR PUBLIC USE FOREVER.

PERMANENT ROADWAY, IMPROVEMENT, MAINTENANCE, AND SIDEWALK EASEMENTS (P.R.I.M.S.) ARE HEREBY DEDICATED TO THE CITY OF CHESTERFIELD, MISSOURI, FOR PUBLIC USE FOREVER. PUBLIC SIDEWALKS LOCATED WITHIN THE PERMANENT ROADWAY, IMPROVEMENT, MAINTENANCE, AND SIDEWALK EASEMENTS SHALL BE MAINTAINED BY THE CITY OF CHESTERFIELD, MISSOURI.

ALL EASEMENTS SHOWN ON THIS PLAT, UNLESS DESIGNATED FOR OTHER SPECIFIC PURPOSES ARE HEREBY DEDICATED TO THE CITY OF CHESTERFIELD, MISSOURI, AMERICAN WATER COMPANY, SPIRE MISSOURI, INC., UNION ELECTRIC COMPANY, DVA AMEREN MISSOURI, SOUTHWESTERN BELL TELEPHONE COMPANY, L.P., DISA ATX MISSOURI, METROPOLITAN ST. LOUIS SEWER DISTRICT, THE RELEVANT CABLE, TELEVISION COMPANY, THEIR SUCCESSORS AND ASSIGNS AS THEIR INTERESTS MAY APPEAR FOR THE PURPOSE OF IMPROVING, CONSTRUCTING, REPLACING, MAINTAINING, AND REPAIRING PUBLIC UTILITIES, ROADWAYS, SEWER OR SEWERS, STORM WATER IMPROVEMENTS AND DRAINAGE FACILITIES, WITH THE RIGHT OF TEMPORARY USE OF ADJACENT GROUND NOT OCCUPIED BY IMPROVEMENTS FOR THE EXCAVATION AND STORAGE OF MATERIALS DURING INSTALLATION, REPAIR OR REPLACEMENT OF SAID UTILITIES, SEWER OR SEWERS, STORM WATER IMPROVEMENTS AND DRAINAGE FACILITIES.

THE RIGHT DISTANCE EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE CITY OF CHESTERFIELD, MISSOURI, FOR PUBLIC USE FOREVER, TO ENSURE AND PROTECT THE CLEAR AND UNOBSTRUCTED VIEW OF MOTORISTS ON AND ENTERING THE ADJACENT ROADWAY - NO PART OF SAID EASEMENTS SHALL BE BUILT ON IN ANY MANNER WHATSOEVER, NOR SHALL THE GRADE OF THE LAND WITHIN THE EASEMENT BE CHANGED, NOR SHALL GRANTOR TREAT, PLANT, ALLOW OR PERMIT ANY STRUCTURE (INCLUDING SIGNS, FENCES OR POLES) OR PLANTING (INCLUDING ANY TREES, SHRUBS, GRASS OR WEEDS) WITHIN SAID EASEMENTS UNLESS EXPRESSLY APPROVED BY THE CITY OF CHESTERFIELD ANY STRUCTURES, PLANTS OR GRASS WHICH ARE NOT APPROVED BY THE CITY OF CHESTERFIELD, OR WHICH ARE NOT MAINTAINED OR CORRECTED, ANY STRUCTURE OR PLANTING APPROVED BY THE CITY OF CHESTERFIELD SHALL BE MAINTAINED TO PROVIDE SIGHT DISTANCE, DRIVEWAYS AND SIDEWALKS SHALL BE ALLOWED IN THE RIGHT DISTANCE EASEMENTS.

THE PERMITTER BUFFERS ARE ESTABLISHED AS PROTECTED AREAS FOR NATURAL VEGETATION AND VEGETATIVE LANDSCAPING ONLY. STRUCTURES OF ANY SIZE, WHETHER TEMPORARY OR PERMANENT, ARE NOT PERMITTED WITHIN PERMITTER BUFFERS. TRAILS, PUBLIC SIDEWALKS, PUBLIC ROADWAYS, PRIVATE ROADWAYS, FENCES, AND UTILITIES SHALL BE ALLOWED WITHIN THE PERMITTER BUFFERS IF THE PERMITTER OBTAINS A SPECIAL USE PERMIT. MAINTENANCE OF ANY VEGETATION, LANDSCAPING AS APPROVED BY THE CITY OF CHESTERFIELD DURING SITE PLAN REVIEW IS REQUIRED TO BE MAINTAINED AND PRESERVED INDEFINITELY BY THE FIENUP FARMS HOMEOWNERS ASSOCIATION. FAILURE TO MAINTAIN OR PRESERVE PERMITTER BUFFERS MAY RESULT IN INSPECTION AND ISSUANCE OF FINES BY THE CITY OF CHESTERFIELD, MISSOURI.

THE BUFFER PRESERVATION AREAS, AS SHOWN HEREON, ARE ESTABLISHED AS PROTECTED AREAS FOR VEGETATIVE LANDSCAPING ONLY AND SHALL BE PRESERVED IN THEIR RESPECTIVE NATURAL STATE. STRUCTURES OF ANY SIZE, WHETHER TEMPORARY OR PERMANENT, INCLUDING TRAILS, ARE NOT PERMITTED WITHIN THE BUFFER PRESERVATION AREAS. LANDSCAPING AS APPROVED BY THE CITY OF CHESTERFIELD DURING SITE PLAN REVIEW IS REQUIRED TO BE MAINTAINED AND PRESERVED INDEFINITELY BY THE FIENUP FARMS HOMEOWNERS ASSOCIATION.

THE STREAM SETBACKS, AS SHOWN HEREON, SHALL PROHIBIT ANY CLEARING, GRADING, EXCAVATION, OR DISTURBANCE OF ANY KIND EXCEPT AS PERMITTED BY THE U.S. ARMY CORPS OF ENGINEERS AND THE CITY OF CHESTERFIELD, MISSOURI.

NO CLEARING, GRADING, EXCAVATION, CONSTRUCTION, OR DISTURBANCE OF ANY KIND IS PERMITTED WITHIN 50 FEET OF BONHOMME CREEK AND CAULKS CREEK OR WITHIN 25 FEET OF OTHER NATURAL WATERCOURSES IN ACCORDANCE WITH THE CITY OF CHESTERFIELD NATURAL WATERCOURSE PROTECTION REQUIREMENTS.

NO ABOVE GROUND STRUCTURE, OTHER THAN REQUIRED STREET LIGHTS OR OTHER PUBLIC UTILITIES IN ACCORDANCE WITH THE APPROVED IMPROVEMENT PLANS MAY BE CONSTRUCTED OR INSTALLED WITHIN A CUL-DE-SAC ISLAND, DIVIDED STREET ISLAND, OR MEDIAN STRIP, WITHOUT AUTHORIZATION AND APPROVAL BY THE CITY OF CHESTERFIELD THROUGH THE ISSUANCE OF A SPECIAL USE PERMIT. MAINTENANCE OF ANY VEGETATION, LANDSCAPING AND IRRIGATION LOCATED WITHIN A CUL-DE-SAC ISLAND, DIVIDED STREET ISLAND, OR MEDIAN STRIP SHALL BE THE RESPONSIBILITY OF THE FIENUP FARMS HOMEOWNERS ASSOCIATION.

THIS PLAT IS SUBJECT TO A "MAINTENANCE AGREEMENT" EXECUTED THE 12TH DAY OF JUNE, 2018, AS RECORDED IN THE ST. LOUIS COUNTY RECORDER OF DEEDS IN BOOK 3094, PAGE 277 OR AS AMENDED THEREAFTER, FOR MAINTENANCE AND OPERATION OF THE STORMWATER MANAGEMENT RESERVE AREAS SERVING DRAINAGE FROM LOTS CONTAINED WITHIN THIS PLAT.

THIS TRACT IS SUBJECT TO A RESIDENTIAL USE RESTRICTION LIMITING ANY DEVELOPMENT ON THE SUBJECT TRACT TO SINGLE-FAMILY RESIDENTIAL USE, INCLUDING SINGLE-FAMILY HOMES, VILLAS AND DUPLEXES AND RELATED AMENITIES TO SERVE SUCH RESIDENTIAL USE AND PARKS AND FOR NO OTHER PURPOSE WHATSOEVER. ADDITIONALLY, THIS TRACT IS SUBJECT TO AN AMENITY RESTRICTION THAT STATES THE GRANTEE SHALL NOT CONSTRUCT A CLUBHOUSE, COMMUNITY OR RECREATION CENTER, OR SIMILAR ENCLOSED BUILDING OR AMPHITHEATER ON THE WEST SIDE OF FIENUP LAKE THE FORGOING SHALL NOT RESTRICT THE CONSTRUCTION OF GAZEBOS, TRAILS, PARK BENCHES OR OTHER SIMILAR PASSIVE RECREATIONAL FEATURES IN THE FOREMENTIONED AREA. FURTHERMORE, IF GRANTEE DRILLS A WATER WELL TO ADD WATER TO FIENUP LAKE, THE LOCATION OF THE WELL SHALL BE IN COMMON GROUND ADJACENT TO THE LAKE. THE ABOVE MENTIONED RESIDENTIAL USE AND AMENITY RESTRICTIONS ARE ACCORDING TO INSTRUMENT RECORDED IN BOOK 23052, PAGE 885. THESE RESTRICTIONS SHALL REMAIN IN EFFECT UNTIL MAY 31, 2038. SAID INSTRUMENT ALSO ESTABLISHES SEVERAL LARGE LOT RESTRICTION AREAS, WHICH DO NOT AFFECT THE SUBJECT TRACT.

THE COMMON GROUND SHOWN ON THIS PLAT HAS BEEN CONVEYED FOREVER TO FIENUP FARMS HOMEOWNERS ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, BY GENERAL WARRANTY DEED RECORDED THE 21st DAY OF November, 2018, AS DAILY NO. 202010200350, IN THE ST. LOUIS COUNTY RECORDS.

THIS SUBDIVISION IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN FIENUP FARMS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FILED ON THE 12TH DAY OF MARCH, 2019, IN BOOK 24336, PAGE 510 OF THE ST. LOUIS COUNTY RECORDS OR AS AMENDED THEREAFTER.

BUILDING LINES AS SHOWN ON THIS PLAT ARE HEREBY ESTABLISHED:

IT IS HEREBY CERTIFIED THAT ALL EXISTING EASEMENTS ARE SHOWN OR NOTED ON THIS PLAT AS OF THE TIME AND DATE OF RECORDING OF THIS PLAT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 17th DAY OF December, 2019.

WILD HORSE RESIDENTIAL, LLC
JHB PROPERTIES, INC. MANAGING MEMBER

BY: JOHN H. BERRA, JR., PRESIDENT
STATE OF MISSOURI
COUNTY OF ST. LOUIS

ON THIS 17th DAY OF December, 2019, BEFORE ME PERSONALLY APPEARED JOHN H. BERRA, JR., TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT OF JHB PROPERTIES, INC., A MISSOURI CORPORATION AND MANAGING MEMBER OF WILD HORSE RESIDENTIAL, LLC, A MISSOURI LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AND SAID JOHN H. BERRA, JR. ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES 09/15/2021
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COMMISSIONED FOR ST. LOUIS COUNTY
MY COMMISSION EXPIRES 3/16/2021
COMMISSION # 17309271

MICHAEL TAYLOR STUART
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COMMISSIONED FOR ST. LOUIS COUNTY
MY COMMISSION EXPIRES 3/16/2021
COMMISSION # 17309271

LIENHOLDER - PARTIAL RELEASE OF DEED OF TRUST:

WHEREAS, COMMERCE BANK, BY A DEED OF TRUST DATED MAY 31, 2019 AND RECORDED IN DEED BOOK 23052, PAGE 970 OF THE ST. LOUIS COUNTY RECORDS, CONVEYED TO THE TRUSTEE THEREIN NAMED CERTAIN REAL ESTATE TO SECURE THE PAYMENT OF CERTAIN NOTE OR NOTES IN SAID DEED DESCRIBED AND SET FORTH; AND WHEREAS, SAID DEED OF TRUST AND NOTE OR NOTES HAVE BEEN PARTIALLY PAID AND SATISFIED;

NOW THEREFORE, THE UNDERSIGNED, PRESIDENT AND LEGAL OWNER OF SAID DEED OF TRUST AND NOTE OR NOTES, DOES HEREBY JOIN IN AND APPROVE IN EVERY DETAIL THIS PLAT AND DOES HEREBY REMISE, RELEASE AND QUITCLAIM UNTO THE PRESENT OWNERS, PART OF THE REAL ESTATE IN SAID DEED OF TRUST DESCRIBED, TOGETHER WITH ALL COMMON GROUND OR COMMON OPEN SPACE SHOWN ON THIS PLAT, AND ALL STREETS, PUBLIC OR PRIVATE, RIGHT-OF-WAY DEDICATION AREAS, OR ROADWAY EASEMENTS ON THIS PLAT.

TO HAVE AND TO HOLD SAME, WITH ALL APPURTENANCES THERETO BELONGING FREE, CLEAR AND DISCHARGED FROM THE ENCUMBRANCE OF SAID DEED OF TRUST.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS EXECUTED THESE PRESENTS THIS 17th DAY OF December, 2019.

BY: Timothy B. Kenney
TIMOTHY B. KENNEY, SENIOR VICE PRESIDENT

STATE OF MISSOURI
COUNTY OF ST. LOUIS

ON THIS 19th DAY OF December, 2019, BEFORE ME APPEARED TIMOTHY B. KENNEY, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS THE SENIOR VICE PRESIDENT OF COMMERCE BANK, A NATIONAL BANK ASSOCIATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED ON BEHALF OF SAID ASSOCIATION AND SAID TIMOTHY B. KENNEY ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID ASSOCIATION.

