



**AGENDA REVIEW MEETING
CHESTERFIELD CITY COUNCIL
Wednesday, February 22, 2017
6:15 PM**

1. Appointments

A. **Appointment** – James Rosenauer – Planning Commission

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

A. **Bill No. 3134 – P.Z 12-2016 Chesterfield Commerce Center (150 N. Eatherton Rd.) (Second Reading)**

B. **Bill No. 3135 – P.Z. 15-2016 17256 Wild Horse Creek Road (Lee's Boys) (Second Reading)**

C. **Bill No. 3139 – City Limit Signs (First Reading)**

D. **Bill No. 3140 – Noise Ordinance Enforced Signs (First Reading)**

E. **Bill No. 3141 – Braking Systems (First Reading)**

F. **Next Meeting – February 23, 2017 (5:30pm)**

3. Finance and Administration Committee – Chairperson Tom DeCampi, Ward IV

A. **Next Meeting Monday, February 27, 2017 (4pm)**

4. Parks, Recreation and Arts Committee – Chairperson Barbara McGuinness, Ward I

A. **Bill No. 3138 – Revising The Park Rules (Second Reading)**

5. Public Health and Safety Committee – Chairperson Bridget Nations, Ward II

A. **Next Meeting Monday, February 27, 2017 (5:30pm)**

6. Report from the City Administrator – Mike Geisel

7. Adjourn –

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 within employee groups (RSMo 610.021(3) 1994; bidding specification (RSMo 610.021(11) 1994; and/or proprietary technological materials (RSMo 610.021(15) 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)).



AGENDA
CHESTERFIELD CITY COUNCIL MEETING
Chesterfield City Hall
690 Chesterfield Parkway West
Wednesday, February 22, 2017
7:00PM

- I. CALL TO ORDER** – Mayor Bob Nation
- II. PLEDGE OF ALLEGIANCE** – Mayor Bob Nation
- III. MOMENT OF SILENT PRAYER** – Mayor Bob Nation
- IV. ROLL CALL** – City Clerk Vickie Hass
- V. APPROVAL OF MINUTES** – Mayor Bob Nation
 - A. City Council Meeting Minutes** – February 6, 2017
 - B. Executive Session Minutes** – February 6, 2017
- VI. COMMUNICATIONS AND PETITIONS** – Mayor Bob Nation
 - A. TSG Briefing** – Chesterfield Hockey Association
- VII. INTRODUCTORY REMARKS** – Mayor Bob Nation
 - A. Thursday, February 23, 2017** – Planning and Public Works (5:30pm)
 - B. Monday, February 27, 2017** – F&A Committee (4pm)
 - C. Monday, February 27, 2017** – Public Health & Safety (5:30pm)
 - D. Monday, February 27, 2017** – Planning Commission (7pm)

E. **Monday, March 6, 2017** – Next City Council meeting (7pm)

VIII. APPOINTMENTS – Mayor Bob Nation

A. **Appointment** – James Rosenauer – Planning Commission

IX. COUNCIL COMMITTEE REPORTS

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

1. **Bill No. 3134 – P.Z. 12-2016 Chesterfield Commerce Center (150 N. Eatherton Rd.) (Second Reading)**

2. **Bill No. 3135 – P.Z. 15-2016 17256 Wild Horse Creek Road (Lee's Boys) (Second Reading)**

3. **Bill No. 3139 – City Limit Signs (First Reading)**

4. **Bill No. 3140 – Noise Ordinance Enforced Signs (First Reading)**

5. **Bill No. 3141 – Braking Systems (First Reading)**

6. **Next Meeting – February 23, 2017 (5:30pm)**

B. **Finance and Administration Committee** – Chairperson Tom DeCampi, Ward IV

1. **Next Meeting Monday, February 27, 2017 (4pm)**

C. **Parks, Recreation and Arts Committee** – Chairperson Barbara McGuinness, Ward I

1. **Bill No. 3138 – Revising The Park Rules (Second Reading)**

D. **Public Health and Safety Committee** – Chairperson Bridget Nations, Ward II

1. **Next Meeting Monday, February 27, 2017 (5:30pm)**

X. REPORT FROM THE CITY ADMINISTRATOR – Mike Geisel

XI. UNFINISHED BUSINESS – Mayor Bob Nation

XII. NEW BUSINESS – Mayor Bob Nation

XIII. LEGISLATION

- A. **BILL NO. 3138** – AN ORDINANCE REVISING THE PARKS RULES FOR THE CITY OF CHESTERFIELD. (SECOND READING; PARKS, RECREATION AND ARTS RECOMMENDS APPROVAL)

- B. **BILL NO. 3139** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE MAINTENANCE OF CITY LIMIT SIGNS LOCATED WITHIN STATE RIGHT OF WAY.(FIRST READING; PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)