IN TESTIMONY WHEREOF, I HAVE HEREWITH SET MY HAND AND AFFIRMED MY NOTARIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES 05-17-20
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
COMMISSIONED FOR ST. LOUIS COUNTY
MY COMMISSION EXPIRES 3/16/2021
COMMISSION # 12400478

DEBBIE WEBER
Notary Public - Notary Seal
State of Missouri
St. Louis County
My Commission Expires May 17, 2020
Commission # 12400478

CITY OF CHESTERFIELD

THIS IS TO CERTIFY THAT THE RECORD PLAT OF "FIENUP FARMS PLAT EIGHT" WAS APPROVED BY THE CITY COUNCIL FOR THE CITY OF CHESTERFIELD BY ORDINANCE NO. 3072 ON the 8th DAY OF December, 2019, AND THEREBY AUTHORIZES THE RECORDING OF THIS RECORD PLAT WITH THE OFFICE OF THE ST. LOUIS COUNTY RECORDER OF DEEDS.

Bob Nation
BOB NATION, MAYOR

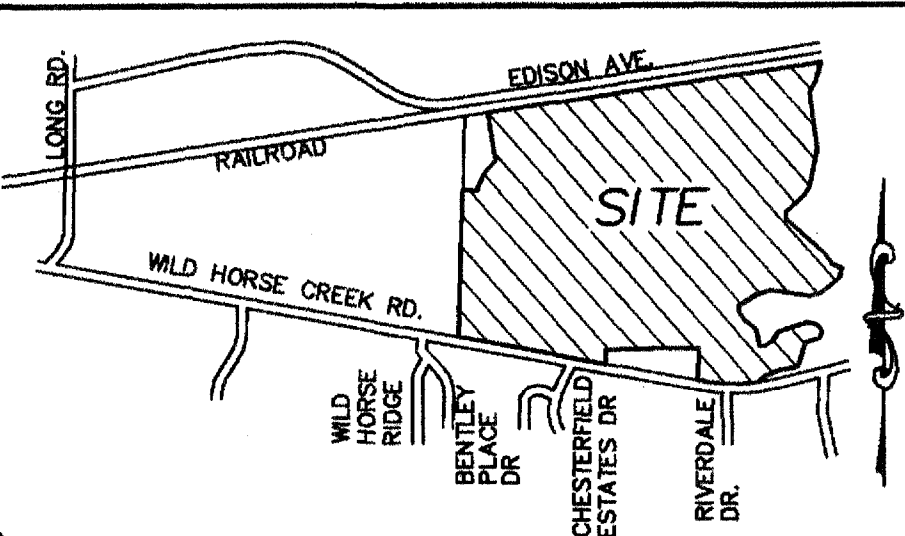
Vickie Haas
VICKIE HAS, CITY CLERK

THE STERLING CO.

ENGINEERS & SURVEYORS
5055 New Baumgartner Road
St. Louis, Missouri 63129
Ph. 314-487-0434 Fax 314-487-8944
www.sterling-eng-sur.com

DRAWN BY: GFS MSD P# - MULTIPLE
CHECKED BY: JAH DATE: OCT. 16, 2019
JOB NO.: 14-06-196 FIENUP FARMS PLAT EIGHT

LOCATION MAP N.T.S.



PROPERTY DESCRIPTION (PLAT EIGHT):

A TRACT OF LAND BEING PART OF ADJUSTED TRACT "A" OF FIENUP TRACT - BOUNDARY ADJUSTMENT PLAT A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 366, PAGES 195-198 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, BEING LOCATED IN U.S. SURVEYS 125 AND 2031, TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

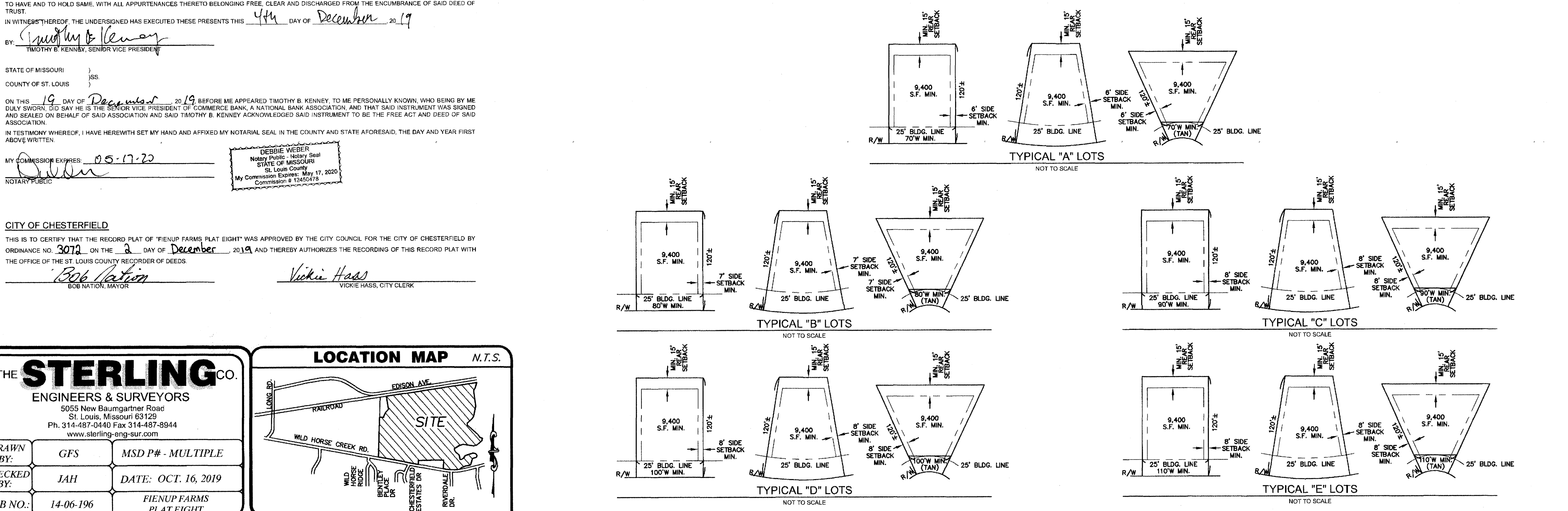
BEGINNING AT THE NORTHWESTERN CORNER OF LOT 37A OF "FIENUP FARMS PLAT ONE" RECORDED IN PLAT BOOK 367, PAGES 125-130 OF THE ABOVE MENTIONED RECORDS, THENCE LEAVING SAID NORTHWESTERN CORNER AND PROCEEDING ALONG THE NORTHERLY PROLONGATION OF THE WESTERN LINE OF SAID LOT 37 AND THE EASTERN LINE OF "FIENUP FARMS PLAT SEVEN" RECORDED IN PLAT BOOK 367, PAGE 203-205 OF THE ABOVE MENTIONED RECORDS, THE FOLLOWING COURSES, DISTANCES AND CURVES: THENCE NORTH 09°57'00" WEST, 279.40 FEET TO A POINT OF CURVATURE, THENCE ALONG AN ARC TO THE RIGHT, AN ARC LENGTH OF 31.42 FEET, A RADIUS OF 20.00 FEET, THE CHORD OF WHICH BEARS NORTH 44°03'00" EAST, 28.26 FEET; THENCE ALONG A RADIAL LINE, NORTH 09°57'00" WEST, 40.00 FEET; THENCE ALONG A RADIAL ARC TO THE RIGHT, AN ARC LENGTH OF 31.42 FEET, A RADIUS OF 20.00 FEET, THE CHORD OF WHICH BEARS NORTH 44°03'00" EAST, 28.26 FEET; THENCE ALONG AN ARC TO THE RIGHT, AN ARC LENGTH OF 15.40 FEET, A RADIUS OF 52.00 FEET, THE CHORD OF WHICH BEARS NORTH 89°53'00" EAST, 15.40 FEET; THENCE ALONG A NON-RADIAL LINE, NORTH 09°54'00" EAST, 18.58 FEET; THENCE SOUTH 89°54'00" EAST, 11.02 FEET; THENCE NORTH 28°01'00" EAST, 18.87 FEET; THENCE NORTH 20°19'00" EAST, 70.30 FEET; THENCE NORTH 12°53'10" EAST, 45.37 FEET; THENCE NORTH 10°59'00" WEST, 38.40 FEET; THENCE NORTH 84°42'42" WEST, 37.77 FEET; THENCE NORTH 68°32'15" WEST, 107.95 FEET; THENCE NORTH 62°34'54" WEST, 116.65 FEET; THENCE NORTH 14°01'12" WEST, 11.04 FEET; THENCE SOUTH 78°19'48" WEST, 143.77 FEET; THENCE NORTH 09°54'00" WEST, 435.79 FEET TO A POINT LOCATED ON THE SOUTHERN RIGHT-OF-WAY OF V AND S RAILWAY, LLC RAILROAD 100 FEET WIDE; THENCE ALONG SAID SOUTHERN RIGHT-OF-WAY, NORTH 89°20'00" EAST, 118.10 FEET TO A FOUND RAIL PIPE LOCATED ON THE WESTERN LINE OF THE PARTITION OF THE BACON ESTATE AND THE NORTHWESTERN CORNER OF THE COMMON GROUND OF "CHESTERFIELD FARMS PLAT TWO" RECORDED IN PLAT BOOK 328, PAGES 18-20 OF THE ABOVE MENTIONED RECORDS, THENCE ALONG THE WESTERN LINE OF SAID COMMON GROUND AND PARTITION OF THE BACON ESTATE, SOUTH 01°00'00" WEST, 129.12 FEET TO THE SOUTHWESTERN CORNER OF THE COMMON GROUND OF THE FOREMENTIONED "CHESTERFIELD FARMS PLAT TWO" SAID CORNER BEING LOCATED ON THE NORTHERN LINE OF SAID COMMON GROUND OF "WILDHORSE SPRINGS PLAT TWO", RECORDED IN PLAT BOOK 344, PAGES 86-87 OF THE ABOVE MENTIONED RECORDS, THENCE PROCEEDING ALONG SAID NORTHERN LINE OF THE COMMON GROUND OF SAID "WILDHORSE SPRINGS PLAT TWO", NORTH 89°19'37" WEST, 80.71 FEET TO THE NORTHWESTERN CORNER OF SAID COMMON GROUND, THENCE ALONG THE WESTERN LINE OF SAID COMMON GROUND, SOUTH 02°12'30" EAST, 36.61 FEET TO THE NORTHEASTERN CORNER OF ADJUSTED LOT 2 OF "OTTADINO PLATE" - LOTS 1 & 2 BOUNDARY ADJUSTMENT PLAT, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 366, PAGE 634 OF THE ABOVE MENTIONED RECORDS, THENCE PROCEEDING ALONG THE NORTHERN AND WESTERN LINES OF SAID ADJUSTED LOT 2 OF "OTTADINO PLATE" - LOTS 1 & 2 BOUNDARY ADJUSTMENT PLAT, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 366, PAGE 634 OF THE ABOVE MENTIONED RECORDS, THENCE PROCEEDING ALONG THE NORTHERN AND WESTERN LINES OF SAID ADJUSTED LOT 2 OF "OTTADINO PLATE" - LOTS 1 & 2 BOUNDARY ADJUSTMENT PLAT, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 366, PAGE 634 OF THE ABOVE MENTIONED RECORDS, THENCE PROCEEDING ALONG SAID NORTHERN LINE OF "FIENUP FARMS PLAT ONE" THE FOLLOWING COURSES AND DISTANCES: THENCE SOUTH 44°27'25" WEST, 144.43 FEET; THENCE SOUTH 79°30'25" WEST, 27.82 FEET; THENCE SOUTH 89°53'10" WEST, 18.43 FEET; THENCE SOUTH 01°03'00" EAST, 80.59 FEET; THENCE SOUTH 89°53'00" WEST, 158.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,265.688 SQUARE FEET (20.0564 ACRES MORE OR LESS), ACCORDING TO A SURVEY PERFORMED BY THE STERLING COMPANY IN JUNE, 2017, UNDER ORDER NUMBER 14-06-196.

STATEMENT OF STATE PLANE COORDINATE TIE:

STATE PLANE COORDINATES WERE DETERMINED ON DECEMBER 16, 2018 USING TRIMBLE REAL-TIME KINEMATIC GPS HARDWARE FROM THE PROJECT SITE TO A CONTINUOUSLY OPERATING REFERENCE STATION (CORS) WITH AN ID OF MOOF AND A PID OF 046488 HAVING PUBLISHED MISSOURI STATE PLANE (EAST ZONE) COORDINATE VALUES OF NORTH (Y) = 324131.15 METERS AND EAST (X) = 232640.49 METERS. WE REPRESENT HEREIN THAT THESE STATE PLANE COORDINATES MEET THE ACCURACY STANDARDS OF THE MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS (10 GRS 30.2 AND 20 GRS 30.16, EFFECTIVE AT THE DATE OF THIS SURVEY) IN AN "URBAN PROPERTY" RELATIVE TO STATION MOOF. IN ORDER TO PUT THIS PLAT ON THE MISSOURI STATE PLANE COORDINATE EAST ZONE (NAD83) GRID NORTH, IT WOULD BE NECESSARY TO ROTATE THE PUBLISHED PLAT BEARING CLOCKWISE 0°11'41". THE PUBLISHED PLAT BEARING OF NORTH 89°53'00" EAST, WOULD BE NORTH 89°54'11" EAST IF ROTATED TO GRID NORTH. AVERAGE COMBINED GRID FACTOR = 0.989913820 (1 METER = 3.2808333 FEET).

BENCHMARKS:

PROJECT BENCHMARK #1:
ST. LOUIS COUNTY BM 1299 ELEVATION = 546.62 (NAVD 88)
FOUND: "SO" ON CURB AT CENTERLINE NORTH END OF MEDIAN ISLAND WITHIN THE ENTRANCE TO "WESTCHESTER MANOR" IN THE CENTERLINE OF WESTCHESTER MANOR LAKE AND ROUGHLY 94 FEET SOUTH OF THE CENTERLINE OF WILD HORSE CREEK ROAD.
PROJECT BENCHMARK #2:
ST. LOUIS COUNTY BM 12217 ELEVATION = 472.26 (NAVD 88)
FOUND: "L" ON THE TOP NORTHWEST CORNER OF THE NORTHWEST WINGWALL OF THE WILD HORSE CREEK ROAD BRIDGE OVER CAULKS CREEK; ROUGHLY 25 FEET NORTH OF CENTERLINE WILD HORSE CREEK ROAD AND 0.3 MILES MORE OR LESS WEST OF WILSON ROAD.
STATE BENCHMARK #1:
ELEVATION = 546.85 (NAVD 88)
CUT "P" ON END OF CONCRETE CURB TO THE WEST OF THE INTERSECTION OF WILD HORSE CREEK ROAD AND CHESTERFIELD ESTATES DRIVE, SOUTH OF THE PAVEMENT OF WILD HORSE CREEK ROAD 58.4 FEET EAST OF A UTILITY POLE, AND 25.7 FEET NORTH OF THE NORTHERN MOST CORNER OF A SUBDIVISION ENTRANCE MONUMENT FOR CHESTERFIELD ESTATES.



SURVEYOR'S NOTES

1. THE PROFESSIONAL WHOSE SIGNATURE AND PERSONAL SEAL APPEARS BELOW ASSUMES RESPONSIBILITY ONLY FOR WHAT APPEARS ON THIS PLAT AND DISCLAIMS PURSUANT TO SECTION 327.1 (RSMO) ANY RESPONSIBILITY FOR PLANS, SPECIFICATIONS, ESTIMATES, REPORTS OR OTHER DOCUMENTS FOR THE INSTRUMENTS NOT SEALED BY THE UNDERSIGNED RELATING TO OR INTENDED TO BE USED FOR ANY PART OR PARTS OF THE PROJECT FOR WHICH THIS PLAT APPEARS.
2. THIS PLAT CONTAINS 1,265.688 SQUARE FEET (20.0564 ACRES MORE OR LESS) AND 40 "X" 70-FEET WIDE LOTS.
3. ALL DISTANCES AND BEARINGS ARE RECORDED (R) AND SURVEYED (S) UNLESS NOTED OTHERWISE.
4. THE SUBJECT TRACT IS LOCATED WITHIN ZIP CODE 63005 ACCORDING TO ST. LOUIS COUNTY, MISSOURI GIS.
5. BASIS OF BEARINGS: THE WESTERN LINE OF TRACT "A" OF THE "FIENUP TRACT" A SUBDIVISION FILED FOR RECORD IN PLAT BOOK 216, PAGE 48 OF THE ST. LOUIS COUNTY MISSOURI RECORDS.
6. SOURCE OF RECORD DESCRIPTION: SPECIAL WARRANTY DEED TO WILD HORSE RESIDENTIAL, RECORDED IN BOOK 23052, PAGE 885. QUIT CLAIM DEED TO WILD HORSE RESIDENTIAL, LLC, RECORDED IN BOOK 23052, PAGE 914. SPECIAL WARRANTY DEED TO WILD HORSE RESIDENTIAL, LLC, RECORDED IN BOOK 23052, PAGE 915. QUIT CLAIM DEED TO WILD HORSE RESIDENTIAL, LLC, RECORDED IN BOOK 23052, PAGE 916 AND QUIT CLAIM DEED TO WILD HORSE RESIDENTIAL, LLC, RECORDED IN BOOK 23052, PAGE 917. ALL RECORDED IN THE ST. LOUIS COUNTY, MISSOURI RECORDS.
7. THE SUBJECT TRACT IS CURRENTLY ZONED "PUD" PLANNED UNIT DEVELOPMENT DISTRICT PER CITY OF CHESTERFIELD ORDINANCE NO. 2971, DATED AUGUST 21, 2017. SEE TYPICAL LOT DIAGRAMS FOR INDIVIDUAL LOT ZONING RESTRICTIONS.
8. THE SUBJECT PARCEL SHOWN HEREIN IS DETERMINED TO BE LOCATED IN AREAS DESIGNATED AS IN FLOOD ZONE "X" AND ZONE "AE". ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAPS FOR ST. LOUIS COUNTY, MISSOURI, AND INCORPORATED AREAS, PANEL NUMBER 163 OF 845, MAP NUMBER 29189C0183K, EFFECTIVE DATE FEBRUARY 4, 2015, AND PANEL NUMBER 165 OF 845, MAP NUMBER 29189C0183K, EFFECTIVE DATE FEBRUARY 4, 2015.

- ZONE "X" IS DEFINED AS AREAS OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD.
- ZONE "AE" IS DEFINED AS AREAS WITH BASE FLOOD ELEVATIONS DETERMINED, AND SUBJECT TO A 1% CHANCE ANNUAL FLOOD.
- NOTE: NO DEVELOPABLE LOTS CREATED BY THIS PLAT ARE LOCATED WITHIN THE FLOODWAY AT THE TIME OF RECORDING.
- PERMANENT MONUMENTS WILL BE SET IN ONE YEAR FROM DATE OF RECORDING OR WHEN FINAL GRADING IS COMPLETE. SEMI-PERMANENT MONUMENTS WILL BE SET IN ONE YEAR FROM DATE OF RECORDING OR WHEN PAVEMENT IS INSTALLED.
- ALL FUTURE DEVELOPMENT AREAS ARE TO BE PLATTED AT A LATER DATE AS PART OF FUTURE PLATS. THESE AREAS ARE STILL SUBJECT TO ANY EASEMENTS AND RESTRICTIONS APPLICABLE BY THE INSTRUMENTS RECORDED IN PLAT BOOK 366, PAGE 634 OF THE ABOVE MENTIONED RECORDS.
- ITEM NO. 1-2: INTENTIONALLY DELETED BY TITLE COMPANY.
- ITEM NO. 3-4: GENERAL EXCEPTIONS WITH NO COMMENT BY SURVEYOR.
- ITEM NO. 5: INTENTIONALLY DELETED BY TITLE COMPANY.
- ITEM NO. 6: TEN-FOOT EASEMENT GRANTED TO UNION ELECTRIC LIGHT AND POWER COMPANY, ACCORDING TO INSTRUMENT RECORDED IN BOOK 1427 PAGE 278. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 7: EASEMENT GRANTED TO UNION ELECTRIC COMPANY, ACCORDING TO INSTRUMENT RECORDED IN BOOK 2086 PAGE 62 AND BOOK 2120 PAGE 130. DO NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 8-9: INTENTIONALLY DELETED BY TITLE COMPANY.
- ITEM NO. 10: EASEMENT GRANTED TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT BY THE INSTRUMENT RECORDED IN BOOK 7933 PAGE 884. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 11: RIGHTS OF UPPER AND LOWER RIPARIAN OWNERS IN AND TO THE FREE AND UNOBSTRUCTED FLOW OF WATER OF THE BONHOMME CREEK AND CAULKS CREEK EXTENDING THROUGH THE LAND, WITHOUT DIMINUTION. NO RIPARIAN BOUNDARIES EXIST WITHIN THIS PLAT; THEREFORE, DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 12: INTENTIONALLY DELETED BY TITLE COMPANY.
- ITEM NO. 13: LACK OF DIRECT ACCESS TO AND FROM THE PROPERTIES DESCRIBED ON SCHEDULE "A" OF THIS COMMITMENT AS PARCEL Nos. 3A, 3B AND 3C RESPECTIVELY, DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 14-15: INTENTIONALLY DELETED BY TITLE COMPANY.
- ITEM NO. 16: EASEMENT GRANTED TO UNION ELECTRIC COMPANY BY THE INSTRUMENT RECORDED IN BOOK 7596 PAGE 940 AND IN BOOK 7684 PAGE 1950. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 17: EASEMENT GRANTED FOR WATER PIPE TO ST. LOUIS COUNTY WATER COMPANY BY THE INSTRUMENT RECORDED IN BOOK 8444 PAGE 1980. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 18: INTENTIONALLY DELETED BY TITLE COMPANY.
- ITEM NO. 19: PERMANENT EASEMENTS FOR CONSTRUCTION AND MAINTENANCE OF DRAINAGE CONTROL AND INCLUDING A TEMPORARY EASEMENT FOR CONSTRUCTION OR IMPROVEMENT OF ROUTE "C" TO THE STATE OF MISSOURI, ACTING BY AND THROUGH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION RECORDED IN BOOK 16221 PAGE 617. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 20: EASEMENT GRANTED TO LACLEDE GAS COMPANY BY THE INSTRUMENT RECORDED IN BOOK 19817 PAGE 1398. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 21: EASEMENT GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY BY THE INSTRUMENT RECORDED IN BOOK 7298 PAGE 864. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 22: EASEMENT GRANTED TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT BY THE INSTRUMENT RECORDED IN BOOK 7366 PAGE 1620. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 23: EASEMENT FOR INGRESS AND EGRESS GRANTED TO ELAINE K. NAVARRO PER THE INSTRUMENT RECORDED IN BOOK 7511 PAGE 1392, AS AMENDED BY THE INSTRUMENT RECORDED IN BOOK 2005 PAGE 987. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 24: FIFTY-FOOT BUILDING LINE THAT RUNS WITH PROPERTY ALONG WILD HORSE CREEK ROAD AND DEDICATIONS ACCORDING TO THE PLATS RECORDED IN PLAT BOOK 219 PAGE 48, AND PLAT BOOK 227 PAGE 96. DO NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 25: TEMPORARY EASEMENT FOR INGRESS AND EGRESS GRANTED TO MARY ANN SMYTHE (OWNER OF TRACT C OF FIENUP TRACT) CREATED BY THE INSTRUMENT RECORDED IN BOOK 23050 PAGE 1556. DOES NOT AFFECT THE SUBJECT TRACT.
- ITEM NO. 26-28: INTENTIONALLY DELETED BY TITLE COMPANY.
- ITEM NO. 29: BUILDING LINES, EASEMENTS, COVENANTS AND RESTRICTIONS ESTABLISHED BY THE BOUNDARY ADJUSTMENT PLAT OF THE FIENUP TRACT PLAT RECORDED IN PLAT BOOK 366, PAGES 195-198, AFFECTS PARCEL 1 OF OVERALL DEVELOPMENT.

THIS BOUNDARY ADJUSTMENT PLAT ONLY ADJUSTS A COMMON PROPERTY LINE AT THE NORTHWEST CORNER OF PARCEL 1 AND DOES NOT CREATE ANY NEW EASEMENTS OR BUILDING LINES.

IF ANY INCONSISTENCIES IN THE BOUNDARIES OF THE SUBJECT PROPERTY BY REASON OF ANY ACCRETIONS, AVULSIONS, RELICTIONS, OR BY THE MEANDERINGS OF BONHOMME CREEK AND CAULKS CREEK, BONHOMME CREEK HAS BEEN RE-CHANNELLED AND SHOULD NO LONGER AFFECT THE PROPERTY BOUNDARY LINES. NO RIPARIAN BOUNDARIES EXIST WITHIN THIS PLAT; THEREFORE, DOES NOT AFFECT THE SUBJECT TRACT.

- ITEM NO. 31-32: INTENTIONALLY DELETED BY TITLE COMPANY.
- ITEM NO. 33: ANY ASSESSMENTS FOR MAINTENANCE OF SEWER SYSTEM. NO COMMENT BY SURVEYOR.
- ITEM NO. 34: ANY SEWER LATERAL LINE SURCHARGE. NO COMMENT BY SURVEYOR.
- ITEM NO. 35: INTENTIONALLY DELETED BY TITLE COMPANY.
- ITEM NO. 36: TWENTY-FIVE FOOT FRONT BUILDING SET BACK LINES, STREETS, EASEMENTS, COMMON OPEN SPACES, COMMON AREA, COVENANTS AND RESTRICTIONS ESTABLISHED BY THE SITE DEVELOPMENT PLAT RECORDED IN PLAT BOOK 366 PAGE 125, AFFECTS ALL LOTS AND COMMON OPEN SPACE/ COMMON GROUND CREATED BY THIS PLAT IN ACCORDANCE WITH THE CITY OF CHESTERFIELD, MISSOURI ORDINANCE NUMBER 2971.
- ITEM NO. 37: RECREATION EASEMENT GRANTED PER INSTRUMENT RECORDED IN BOOK 23050 PAGE 1613, TO MARY ANN SMYTHE AND ELAINE K. NAVARRO AFFECTS THE COMMON OPEN SPACES AND/OR COMMON GROUND AREAS SHOWN ON THE SITE DEVELOPMENT PLAN RECORDED IN PLAT BOOK 366 PAGE 125, AFFECTS ALL LOTS AND COMMON OPEN SPACE/ COMMON GROUND CREATED BY THIS PLAT.