- C. **BILL NO. 3140** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE MAINTENANCE OF NOISE ORDINANCE ENFORCED SIGNS LOCATED WITHIN STATE RIGHT OF WAY. (FIRST READING; PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)

- D. **BILL NO. 3141** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI REPEALING ORDINANCE NUMBER 2926 AND ENACTING A NEW ORDINANCE RESTRICTING COMPRESSION RELEASE BRAKING SYSTEMS. (FIRST READING; PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)

XIV. LEGISLATION – PLANNING COMMISSION

- A. **BILL NO. 3134** – AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARY OF A “NU” NON-URBAN DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 10.786 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF EATHERTON RD., SOUTH OF THE LANDINGS AT SPIRIT DR. (P.Z. 12-2016 CHESTERFIELD COMMERCE CENTER[150 N. EATHERSON RD.]– 18W140020)(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)

B. BILL NO. 3135 – AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E-1AC” ESTATE DISTRICT FOR A 4.2 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD EAST OF ITS INTERSECTION WITH KEHRS MILL ROAD (P.Z. 15-2016 17256 WILD HORSE CREEK ROAD [LEE’S BOYS]-18U420027).(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)

XV. 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.

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AGENDA REVIEW – Wednesday, 2/22/2017 – 6:15 PM

An AGENDA REVIEW meeting has been scheduled to start at **6:15 pm, on Wednesday, February 22, 2017.**

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



RECORD OF PROCEEDING

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

FEBRUARY 6, 2017

The meeting was called to order at 7:03 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

ABSENT

Mayor Bob Nation
Councilmember Barry Flachsbart
Councilmember Barbara McGuinness
Councilmember Bridget Nations
Councilmember Guy Tilman
Councilmember Dan Hurt
Councilmember Randy Logan
Councilmember Tom DeCampi
Councilmember Nathan Roach

APPROVAL OF MINUTES

The minutes of the January 18, 2017 City Council meeting were submitted for approval. Councilmember Tilman made a motion, seconded by Councilmember Nations, to approve the City Council minutes.

Councilmember DeCampi made a motion, seconded by Councilmember McGuinness, to amend the minutes under “New Business” to include more detail of the discussion pertaining to potential extension of the existing Transportation Development District (TDD) sales tax in the Valley as a means to partially fund the development of an ice facility. Councilmember DeCampi indicated that the minutes do not reflect the robust conversation and did not describe the statements of the two TDD board members. A voice vote was taken with a negative result (Councilmembers DeCampi and McGuinness voted “yes”) and the motion to amend was declared failed.

A voice vote was taken on the original motion, with an affirmative result (Councilmember DeCampi voted “no”) and the original motion was declared passed.

COMMUNICATIONS AND PETITIONS

Mr. Ken Katt, 16869 Chesterfield Bluffs Circle, expressed his disappointment regarding the Doorack lease.

Ms. Lauren Doll, representing Cochran Engineering, stated she was present to answer questions pertaining to Bill No. 3136 (Peter Steffan, Record Plat).

Mayor Nation gave a brief statement regarding St. Louis County’s proposed ½ cent sales tax for public safety. He stated that he is extremely supportive of law enforcement, but he has reservations about the proposed sales tax. He continued by stating that the estimated amount of tax appears to be excessive and has not been supported by any budget specifics. The ballot wording which references its use for public safety is extremely broad and can include many expenses outside of law enforcement. He indicated that some municipal mayors have communicated that their cities do not have an identified need for the additional expenditures in public safety. Mayor Nation further explained prior public safety revenue proposals, which would have generated lesser amounts, which suggest that the half cent proposal was not determined by a defined budgetary need.

Mayor Nation recognized Boy Scouts in attendance and invited them to stay after the meeting to ask any questions they may have.

INTRODUCTORY REMARKS

Mayor Nation announced the City’s Prosecuting Attorney, Tim Engelmeyer, will host a Town Hall meeting on Wednesday, February 15, at 6 p.m. Mr. Engelmeyer will present information to the public and interested persons regarding the state of Chesterfield Courts.

Mayor Nation announced that City Hall will be closed on Monday, February 20 in observance of Presidents’ Day.

Mayor Nation announced that the next meeting of City Council has been scheduled for Wednesday, February 22, at 7 p.m.