NOTE: THIS TRACT IS SUBJECT TO A RESIDENTIAL USE RESTRICTION LIMITING ANY DEVELOPMENT ON THE SUBJECT TRACT TO SINGLE-FAMILY RESIDENTIAL USE, INCLUDING SINGLE-FAMILY HOMES, VILLAS AND DUPLEXES AND RELATED AMENITIES TO SERVE SUCH RESIDENTIAL USE AND PARKS AND FOR NO OTHER PURPOSE WHATSOEVER. ADDITIONALLY, THIS TRACT IS SUBJECT TO AN AMENITY RESTRICTION THAT STATES THE GRANTEE SHALL NOT CONSTRUCT A CLUBHOUSE, COMMUNITY OR RECREATION CENTER, OR SIMILAR ENCLOSED BUILDING OR AMPHITHEATER ON THE WEST SIDE OF FIENUP LAKE THE FORGOING SHALL NOT RESTRICT THE CONSTRUCTION OF GAZEBOS, TRAILS, PARK BENCHES OR OTHER SIMILAR PASSIVE RECREATIONAL FEATURES IN THE FOREMENTIONED AREA. FURTHERMORE, IF GRANTEE DRILLS A WATER WELL TO ADD WATER TO FIENUP LAKE, THE LOCATION OF THE WELL SHALL BE IN COMMON GROUND ADJACENT TO THE LAKE. THE ABOVE MENTIONED RESIDENTIAL USE AND AMENITY RESTRICTIONS ARE ACCORDING TO INSTRUMENT RECORDED IN BOOK 23052, PAGE 885. THESE RESTRICTIONS WERE NOT MENTIONED IN THE ABOVE TITLE COMMITMENT, AND SHALL REMAIN IN EFFECT UNTIL MAY 31, 2038. SAID INSTRUMENT ALSO ESTABLISHES SEVERAL LARGE LOT RESTRICTION AREAS, WHICH DO NOT AFFECT THE SUBJECT TRACT.

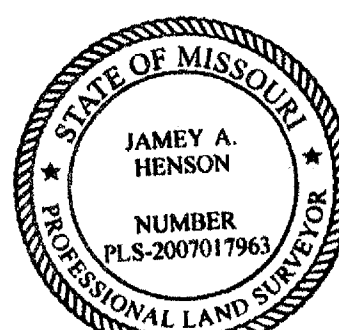
SURVEYOR'S CERTIFICATION

ORDER NUMBER: 14-06-196
THE STERLING COMPANY
5055 NEW BAUMGARTNER ROAD
ST. LOUIS, MISSOURI 63129
PHONE: (314) 487-0440

PREPARED FOR:
WILD HORSE RESIDENTIAL, LLC
5051 NEW BAUMGARTNER ROAD
ST. LOUIS, MISSOURI 63129
PHONE: (314) 487-0717

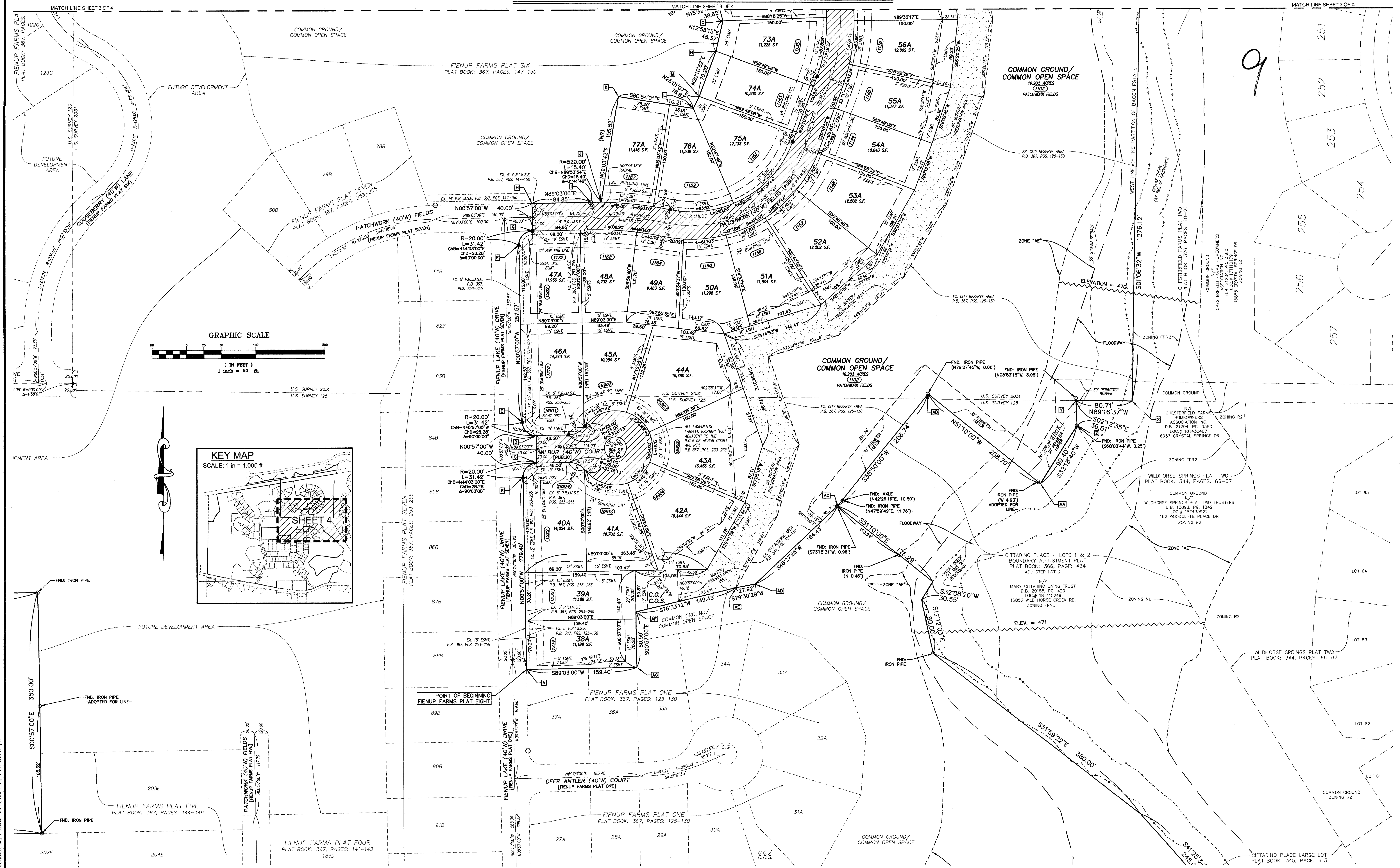
THIS IS TO CERTIFY THAT WILD HORSE RESIDENTIAL, LLC THAT WE HAVE, DURING THE MONTH OF JUNE, 2017, PERFORMED A BOUNDARY SURVEY OF "A" TRACT OF LAND BEING PART OF ADJUSTED TRACT "A" OF FIENUP FARMS - BOUNDARY ADJUSTMENT PLAT RECORDED IN PLAT BOOK 366, PAGES 195-198, LOCATED IN U.S. SURVEYS 125 AND 2031, TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AND BASED UPON SAID SURVEY HAVE SUBDIVIDED THE SUBJECT TRACT IN THE MANNER SHOWN HEREON. THIS PLAT AND THE SURVEY ON WHICH IT IS BASED, MEETS OR EXCEEDS THE MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS AN "URBAN CLASS PROPERTY IN EFFECT AT THE DATE OF THIS PLAT."

THE SURVEYING COMPANY
NO. REG. 107-307-D



JAMES A. HENSON, P.L.S. - VICE PRESIDENT
DATE: 11-27-19
SHEET 1 OF 4

FIENUP FARMS PLAT EIGHT



STATE PLANE COORDINATES		
	NORTHING	EASTING
A	313558.936	241500.663
B	313644.082	241499.542
C	313650.257	241505.556
D	313662.447	241505.396
E	313668.462	241499.221
F	313746.956	241498.187
G	313753.132	241504.202
H	313765.322	241504.041
I	313765.662	241529.899
J	313765.654	241534.591

STATE PLANE COORDINATES		
	NORTHING	EASTING
K	313812.434	241542.216
L	313807.009	241575.363
M	313812.213	241577.131
N	313832.269	241585.263
O	313845.737	241588.393
X	313676.166	241768.020
Y	313676.560	241743.423
Z	313665.410	241743.815
AA	313639.862	241727.535
AB	313679.916	241678.124

STATE PLANE COORDINATES		
	NORTHING	EASTING
AC	313630.495	241638.062
AD	313596.096	241601.620
AE	313594.575	241593.247
AF	313584.136	241548.916
AG	313559.575	241549.240

HATCHING LEGEND:

PUBLIC RIGHT-OF-WAY
BUFFER/PRESERVATION

ABBREVIATION LEGEND:

BK. = BOOK
 BLDG. = BUILDING
 C.G. = COMMON GROUND
 CHB = CHORD HEARING
 CHD = CHORD DISTANCE
 C.O.S. = COMMON OPEN SPACE
 D.B. = DEED BOOK
 ESM.T. = EASEMENT
 EX. = EXISTING
 FND. = FOUND
 N.F. = NOW OR FORMERLY
 (NR) = NON-RADIAL
 P.B. = PLAT BOOK
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 P.W.M.T. = PAVED
 (R) = RECORD
 R.O.W. = RIGHT-OF-WAY
 RET. = RETAINMENT
 (S) = SURVEYED
 S.F. = SQUARE FEET
 T.S.C.L. = TETRAPOD SLOPE AND CONSTRUCTION LICENSE
 W. = WIDTH

SYMBOL LEGEND:

▲	= SET PERMANENT MONUMENT IN ACCORDANCE WITH MISSOURI STANDARDS (5/8" I.R.O.D W/ ALUMINUM CAP).
●	= SET SEMI- PERMANENT MONUMENT IN ACCORDANCE WITH MISSOURI STANDARDS (1/2" I.R.O.D W/ PLASTIC CAP OR CUT CROSS).
○	= SET PERMANENT MONUMENT IN PREVIOUS PLAT.
⚙	= SET SEMI-PERMANENT MONUMENT IN PREVIOUS PLAT.
□	= FOUND PERMANENT MONUMENT
○	= FOUND SEMI-PERMANENT MONUMENT
+	= FOUND CROSS
⬇	= FOUND ANCHOR
⊕	= BENCHMARK
⑤27	= ADDRESS

SURVEYOR'S CERTIFICATE:

SEE SHEET 1 OF 4 FOR CERTIFICATION.

THE STERLING COMPANY
MO REG. 307-D



J. A. Henson 11-27-19
JAMEY A. HENSON, P.L.S. - VICE PRESIDENT

SHEET 4 OF 4

Memorandum

Department of Planning

To: Planning and Public Works Committee

From: Justin Wyse, Director of Planning 

Date: June 9, 2022



RE: **Traffic Generation Assessment (Burkhardt Place):** A resolution of the City of Chesterfield City Council authorizing the disbursement of funds collected through the Traffic Generation Assessment (TGA) contributions received for required roadway improvements.

Summary

The City of Chesterfield City Council approved PZ 03-2021 Downtown Chesterfield (Wildhorse Village) on October 4th, 2021 creating City of Chesterfield Ordinance 3161. The specific criteria approved within the planned district are set out in the “Attachment A” and adopted per 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.

The Attachment A of Ordinance 3161 requires the developer to contribute a Traffic Generation Assessment (TGA). The ordinance also states that allowable credits for required roadway improvements are awarded as directed by the City of Chesterfield.

The Attachment A of Ordinance 3161 states a requirement to design and construct an extension of Burkhardt Place from its current terminus to Wild Horse Creek Road as depicted on the Preliminary Development Plan also known as Attachment B of Ordinance 3161.

The Burkhardt Place extension to Wild Horse Creek Road is identified as a Future Improvement in the City’s Travel Demand Model, the required right of way to facilitate the planned roadway has been secured, the roadway is currently under construction, and the construction cost is fully funded by the developer.

This resolution will authorize the City of Chesterfield to disburse funds collected by the traffic generation assessment required by Ordinance 3161 for the construction cost associated with the installation of required improvements (e.g. Burkhardt Place). The disbursement of monies does not occur until the roadway is completed and accepted by the City of Chesterfield City Council. Figure 1 provides a visual representation of the approximate location of the Burkhardt Place extension.

Attachments: Proposed Resolution

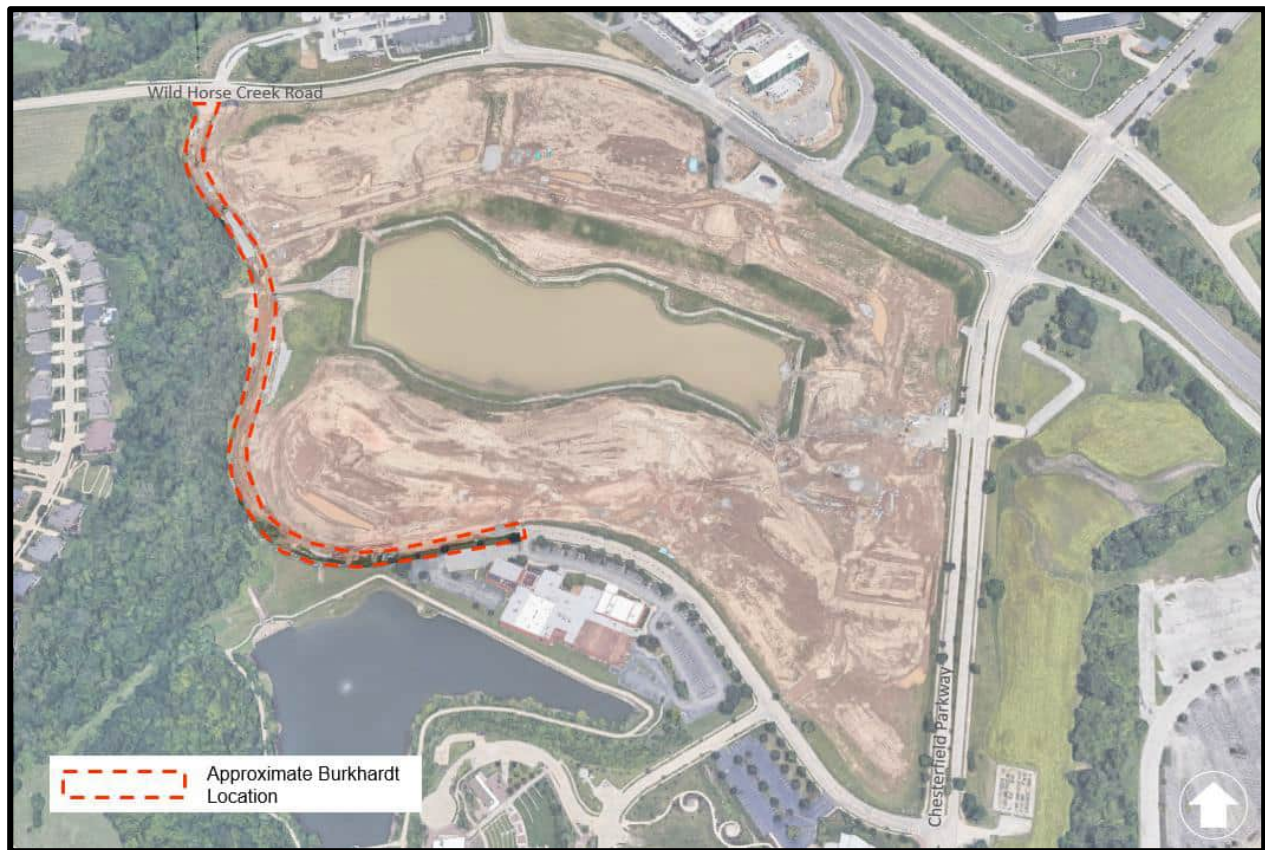


Figure 1: Burkhardt Place Extension

RESOLUTION # _____

**A RESOLUTION OF THE CITY OF CHESTERFIELD CITY COUNCIL
AUTHORIZING THE DISBURSEMENT OF FUNDS COLLECTED THROUGH
THE TRAFFIC GENERATION ASSESSMENT CONTRIBUTIONS RECEIVED
FOR THE INSTALLATION OF REQUIRED ROADWAY IMPROVEMENTS**

WHEREAS, the City of Chesterfield City Council approved PZ 03-2021 Downtown Chesterfield (Wildhorse Village) creating City of Chesterfield Ordinance 3161 on October 4th 2021; and,

WHEREAS, Ordinance 3161 requires the developer to contribute a Traffic Generation Assessment (TGA); and,

WHEREAS, Ordinance 3161 requires that allowable credits for required roadway improvements are awarded as directed by the City of Chesterfield; and,

WHEREAS, the Burkhardt Place extension to Wild Horse Creek Road is identified as a Future Improvement in the City's Travel Demand Model; and,

WHEREAS, Ordinance 3161 states Burkhardt Place is a required improvement associated with the development known as Wildhorse Village; and,

WHEREAS, the City of Chesterfield obtained the required Right of Way to facilitate the planned roadway; and,

WHEREAS, the City Council authorizes the disbursement of funds collected by the traffic generation assessment required by Ordinance 3161 for the construction cost associated with required roadway improvements.

NOW THEREFORE BE IT RESOLVED: City of Chesterfield City Council authorizes the disbursement of funds collected through the approved Traffic Generation Assessment (TGA) contributions received as required by City of Chesterfield Ordinance 3161 for the construction cost associated with the required installation of roadway improvements.

Passed and approved this _____ day of _____, 2022.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie McGownd, CITY CLERK

FINANCE AND ADMINISTRATION COMMITTEE

Chair: Councilmember McGuinness

Vice-Chair: Councilmember Moore

The Finance and Administration Committee met on Monday, 6/13/2022. Due to time constraints in publishing the agenda for Monday's City Council meeting, any action items from that meeting will appear on the July City Council meeting agenda.

There are no Finance and Administration Committee action items scheduled for this meeting.

NEXT MEETING

The next meeting of the Finance and Administration Committee is scheduled for Monday, July 11th, 2022, at 4:00 pm.

If you have any questions or require additional information, please contact Finance Director Jeannette Kelly or me prior to Tuesday's meeting.

PARKS, RECREATION AND ARTS COMMITTEE

Chair: Councilmember Budoor

Vice Chair: Councilmember Moore

Approval of Twelve Synthetic Turf Infields – Recommendation authorizing and directing Staff to proceed with the project of installing Synthetic Turf on 12 additional infields at the Chesterfield Valley Athletic Complex. The Parks, Recreation and Arts Committee concurred with Staff's recommendation to proceed immediately to contract for improvement to the 12 CVAC infields in order to have them available for play in the spring of 2023. More specifically, ***the Committee recommended for approval by the full Council, to authorize the City Administrator to enter into a contract for the Synthetic Turf Infield project, via the TIPS purchasing cooperative, with the budgeted project estimate of \$2,905,000.*** The Committee considered the potential funding strategy including current 2022 budget allocations and both the General and Parks Fund reserves. However, while understanding that the synthetic turf project needs to be initiated immediately, due to other pending negotiations and a review of the current ARPA allocations, a final determination as to the source of funds will be determined in the near future.

NEXT MEETING

The next meeting of the Parks, Recreation and Arts Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Parks, Recreation and Arts Director Thomas McCarthy or me prior to Tuesday's meeting.



PARKS, RECREATION AND ARTS COMMITTEE OF COUNCIL MEETING RESULTS

June 14, 2022

5:15 p.m.

City Hall, Room 101

Chairperson Budoor called the meeting to order at 5:15 p.m.

Those in attendance included:

Councilmember Barb McGuinness, Ward I

Councilmember Mary Ann Mastorakos, Ward II

Councilmember Michael Moore, Ward III

Chairperson Gary Budoor, Ward IV

Also in attendance were:

Councilmember Merrell Hansen, Ward IV

Director of Parks, Recreation & Arts, Tom McCarthy

Executive Assistant, Parks, Recreation & Arts, Ann-Marie Stagoski

Superintendent of Sports and Wellness, Kevin Schuh

Barbara Briggs, Co-Chair of Parks, Recreation & Arts Advisory Committee

Agenda Item #1: Approval of Meeting Results

The meeting results of the May 10, 2022 Parks, Recreation & Arts Committee of Council Meeting were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Mastorakos, to approve the meeting results. There being no discussion, the motion was passed by a voice vote of 4 to 0.

Agenda Item #2: Approval for Twelve Synthetic Turf Infields

Discussion of installing twelve synthetic turf infields at the Chesterfield Valley Athletic Complex (CVAC) began with questions regarding the TIPS cooperative. Questions included whether we belonged to the cooperative and if there was a fee. Director McCarthy explained that governments, schools, and other groups automatically belonged to the group and the City currently uses a similar coop when acquiring vehicles, snow plows and other large equipment. There is no cost to belong to the group. Director McCarthy will look into how the cooperative is funded.

Councilmember Mastorakos asked about Byrne & Jones' experience with these kinds of projects in Missouri. Director McCarthy explained that installing this type of turf is one of their primary functions and that they were the company who installed the turf on our F Quad. Chairperson Budoor commented that this project needs to start by October in order to be completed by March of 2023.

Councilmember McGuinness asked how much the city made in a weekend on 16 fields to which Superintendent Schuh stated that it was approximately \$20,000 in field rental and \$40,000-\$50,000 in concessions revenue.

Councilmember McGuinness made a motion, seconded by Councilmember Moore, to approve the synthetic turf infield project and move it on to full council. There being no discussion, the motion was passed by a voice vote of 4 to 0.

Agenda Item #3: Parking Update for Central Park

Director McCarthy stated that Gershman is using St. Louis Parking to charge for parking at their facility during City events. They have 348 spots. The Mall (owned by Staenberg) wanted to do the same thing. The promoters of the Country Fair ended up paying them \$10,000 flat fee not to charge people to park at the mall. From a Parks Department standpoint, they are more concerned about community events such as the six free Sounds of Summer concerts (including Backstoppalooza), the Fall Festival, the Holiday Festival, Trunk or Treats (for seniors) and Trucks or Treats. When the 8 acres was purchased, it was intended to help alleviate parking issues at Central Park. There are several options the committee can take:

- Do nothing
- Approach Gershman about paying them \$1,000 per event to not charge (waiting on response)
- Rent school busses to get to and from the mall. (This option has challenges at the end of a concert when everyone would want to get on the busses at the same time.)
- Create parking in the two outer parcels of the 8 acres and create 94 spots on the south parcel and 245 in the north parcel. There were funds allocated when the purchase was made for this purpose.

Councilmember McGuinness moved to do nothing and let Gershman charge for parking in their lot if they choose. There was no second.

There was further discussion on whether or not the Mall would charge for parking this Saturday which was not known. Director McCarthy stated they would put out signs stating that Gershman is now charging for parking. Questions on parking on the grass were dismissed due to the soil becoming packed and not being able to grow grass as well as the lack of fencing which would lead to persons parking on all grassy areas rather than a certain area the City may allow.

Councilmember Mastorakos pointed out that other free amenities such as the zoo are free but have some paid and some free parking. Director McCarthy stated that they could put out a statement saying "Give yourself an extra few minutes because we can no longer park next to *The Awakening*." Councilmember McGuinness felt that residents needed to understand that the City does not have resources to fund parking. Other councilmembers expressed the concern of committing to the free concerts and giving residents time to understand the transition.

No action was taken at this time.

Agenda Item #4: Pickleball information

Chairperson Budoor stated that the committee asked the Parks Department to negotiate with the YMCA regarding pickleball courts on their property. Director McCarthy explained that they offered a 30-year lease for \$1 if the City would take on all expenses of building the courts at a cost of 1.5 million dollars. This would include adding additional parking for the YMCA which would be lost in the court footprint, allowing the Y to use a football size space in Central Park with two tents from morning to night for their day camp. This would result in the loss of this space throughout the summer for other City Events. It is estimated that with charging for reservations and clinics the courts could possibly make \$50,000-\$70,000 per year. The courts would not be lit.

Councilmember Moore who was not previously on the committee asked for a recap of the options that have been presented. Those included:

- locating them at the YMCA
- locating them at the CVAC
- locating them in Central Park near *The Awakening*
- location them on the "Fairgrounds" property between Parks Circle Drive and Gershman

Councilmember McGuinness stated that we started talking about pickleball courts before residents voted down Proposition U and before Staenberg proposed 20 courts at The District. Council McGuinness also mentioned that Council decided to spend millions turfing the fields at the CVAC to keep that asset viable and something our present and future customers would want to use. In further discussion Council member McGuinness also said that the locations proposed were either unaffordable or not desirable.

Councilmember McGuinness moved to postpone indefinitely the installation of pickleball courts. Councilmember Mastorakos seconded the motion so we could move to discussion. There was further discussion on other locations to play pickleball in Chesterfield including the mall, The District, who is proposing installing up to 20 per courts per Council member McGuinness, the JCC, the YMCA as well as the 2 the City will install in Logan Park. Councilmember Mastorakos reminded the committee that the Parks Department has made these proposals because residents have come to him expressing a desire. Director McCarthy stated that the City put in courts at the Chesterfield Valley Athletic Complex to see if there was a need and now we have hundreds come to our clinics.

Councilmember Moored moved to amend the motion to "date certain" of one year. The motion was seconded by Councilmember McGuinness. There being no further discussion the motion to amend was passed on a voice vote of 4-0. The amended motion passed on a voice vote of 4-0.

Agenda Item #5: Cricket Update

We recently had an adult cricket tournament director call about playing at the CVAC and because we had a baseball tournament cancellation, we were able to accommodate the request and hosted our first cricket tournament. It was ten teams and they played on baseball fields C1-C4. There was no concrete pitch and they used a different type of ball since they had a dirt pitch area on the infield.

Chairperson Budoor said there were two options: putting in a youth recreational temporary pitch or put in a full fledge complete pitch for adults.

Director McCarthy stated that he could explore the option of starting a youth cricket league like we have for youth soccer now. We could then look at the 32 acres to research drainage costs. The CVAC is not geared for professional sports as we don't have fields of that level for other sports such as baseball or soccer.

Chairperson Budoor moved to explore the youth program options and direct the Parks Department to price out a more permanent pitch and field. It was seconded by Councilmember Moore. Councilmember McGuinness inquired where additional staff would be need for the youth program to which Director McCarthy stated that was not necessary. There being no further discussion, the motion passed on a voice vote of 4-0.

Agenda Item #6: Unfinished Business

Director McCarthy explained that approximately \$86,000 has been spent to date to get the pool open. The department is putting together a report on where we're at with the pool. We are currently short ten lifeguards and may have to close elements periodically. Director McCarthy will let the committee know how many pool passes have been sold to date.

Agenda Item #7: New Business

No new business.

Agenda Item #8: Adjournment

There being no further business to discuss, Chairperson Budoor adjourned the meeting at 6:55 p.m.

Memorandum

2



To: Mike Geisel, City Administrator
From: Tom McCarthy,
Director of Parks, Recreation and Arts
Date: June 3, 2021
Re: Approval for twelve Synthetic Turf Infields

As you have directed, I have proceeded to initiate our due diligence to proceed with the proposed addition of synthetic turf for the remaining 12 natural dirt infields at the CVAC in order to maintain our competitiveness, reduce weather delays\cancellations, and reduce maintenance effort. While associated with individual proposals, City Council has indicated their desire to move forward with the turf irrespective of other negotiations. In addition, if it remains our intention to have this work complete by the beginning of March 2023, we need to proceed in an expedited manner. Depending on the ultimate disposition of ongoing lease negotiations and with the understanding that a portion of the expense may be offset by savings and re-prioritization of the approved ARPA strategy, the ultimate sources and proportions will be finalized at a later date. However, in prior memorandum (memo to Mayor and City Council 3/17/2022), City Administrator Geisel recommended that funding for the turf infields and protective fencing would be provided for as follows: \$500K is allocated in the approved 2022 fiscal budget and another \$500k is anticipated as a capital contribution from our current lease negotiations. The remainder would be funded by fund transfers; an estimated \$1.1 million to be allocated from the General Fund -Fund Reserve and an estimated \$805,000 to be allocated from the Parks Fund -Fund Reserve.

In order to proceed expeditiously and lock in current pricing we propose to use the TIPS Interlocal Purchasing Cooperative, previously approved by City Council as a preferred method of purchasing and is the same cooperative program which was used to add synthetic turf in the F quads previously. The Tips program is a governmental purchasing program that has already been reviewed and bid out with multiple vendors taking part to get the most competitive and fair price structure that is locked in. In preparation and anticipation of this action, Mr. Geisel instructed me to collaborate with Finance Director Jeannette Kelly and Director of Public Works Jim Eckrich to ensure that the TIPS cooperative represented the most cost-effective approach to this work.

Under the City's purchasing procedures, the City Administrator is authorized to proceed with budgeted purchases as long as the product\service is within budget.

Given the direction and magnitude of this project, I recommend that this item be forwarded to the Parks, Recreation and Arts Committee of Council at their June 14th meeting for review and recommendation. It is my expectation that the Committee will recommend that CITY COUNCIL AUTHORIZE AND DIRECT STAFF TO PROCEED WITH THE PROJECT TO IMPROVE 12 EXISTING DIRT INFIELDS AT THE CVAC, WITH SYNTHETIC TURF, USING THE TIPS COOPERATIVE, WHICH WILL BE FUNDED BY TRANSFERS AS PREVIOUSLY DESCRIBED HEREIN.

For your information and convenience, I have attached the following information to this memorandum:

1. TIPS program information
2. Byrne and Jones Quote for the C, D & E Synthetic fields total of 12 (Byrne & Jones is the local TIPS contractor)
3. E mail correspondence dated 5/27/2022 for documentation and file
4. Support letter from Jake Whittaker with the Sports Facilities Company partner of Perfect Game
5. Chesterfield Purchasing Manual/ Chapter V/Special Procurement Procedures, Section 2 Cooperative Procurement Program

Please forward to the Parks, Recreation and Arts Committee of Council for review and recommendation to the full City Council. Obviously, timing and need are both critical issues.

McTeish 2022-6-3

PUBLIC HEALTH AND SAFETY COMMITTEE

Chair: Councilmember Aaron Wahl

Vice Chair:

Bill No. 3397 – An ordinance amending the Municipal Ordinance, Chapter 210, Article II offenses concerning Tobacco to reflect the change to State Law legislating the minimum age of sale of all tobacco products to 21. **First Reading – Public Health and Safety Committee recommends approval.**

NEXT MEETING

The next meeting of the Public Health and Safety Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Chief Ray Johnson or me prior Tuesday's meeting.

BILL NO. 3397

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 210. OFFENSES, CHANGING THE MINIMUM AGE TO PURCHASE OR POSSESS TOBACCO OR VAPOR PRODUCTS FROM 18 YEARS OF AGE TO 21 YEARS OF AGE IN CONFORMANCE WITH THE STATE OF MISSOURI REQUIREMENTS.

Whereas, the City of Chesterfield currently prohibits the purchase, sale, or possession of tobacco or vapor products by an individual under the age of 18 years of age; and,

Whereas, the State of Missouri recently enacted legislation establishing the minimum age for the purchase, sale, or possession of tobacco or vapor products at 21 years of age; and,

Whereas, the State of Missouri also requires all municipalities to establish the minimum age of 21 years for the purchase, sale, or possession of tobacco or vapor products; and,

Whereas, the Chesterfield Public Health and Safety Committee has reviewed and recommended the change in conformance with the State of Missouri's requirements;

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

Section one: Chapter 210 Offenses of the City Municipal Code shall be amended to replace all references to the minimum age of eighteen (18) requirement (~~**bold and stricken**~~), with the new twenty-one (21) year minimum age requirement (**bold, underlined, and italicized**) as follows:

Chapter 210. Offenses

Article XIII. Offenses Concerning Tobacco,
Alternative Nicotine Products Or Vapor Products

Section 210.2100. Definitions.

For purposes of this Article, the following definitions shall apply:

ALTERNATIVE NICOTINE PRODUCT

Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.^[1]

CENTER OF YOUTH ACTIVITIES

Any playground, school or other facility, when such facility is being used primarily by persons under the age of ~~eighteen (18)~~ **twenty-one (21)** for recreational, educational or other purposes.

DISTRIBUTE

A conveyance to the public by sale, barter, gift or sample.

MINOR

A person under the age of ~~eighteen (18)~~ **twenty-one (21)**.

PROOF OF AGE

A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS

Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE

A tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING

The distribution to members of the general public of tobacco product, alternative nicotine product or vapor product samples.

TOBACCO PRODUCTS

Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.

VAPOR PRODUCT

Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to

produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any alternative nicotine product or tobacco product.

VENDING MACHINE

Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products or vapor products.

[1] *Editor's Note: See 21 U.S.C. § 351 et seq.*

Section 210.2105. No Tobacco Sales To Minors — Alternative Nicotine Products, Vapor Products And Nicotine Liquid Containers — Sale To Minors Prohibited.

- A. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age.
- B. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
- C. Alternative nicotine products and vapor products shall only be sold to persons ~~eighteen (18)~~ **twenty-one (21)** years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.
- D. Nicotine Liquid Containers — Regulations.
 - 1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.
 - 2. For the purposes of this Subsection, "nicotine liquid container" shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A "nicotine liquid container" shall not include a liquid

or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.

4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028, RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rule-making authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

5. The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

Section 210.2110. Unlawful To Sell Or Distribute Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under **~~eighteen (18)~~ twenty-one (21)** years of age.
- B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than **~~eighteen (18)~~ twenty-one (21)** years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device

shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than ~~eighteen (18)~~ twenty-one (21) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection **(D)** of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

- C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product or vapor product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsection **(A)**, **(B)** or **(C)** of this Section or Section **210.2140** of this Article shall be penalized as follows:
 - 1. For the first offense, twenty-five dollars (\$25.00);
 - 2. For the second offense, one hundred dollars (\$100.00); and
 - 3. For a third and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products, alternative nicotine products or vapor products are available for sale who violates Subsection **(C)** of this Section shall not be penalized pursuant to this Section if such person documents the following:
 - 1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco products, alternative nicotine products or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products or vapor products to the general public;
 - 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors products, alternative nicotine products or vapor products; and
 - 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90)

minutes in length, established by the Division of Alcohol and Tobacco Control.

- F. The exemption in Subsection **(E)** of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products or vapor products are available for sale if:
1. Four (4) or more violations per location of Subsection **(C)** of this Section occur within a one-year period; or
 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection **(C)** of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections **(A)**, **(B)** and **(C)** of this Section. If a vending machine is in violation of Section **210.2140**, the owner of the establishment shall be guilty of an offense established in Subsections **(C)** and **(D)** of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections **(C)** and **(D)** of this Section.
- H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than ~~eighteen (18)~~ **twenty-one (21)** years of age in violation of Subsection **(A)**, **(B)** or **(C)** of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was ~~eighteen (18)~~ **twenty-one (21)** years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 210.2120. Minors Prohibited From Purchase Or Possession Of Tobacco Products, Alternative Nicotine Products Or Vapor Products — Misrepresentation Of Age.

- A. No person less than twenty-one (21) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an

employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

- B. Any person less than ~~eighteen (18)~~ **twenty-one (21)** years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products or vapor products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 - 1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated;
 - 2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.2130. Retail Sales Tax License Required For Sale Of Tobacco Products, Alternative Nicotine Products Or Vapor Products.

No person shall sell cigarettes, tobacco products, alternative nicotine products or vapor products unless the person has a retail sales tax license.

Section 210.2140. Required Sign Stating Violation Of State Law To Sell Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors Under Age ~~eighteen (18)~~ **TWENTY-ONE (21)** — Display Of Sign Required, Where.

- A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products are purchased a sign that shall:
 - 1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:

IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "~~Under 18~~" "Under 21".

Section 210.2150. Restrictions On Sales Of Individual Packs Of Cigarettes.

A. No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 210.2160. Proof Of Age Required, When Defense To Action For Violation Is Reasonable Reliance On Proof — Liability.

- A. A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of ~~eighteen (18)~~ twenty-one (21).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of

Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least ~~eighteen (18)~~ twenty-one (21) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections **(A)**, **(B)** and **(C)** of Section **210.2110** of this Article. No person shall be liable for more than one (1) violation of Subsections **(B)** and **(C)** of Section **210.2110** on any single day.

Section 210.2170. Sale, Use And Possession Of Electronic Cigarettes And Vaporizing Products By Minors Prohibited.

[CC 1990 §§ 21-34 — 21-35; Ord. No. 2803, 7-21-2014]

- A. Definitions. As used in this Section, the following terms shall have the meanings indicated:

VAPORIZING PRODUCTS

Electronic devices which employ a battery to power a heating chamber that converts a liquid solution containing tobacco-derived nicotine, through a non-combustive process, into a vapor or vapor-like mist. The definition includes electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, which are personal vaporizing products on which users inhale through a mouthpiece.

- B. Distribution Of Vaporizing Products To Or Possession By Persons Under ~~eighteen (18)~~ Twenty-one (21) Years Of Age Prohibited.

- 1. A person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, may not sell, offer for sale, give, or furnish any vaporizing product or any component to a person under ~~eighteen (18)~~ twenty-one (21) years of age.

2. Before selling, offering for sale, giving, or furnishing any vaporizing product, or any cartridge or component of any vaporizing product, to another person, the person selling, offering for sale, giving, or furnishing the vaporizing product shall verify that the person is at least ~~eighteen (18)~~ **twenty-one (21)** years of age by:
 - a. Examining from any person that appears to be under twenty-seven (27) years of age a government-issued photographic identification that establishes the person is at least ~~eighteen (18)~~ **twenty-one (21)** years of age; or
 - b. For sales made through the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is ~~eighteen (18)~~ **twenty-one (21)** years of age or older.
3. No minor under ~~eighteen (18)~~ **twenty-one (21)** years of age shall possess any vaporizing product, buy any vaporizing product, or, in the furtherance or facilitation of obtaining any vaporizing product, shall display or use a false or forged identification card or transfer, alter, or deface an identification card.
4. It is not a violation of this Act for a person under ~~eighteen (18)~~ **twenty-one (21)** years of age to purchase or possess a vaporizing product if the person under the age of ~~eighteen (18)~~ **twenty-one (21)** purchases or is given the vaporizing product from a retail seller of vaporizing products or an employee of the retail seller pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a retail seller of any vaporizing product or a person employed by the retail seller of vaporizing products or on any premises authorized to sell vaporizing products to determine if vaporizing products are being sold or given to persons under ~~eighteen (18)~~ **twenty-one (21)** years of age if the "sting operation" or enforcement action is approved by the Department of State Police, the county sheriff, a municipal police department, the Department of Public Health, or a local health department.

Section 210.2180. Sale Of Cigarette Papers Prohibited.

[CC 1990 § 21-7; Ord. No. 276 §§ 1 — 3, 4-17-1989]

- A. **Furnishing Cigarette Papers To Any Person.** No individual, corporation, partnership or other entity or their employees shall sell or supply cigarette

papers (said being defined as "papers identified as being able to be used to wrap tobacco or any tobacco product which is not pre-wrapped and packaged for sale as cigarettes") to any person within the City limits.

- B. Possession By Any Person. No person shall purchase, attempt to purchase or have in his/her possession any cigarette papers within the City limits.
- C. Unlawful To Consume On Premises. It shall be unlawful for any merchant or keeper of any place of business in the City, subject to regulation by the Mayor or City Council or the employees of such merchant or keeper, to permit any person to use cigarette papers to wrap tobacco on the premises on which the business is conducted.

Section 210.2190. through Section 210.2260. (Reserved)

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this _____ day of _____, 2022.

Presiding Officer

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD _____

BILL NO. 3397

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 210. OFFENSES,
CHANGING THE MINIMUM AGE TO PURCHASE OR POSSESS
TOBACCO OR VAPOR PRODUCTS FROM 18 YEARS OF AGE TO
21 YEARS OF AGE IN CONFORMANCE WITH THE STATE OF
MISSOURI REQUIREMENTS.**

Whereas, the City of Chesterfield currently prohibits the purchase, sale, or possession of tobacco or vapor products by an individual under the age of 18 years of age; and,

Whereas, the State of Missouri recently enacted legislation establishing the minimum age for the purchase, sale, or possession of tobacco or vapor products at 21 years of age; and,

Whereas, the State of Missouri also requires all municipalities to establish the minimum age of 21 years for the purchase, sale, or possession of tobacco or vapor products; and,

Whereas, the Chesterfield Public Health and Safety Committee has reviewed and recommended the change in conformance with the State of Missouri's requirements;

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

Section one: Chapter 210 Offenses of the City Municipal Code shall be amended to replace all references to the minimum age of eighteen (18) requirement, with the new twenty-one (21) year minimum age requirement as follows:

Chapter 210. Offenses

Article XIII. Offenses Concerning Tobacco,
Alternative Nicotine Products Or Vapor Products

Section 210.2100. Definitions.

For purposes of this Article, the following definitions shall apply:

ALTERNATIVE NICOTINE PRODUCT

Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.^[1]

CENTER OF YOUTH ACTIVITIES

Any playground, school or other facility, when such facility is being used primarily by persons under the age of ***twenty-one (21)*** for recreational, educational or other purposes.

DISTRIBUTE

A conveyance to the public by sale, barter, gift or sample.

MINOR

A person under the age of ***twenty-one (21)***.

PROOF OF AGE

A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS

Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE

A tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING

The distribution to members of the general public of tobacco product, alternative nicotine product or vapor product samples.

TOBACCO PRODUCTS

Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.

VAPOR PRODUCT

Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to

produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any alternative nicotine product or tobacco product.

VENDING MACHINE

Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products or vapor products.

[1] *Editor's Note: See 21 U.S.C. § 351 et seq.*

Section 210.2105. No Tobacco Sales To Minors — Alternative Nicotine Products, Vapor Products And Nicotine Liquid Containers — Sale To Minors Prohibited.

- A. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than **twenty-one (21)** years of age.
- B. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
- C. Alternative nicotine products and vapor products shall only be sold to persons **twenty-one (21)** years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.
- D. Nicotine Liquid Containers — Regulations.
 - 1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.
 - 2. For the purposes of this Subsection, "nicotine liquid container" shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A "nicotine liquid container" shall not include a liquid

or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.

4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028, RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rule-making authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

5. The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

Section 210.2110. Unlawful To Sell Or Distribute Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under **twenty-one (21)** years of age.
- B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than **twenty-one (21)** years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a

design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than **twenty-one (21)** years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection **(D)** of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

- C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product or vapor product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsection **(A)**, **(B)** or **(C)** of this Section or Section **210.2140** of this Article shall be penalized as follows:
 - 1. For the first offense, twenty-five dollars (\$25.00);
 - 2. For the second offense, one hundred dollars (\$100.00); and
 - 3. For a third and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products, alternative nicotine products or vapor products are available for sale who violates Subsection **(C)** of this Section shall not be penalized pursuant to this Section if such person documents the following:
 - 1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco products, alternative nicotine products or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products or vapor products to the general public;
 - 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors products, alternative nicotine products or vapor products; and
 - 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90)

minutes in length, established by the Division of Alcohol and Tobacco Control.

- F. The exemption in Subsection **(E)** of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products or vapor products are available for sale if:
1. Four (4) or more violations per location of Subsection **(C)** of this Section occur within a one-year period; or
 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection **(C)** of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections **(A)**, **(B)** and **(C)** of this Section. If a vending machine is in violation of Section **210.2140**, the owner of the establishment shall be guilty of an offense established in Subsections **(C)** and **(D)** of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections **(C)** and **(D)** of this Section.
- H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than **twenty-one (21)** years of age in violation of Subsection **(A)**, **(B)** or **(C)** of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was **twenty-one (21)** years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 210.2120. Minors Prohibited From Purchase Or Possession Of Tobacco Products, Alternative Nicotine Products Or Vapor Products — Misrepresentation Of Age.

- A. No person less than twenty-one (21) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an

employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

- B. Any person less than **twenty-one (21)** years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products or vapor products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 - 1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated;
 - 2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.2130. Retail Sales Tax License Required For Sale Of Tobacco Products, Alternative Nicotine Products Or Vapor Products.

No person shall sell cigarettes, tobacco products, alternative nicotine products or vapor products unless the person has a retail sales tax license.

Section 210.2140. Required Sign Stating Violation Of State Law To Sell Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors Under Age **TWENTY-ONE (21)** — Display Of Sign Required, Where.

- A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products are purchased a sign that shall:
 - 1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:

IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words **"Under 21"**.

Section 210.2150. Restrictions On Sales Of Individual Packs Of Cigarettes.

A. No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 210.2160. Proof Of Age Required, When Defense To Action For Violation Is Reasonable Reliance On Proof — Liability.

- A. A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of **twenty-one (21)**.
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of

Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least **twenty-one (21)** years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections **(A)**, **(B)** and **(C)** of Section **210.2110** of this Article. No person shall be liable for more than one (1) violation of Subsections **(B)** and **(C)** of Section **210.2110** on any single day.

Section 210.2170. Sale, Use And Possession Of Electronic Cigarettes And Vaporizing Products By Minors Prohibited.

[CC 1990 §§ 21-34 — 21-35; Ord. No. 2803, 7-21-2014]

- A. Definitions. As used in this Section, the following terms shall have the meanings indicated:

VAPORIZING PRODUCTS

Electronic devices which employ a battery to power a heating chamber that converts a liquid solution containing tobacco-derived nicotine, through a non-combustive process, into a vapor or vapor-like mist. The definition includes electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, which are personal vaporizing products on which users inhale through a mouthpiece.

- B. Distribution Of Vaporizing Products To Or Possession By Persons Under **Twenty-one (21)** Years Of Age Prohibited.

- 1. A person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, may not sell, offer for sale, give, or furnish any vaporizing product or any component to a person under **twenty-one (21)** years of age.

2. Before selling, offering for sale, giving, or furnishing any vaporizing product, or any cartridge or component of any vaporizing product, to another person, the person selling, offering for sale, giving, or furnishing the vaporizing product shall verify that the person is at least **twenty-one (21)** years of age by:
 - a. Examining from any person that appears to be under twenty-seven (27) years of age a government-issued photographic identification that establishes the person is at least **twenty-one (21)** years of age; or
 - b. For sales made through the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is **twenty-one (21)** years of age or older.
3. No minor under **twenty-one (21)** years of age shall possess any vaporizing product, buy any vaporizing product, or, in the furtherance or facilitation of obtaining any vaporizing product, shall display or use a false or forged identification card or transfer, alter, or deface an identification card.
4. It is not a violation of this Act for a person under **twenty-one (21)** years of age to purchase or possess a vaporizing product if the person under the age of **twenty-one (21)** purchases or is given the vaporizing product from a retail seller of vaporizing products or an employee of the retail seller pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a retail seller of any vaporizing product or a person employed by the retail seller of vaporizing products or on any premises authorized to sell vaporizing products to determine if vaporizing products are being sold or given to persons under **twenty-one (21)** years of age if the "sting operation" or enforcement action is approved by the Department of State Police, the county sheriff, a municipal police department, the Department of Public Health, or a local health department.

Section 210.2180. Sale Of Cigarette Papers Prohibited.

[CC 1990 § 21-7; Ord. No. 276 §§ 1 — 3, 4-17-1989]

- A. **Furnishing Cigarette Papers To Any Person.** No individual, corporation, partnership or other entity or their employees shall sell or supply cigarette papers (said being defined as "papers identified as being able to be used to

wrap tobacco or any tobacco product which is not pre-wrapped and packaged for sale as cigarettes") to any person within the City limits.

- B. Possession By Any Person. No person shall purchase, attempt to purchase or have in his/her possession any cigarette papers within the City limits.
- C. Unlawful To Consume On Premises. It shall be unlawful for any merchant or keeper of any place of business in the City, subject to regulation by the Mayor or City Council or the employees of such merchant or keeper, to permit any person to use cigarette papers to wrap tobacco on the premises on which the business is conducted.

Section 210.2190. through Section 210.2260. (Reserved)

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this _____ day of _____, 2022.

Presiding Officer

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD _____

REPORT FROM THE CITY ADMINISTRATOR & OTHER ITEMS REQUIRING ACTION BY CITY COUNCIL

Bid Recommendation – 2022 Sidewalk Project A – As included in the 2022 budget, the City sought bids for the 2022 Sidewalk Project, Area A. I concur with the recommendation of Public Works Director\City Engineer Jim Eckrich to accept the low bid submitted by E. Meier Contracting, and to authorize the City Administrator to enter into an Agreement with E. Meier Contracting in an amount not to exceed \$245,000. Sidewalk Project A is funded within Account 120-079-5497 at \$300,000, which includes \$55,000 for the sidewalk leveling contract approved earlier this year by City Council. **(Roll Call Vote) Department of Public Works recommends approval.**

Bid Recommendation – Chesterfield Amphitheater Sound System – As planned and included in the 2022 budget, the City sought bids for a new or minimally used sound system for the Chesterfield Amphitheater. I concur with the recommendation of Parks, Recreation and Arts Director Tom McCarthy to accept the bid submitted by Signal, and to authorize the City Administrator to purchase a sound system from Signal, in the amount of \$96,127.70. **(Roll Call Vote) Parks, Recreation & Arts Committee recommends approval.**

Liquor License Request – Arch Nemesis Brewing (17081 N Outer 40 Rd. #208) – has requested a new liquor license for retail sale of all intoxicating liquor by the drink, to be consumed on premise, and Sunday sales. **(Voice Vote)**

Memorandum

Department of Public Works



TO: Michael O. Geisel, P.E.
City Administrator

FROM: James A. Eckrich, P.E. *JAE*
Public Works Dir. / City Engineer

DATE: June 8, 2022

RE: 2022 Sidewalk Project A

As you know, due to the impacts of the Emerald Ash Borer (EAB) the Public Works Department has directed one street maintenance crew to work exclusively on the removal of Ash Trees located within the public right of way, as detailed in the EAB Action Plan approved by City Council in late 2015. Because the maintenance division will be concentrating its efforts on tree removal, the funding for 2022 contractual sidewalk repair was increased from \$355,000 to \$555,000.

Sidewalk Project B was authorized by City Council earlier this year, at a cost of \$200,000. As detailed within that submittal, Sidewalk Project B addressed open sidewalk work orders throughout the City, as well as those trip hazards and deficiencies with the highest priority as defined in the City's ADA Transition Plan.

Sidewalk Project A is specifically funded at \$300,000 within Account 120-079-5497. This project contains two components – a sidewalk leveling contract and a sidewalk replacement contract. Earlier this year City Council approved a sidewalk leveling contract with Lift Rite Incorporated in an amount not to exceed \$55,000. That project will commence in early July and should take approximately four weeks to complete.

The second component of Project A is the replacement of sidewalk that cannot be adequately addressed via a leveling contract. This includes sidewalk with vertical displacements of more than two inches, sidewalk adjacent to driveways, and miscellaneous other deficiencies. The Department of Public Works publicly opened bids for the 2022 Sidewalk Project A on June 7, 2022. The results of the bid opening are detailed in the attached memorandum from Project Manager Matt Dooley. After reviewing the bids, Staff recommends the project be awarded to the low bidder, E. Meier Contracting, in the budgeted amount of \$245,000. This includes the low bid submitted by E. Meier (\$231,518) and a modest contingency to address any necessary change orders. While E. Meier has not specifically completed a sidewalk

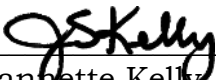
project for the City of Chesterfield in the past, they have done other work for the City and have positive references.

Project A will correct sidewalk deficiencies in a number of different subdivisions, including the Courts, Sycamore Place, Forest Meadows, Wilson Farm, Wilson Manor, Chesterfield Meadows and Bent Tree. Should you have questions or need additional information regarding this project, please contact me.

Action Recommended

This matter should be forwarded to the City Council for consideration. Should Council concur with Staff's recommendation, it should authorize the City Administrator to enter into an Agreement with E. Meier Contracting in an amount not to exceed \$245,000.

Concurrence:



Jeanette Kelly, Director of Finance

MEMORANDUM



DATE: June 7, 2022
TO: Jim Eckrich, Public Works Director
FROM: Matt Dooley, Project Manager 
SUBJECT: 2022 Sidewalk Replacement Project, 2022-PW-04A

As you are aware, we opened bids for the above referenced project on June 7, 2022. Three bids were received:

<u>Contractor</u>	<u>Total Bid</u>
E. Meier Contracting	\$ 231,518.00
Lamke Trenching & Excavating	\$ 252,800.00
Infrastructure Management	\$ 330,375.00

The low bidder, E. Meier Contracting has not performed this type of work for the City in the past, but has submitted references that confirm they will be able to fulfill this contract. **Accordingly, I recommend acceptance of the bid of \$ 231,518.00.00 submitted by E. Meier Contracting, with the cost of the project not to exceed \$ 245,000.00** Adequate funding is available in the Capital Projects Sidewalk Improvements account, 137-079-5497, to fund this project.

The sidewalks to be replaced as part of this project will be in the Courts, Sycamore Place, Forest Meadows, Wilson Farm, Wilson Manor, Chesterfield Meadows, and Bent Tree subdivisions.

A copy of the lowest and best bid is attached for the Department of Finance and Administration's use in preparing a purchase order for the project. Should you require additional information, please advise.

EXHIBIT A**BID FORM**

BID TIME: 10:00 a.m.

BID DATE: Tuesday, June 7, 2022

TO: THE CITY OF CHESTERFIELD

The undersigned, having carefully examined the site and all the Contract Documents, adding Addenda 2 through 2, for the

Sidewalk Replacement Project
2022-PW-04A

being familiar with the local conditions affecting the work, hereby proposes to furnish all labor, materials, equipment and services required for the performance and completion of said project in accordance with the said Contract Documents for the following itemized bid.

The City is requesting unit price proposals for this work, consisting of all work necessary to remove and reconstruct approximately 16,600 square feet of 4" thick and 400 square feet of 6" thick existing sidewalk, 1 handicap ramp, and 1 concrete apron, including all necessary property restoration. The location of this project will be in the Courts, Sycamore Place, Forest Meadows, Wilson Farm, Wilson Manor, Chesterfield Meadows and Bent Tree Subdivisions as well as other streets, as designated by the City. .

The Contract contains a binding arbitration provision which may be enforced by the parties.

Bid submitted by:

Company Name: E. Meier Contracting, Inc.

Address: 860 Westwood Industrial Ct

City, State Weldon Spring, MO 63304

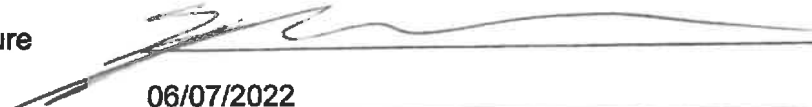
Phone number: 636-300-0908 Fax: 636-300-0907

E-mail address: drada@emeier.com

Type of Firm: Sole Partnership Partnership
Corporation X Other

Officer Edgar Meier

Title President

Signature 

Date 06/07/2022

**ITEMIZED BID
CITY OF CHESTERFIELD
2022 SIDEWALK REPLACEMENT PROJECT
2022-PW-04 A**

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED PRICE
1.1	Removal and Replacement of 4" Sidewalk - Limestone or Meramec Gravel Aggregate	Sq. Ft.	16,600	<u>13.18</u>	<u>218,788.00</u>
2.1	Removal and Replacement of 6" Sidewalk - Limestone or Meramec Gravel Aggregate	Sq. Ft.	400	<u>18.20</u>	<u>7,280.00</u>
3.1	Removal and Replacement Accessible Curb Ramps	Each	1	<u>2,200.00</u>	<u>2,200.00</u>
4.1	Removal and Replacement of Drive Approach	Each	1	<u>3,250.00</u>	<u>3,250.00</u>
				TOTAL BID	<u>231,518.00</u>



BID TABULATION
2022 SIDEWALK REPLACEMENT PROJECT
2022-PW-04A
June 7, 2022

ITEM #	DESCRIPTION	UNITS	QUANTITY	ENGINEER'S ESTIMATE		E. MEIER CONTRACTING		LAMKE TRENCHING AND EXCAVATING		INFRASTRUCTURE MANAGEMENT	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1.1	Removal and Replacement of 4" Sidewalk - Limestone or Meramec Gravel Aggregate	Sq. Ft.	16,600	\$14.00	\$232,400.00	\$13.18	\$218,788.00	\$14.50	\$240,700.00	\$19.00	\$315,400.00
2.1	Removal and Replacement of 6" Sidewalk - Limestone or Meramec Gravel Aggregate	Sq. Ft.	400	\$16.00	\$6,400.00	\$18.20	\$7,280.00	\$16.00	\$6,400.00	\$22.40	\$8,960.00
3.1	Removal and Replacement Accessible Curb Ramps	L.S.	1	\$2,500.00	\$2,500.00	\$2,200.00	\$2,200.00	\$2,450.00	\$2,450.00	\$3,765.00	\$3,765.00
4.1	Removal and Replacement of Drive Approach	L.S.	1	\$3,000.00	\$3,000.00	\$3,250.00	\$3,250.00	\$3,250.00	\$3,250.00	\$2,250.00	\$2,250.00
	TOTAL BID				\$244,300.00		\$231,518.00		\$252,800.00		\$330,375.00



Memorandum

To: Tom McCarthy, Director of Parks, Recreation, & Arts

From: Jason Baucom^{SB}, Superintendent of Arts & Entertainment

Date: May 31, 2022

Subject: **Chesterfield Amphitheater Sound System**

Staff recently requested bids for the procurement and installation of a "Professional Turnkey Line Array Sound System" for the Chesterfield Amphitheater. The specifications called for One (1), New or Used(Serviced and in Good(Grade 7-8) or above Condition), Complete Turnkey Line Array System for the Chesterfield Amphitheater. After public advertisement, a total of sixteen(16) sets of bid documents were downloaded from the City of Chesterfield website, however only one company submitted a bid for said sound system.

Cignal **\$119,627.70**

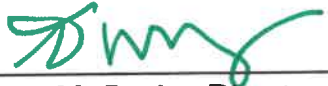
Staff has reviewed the bid and highly recommends accepting the bid for the PK Trinity-8 received from Cignal. The PK Trinity-8 system is a top level, revolutionary, robotic, three-dimensionally controlled sound system that is configured remotely, capable of focusing sound exactly where it is intended, which can really help us control what leaks out of the amphitheater to our surrounding neighbors. The company is offering us this system at a greatly discounted price(retails over \$200K), since we would be willing to allow them to demonstrate it to other interested parties and be one of the first venues in the world equipped with this particular system. The PK Trinity-8 is very rider friendly and will assist us in our efforts in acquiring top level talent. Additionally, it is a big upgrade over our past system, which was 8 yrs. old upon purchase and beginning to cause problems with touring artists. Due to the chip shortage the system will not be available until fall at the earliest, however PK is willing to let us use the VX10 rig for free until the Trinity 8 is available.

In December of 2021 after the 2022 budget was adopted, we received/accepted a generous trade-in offer for the Yamaha Nexo system for \$23,500, which is applied to the purchase of the new recommended system. Due to the chip, supply chain, and labor shortages the professional sound system industry has seen a sharp rise in costs for line array systems and subsequently priced above budget, which we have accounted for below.

Funds for the sound system have been budgeted in the 2022 Improvements other than Buildings Account 019-084-5480 in the amount of \$75,000 and a budget transfer from 019-085-5313 of \$21,127.70.

The Parks, Recreation, & Arts Department is recommending that City Council accept the competitive pricing submitted by Cignal in the amount of \$96,127.70. The Purchase order should be made out to Cignal, 255 Marshall Rd, St. Louis, MO 63088.

Please let me know if you have any questions or require additional information.

Concurrence: 
Tom McCarthy, Director of Parks, Recreation, & Arts

Concurrence: 
Jeannette Kelly, Director of Finance

Concurrence: 
Mike Geisel, City Administrator

BID FORM

BID TIME: 9:30 a.m.

BID DATE: May 25, 2022

TO: THE CITY OF CHESTERFIELD

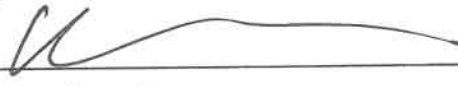
The undersigned, having carefully examined the site and all the Contract Documents, adding Addenda 1 through 1, for the

**LINE ARRAY SYSTEM FOR THE
CHESTERFIELD AMPHITHEATER
City Project No. 2022-PK-01**

being familiar with the local conditions affecting the work, hereby proposes to furnish all labor, materials, equipment and services required for the performance and completion of said project in accordance with the said Contract Documents for the following itemized bid.

The City is requesting unit price proposals for this work, consisting of a Class A turnkey Line Array System for the Chesterfield Amphitheater per the Technical Specifications herein. The system must be rider friendly and accepted by all productions booked at the Chesterfield Amphitheater. The Contract contains a binding arbitration provision which may be enforced by the parties.

Bid submitted by:

Company Name: Signal
Address: 255 Marshall Road
City, State: Valley Park, Mo
Phone number: 314-743-0100 Fax: 314-968-2599
E-mail address: chip@logicsound.com
Type of Firm: Sole Partnership ☐ Partnership ☐
Corporation ☒ Other ☐
Officer: Chip Self
Title: President
Signature: 
Date: 5/23/22

SPECIFICATION COMPLIANCE

This form describes the MINIMUM SPECIFICATIONS summary for:

One (1), New or Used(Serviced and in Good(Grade 7-8) or above Condition), Complete Turnkey Line Array System for the Chesterfield Amphitheater.

Unit must comply with the requirements of the applicable sections of the attached Technical Specification Document as summarized in the Specification Compliance Form below.

Bids must be offered as a complete, turn-key unit. All requirements of the Specifications must be met or exceeded or may be considered non-responsive. Incomplete responses will not be considered.

All equipment furnished under this contract shall be new or lightly used. Accessories not specifically mentioned herein, but necessary to furnish a complete unit ready for use shall also be included.

Listed below are the preferred specifications for said bid. Will also accept alternate systems that meet or exceed these requirements.

Concert line array speaker system to meet or exceed the following design criteria:

- (9) L-Acoustics KARA line array elements per side (18 total)
- (2) L-Acoustics M-BUMP
- (2) L-Acoustics M-BAR
- (12) L-Acoustics SB-18M
- (2) Custom 3-high, 2-wide SB-18M wheelboards, w/ locking casters & straps
- (6) Custom lift-off lids for 3 KARA per case, or similar carts
- (2) 1/2 ton chain-fall w/ chain bags & rigging hardware as required for single-point hangs
- (2) steering line kits as required for array steering, w/ necessary rigging hardware
- (2) L-Acoustics X8 front fill speakers
- (5) L-Acoustics LA-8 amplified controllers
- (misc) cable, jumpers, rigging and cable management as required for full deployment

Acceptable substitutions: PK Audio T-10 or T-8 w/ T-218 subs or D&B XSL series w/ D series amplification. Other substitutions must be approved in writing, in advance.

Rigging requirements: The speaker system must rig from a single point per side, and may not exceed a total weight of 1,000 pounds per side.

Coverage requirements: The speaker system shall be configured and tuned to produce a minimum of 103 dbA at +/- 3db across the entire depth and width of the

audience area without excess leakage to adjacent areas to the sides, or back of audience areas.

Environmental requirements: This speaker system will be left outdoors for 9-12 months per year, under partial cover, but largely exposed to the elements. All components shall be IP rated appropriately, or include aftermarket cable gland / covers as required to adequately protect the electrical connections. All amplifiers will be located in a service room located upstage left. Cable pathways do exist. It is incumbent on bidders to conduct a site visit to determine necessary cable lengths for safe & reliable operation.

Storage / maintenance requirements: Vendor shall include projected budgets to include labor, materials and transportation to remove, transport and store the speaker system during the off-season (schedule TBD) each year, for a minimum of 5 years. During the off-season, Vendor shall bench test all components, re-paint all speaker cabinets & hardware, and provide a report of conditions to Owner. Owner shall be responsible for parts & labor necessary to bring equipment back to full functional level at it's discretion, as proposed by Vendor.

Contractor shall deliver, set up and test the system. Upon completion of the installation and testing, the system must be approved before payment will be authorized. All crating and other debris must be removed from the premises. The Contractor will be solely responsible for correcting damage to premises resulting from the installation process.

Contractor shall be an authorized full-service dealer, capable of replacing damaged equipment upon request.

Bidder shall provide all technical specifications about the items to be provided.

Bidder shall provide a complete list of components.

CERTIFICATION OF NON-SEGREGATION

By submission of this bid I certify that I do not maintain or provide for my employees any segregated facilities at any of my establishments, and that I do not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I certify further that I will not maintain or provide for my employees any segregated facilities at any of my establishments, and that I will not permit my employees to perform their services at any locations, under my control, where segregated facilities are maintained. I agree that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion or national origin because of habit, local custom or otherwise. I further agree that I will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that I will retain such certifications in my files, and that I will forward this notice to such proposed Contractors.

SIGNED:

Contractor:

By:

Date:


Signal

Chip Self

5/23/22

ANTI-COLLUSION AFFIDAVIT

STATE OF MOCOUNTY OF St. LouisChip Self, being first duly sworn, deposes and says that
he is President (sole owner, partner, president, secretary, etc.)

of Cignal, the party making the foregoing bid; that such bid is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation; that such bid is genuine and not collusive or sham; that said bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that any one shall refrain from bidding; that said bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of said bidder or of any other bidder, or to fix any overhead, profit or cost element of such bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in such bid are true, and, further, that said bidder has not, directly or indirectly, submitted his bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid and will not pay any fee in connection therewith to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, or to any other individual except to such person or persons as have a partnership or other financial interest with said bidder in his general business.

SIGNED: [Signature]Title: PresidentSubscribed and sworn to before me this 23 day of May, 20 22

Seal of Notary

Notary Public Terran Brickey

In completing this form the title that is not applicable should be struck out. For example, if the Contractor is a corporation and this form is to be executed by its president, the words "Sole owner, a partner, secretary, etc." should be struck out.



255 Marshall Road
Suite 150
Valley Park, MO 63088
V 314.743.0100
F 314.968.2599
www.signalsys.com

Proposal:
Attn. Jason Baucom
314-757-9180

5/23/22

RE: Amphitheatre speaker system replacement 2022 - PK Trinity 8 option

Equipment		Sub-total price	\$ 116,827.70 extended	freight
16	PK Sound Trinity-8 line array elements	\$ 4,015.00	\$ 64,240.00	\$ -
2	PK Sound T8 Suspension frame	\$ 2,136.75	\$ 4,273.50	\$ -
14	PK Sound 0.5m data/signal jumper cable	\$ 129.80	\$ 1,817.20	\$ -
6	PK Sound Trinity-218 subwoofer	\$ 6,641.25	\$ 39,847.50	\$ -
4	PK Sound 1m data/signal jumper cable	\$ 144.65	\$ 578.60	\$ -
2	STL Case Co - custom sub wheel board w/ locking casters	\$ 275.00	\$ 550.00	\$ -
2	PK Sound 15m data/signal cable	\$ 491.15	\$ 982.30	\$ -
2	PK Sound 30m data/signal cable	\$ 707.30	\$ 1,414.60	\$ -
4	50' True1 power cables	\$ 165.00	\$ 660.00	\$ -
4	100' True1 power cables	\$ 247.50	\$ 990.00	\$ -
12	0.5m True1 power cables	\$ 49.50	\$ 594.00	\$ -
2	1m True1 power cables	\$ 55.00	\$ 110.00	\$ -
1	lot - rigging hardware as required	\$ 220.00	\$ 220.00	\$ -
1	lot - cable & hardware as required	\$ 550.00	\$ 550.00	\$ -
Labor		Sub-total price	\$ 2,800.00 extended	Perdiem
4	Audio technician - day rate	\$ 700.00	\$ 2,800.00	\$ -
		\$ -	\$ -	\$ -
TOTAL			\$ 119,627.70	



MEMORANDUM

DATE: June 8, 2022

TO: Mike Geisel
City Administrator

FROM: Andrea Majoros, Business Assistance Coordinator

SUBJECT: **LIQUOR LICENSE REQUEST – ARCH NEMESIS BREWING**

Arch Nemesis Brewing - 17081 N Outer 40 Rd, #208 (former location Teavana) ... has requested a new liquor license for retail sale of all kinds of intoxicating liquor by the drink, to be consumed on premise, and Sunday sales.

Mr. James Hofer is the managing officer.

This application was reviewed and approved by both the Police Department and the Department of Planning.

With City Council approval at the Monday, June 20, 2022 city council meeting, I will immediately issue this license.

OTHER LEGISLATION

There is no other legislation scheduled for action at this meeting.

UNFINISHED BUSINESS

There is no “Unfinished Business” scheduled for action at this meeting.

NEW BUSINESS