APPOINTMENTS

Mayor Nation nominated Mr. Mick Weber (MW Weber Architects) for reappointment to the Architectural Review Board. Councilmember Nations made a motion, seconded by Councilmember Tilman, to approve this reappointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, to approve the resolution to appoint City Administrator Mike Geisel to the N. Outer Forty TDD Board of Directors. Councilmember DeCampi expressed reservations about appointing Mr. Geisel to be the representative to the TDD, indicating that he was concerned about voting in the City's interests. Councilmember Flachsbart noted that it is important to appoint good representatives to the TDD board in order to have some control over traffic related issues and the City's continued growth. A voice vote was taken with a unanimous affirmative result and the motion to approve the resolution was declared passed. The successful resolution became Chesterfield Resolution No. 431.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 3131 (Establishment of Sewer Easement for Watermark Development) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Hurt reported that Bill No. 3134 (P.Z. 12-2016 Chesterfield Commerce Center [150 N. Eatherton Rd.]) will be read for the first time under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt reported that Bill No. 3135 (P.Z. 15-2016, 17256 Wild Horse Creek Road [Lee's Boys]) will be read for the first time under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt reported that Bill No. 3136 (Peter Steffan, Record Plat) is scheduled for both first and second reading approval under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt reported that Bill No. 3137 (Harmony Seven Fire Hydrant) is scheduled for both first and second reading approval under the "Legislation" portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, February 9, at 5:30 p.m.

Finance and Administration Committee

Councilmember Tom DeCampi, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Flachsbart, to approve the purchase of a Document Management solution from Tyler Technologies funded by a transfer from General Fund – Fund Reserves, in the amount of \$150,000. Purchasing the solution from Tyler Technologies provides for an integrated solution with the City's financial software at a cost significantly lower than an independent document management solution. A roll call vote was taken with the following results: Ayes – McGuinness, Flachsbart, Hurt, Roach, Nations, DeCampi, Tilman and Logan. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember DeCampi made a motion, seconded by Councilmember Flachsbart, to affirm Staff's recommendation to move the City's accounts to Central Bank. A roll call vote was taken with the following results: Ayes – Logan, Flachsbart, McGuinness, Hurt, DeCampi, Roach, Nations and Tilman. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember DeCampi made a motion, seconded by Councilmember Tilman, to accept Staff's plan to re-engage the Finance and Administration Citizens Advisory Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember DeCampi made a motion, seconded by Councilmember McGuinness, to approve the resolution to waive the Attorney Client Privilege for former City Attorney Heggie as it relates to the Doorack Lease Purchase Option. A roll call vote was taken with the following results: Ayes – Tilman, DeCampi, Roach, McGuinness, Logan and Hurt. Nays – Nations and Flachsbart. Whereupon Mayor Nation declared the motion passed, becoming Chesterfield Resolution No. 432.

Councilmember DeCampi made a motion, seconded by Councilmember Flachsbart, to approve the proposed revisions to City Council Policy Nos. 6-23, 25-28 and 30-32. Policy Nos. 7-8, 11-21 and 27-28 to be eliminated; Policy Nos. 9, 22 and 26 (Return of City Property, First/Second Readings of Legislation, Non-Statutory Board/Commission/Committee Membership) to be revised as noted, thereby eliminating F&A Policy No. 35 (Historical Commission Membership). Policy Nos. 6, 10, 23, 25 and 30-32 to remain unchanged.

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to amend the motion by removing Policy No. 22 (First/Second Readings of Legislation) from the recommended revisions and sending it back to Committee for further review. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A voice vote was taken on the original motion, as amended, with a unanimous affirmative result and the motion was declared passed.

Parks, Recreation & Arts Committee

Councilmember Guy Tilman, Vice-Chairperson of the Parks, Recreation & Arts Committee, made a motion, seconded by Councilmember Flachsbart, to approve the proposed revisions to Parks, Recreation and Arts Policy Nos. 21, 29, 39 and 43. Policy No. 39 (Park Rules and Regulations) to be eliminated; Policy No. 29 (Donations for Park Improvements) to be revised as noted; and Policy Nos. 21 and 43 (Parkland Criteria, City Employee Admission to the Family Aquatic Park) to remain unchanged. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilman reported that Bill No. 3138 (Revising the Park Rules) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Tilman made a motion, seconded by Councilmember Flachsbart, to accept Staff’s recommendation to modify the aquatic center hours during the last three weeks of the pool season due to limited use and availability of life guards. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Public Health & Safety Committee

Councilmember Bridget Nations, Chairperson of the Public Health & Safety Committee, indicated that she had no report this evening.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Geisel reported that The Courtyard by Marriott, located at 17369 Chesterfield Airport Road, has requested a new liquor license, to sell all kinds of liquor by the drink and Sunday sales. Mr. Geisel reported that, per City policy, this application has been reviewed and is now recommended for approval by both the Planning/Public Services Division and Police Department. Councilmember Logan made a motion, seconded by Councilmember Tilman, to approve issuance of a new liquor license to The Courtyard by Marriott. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Councilmember Tilman suggested inviting representatives of the Chesterfield Hockey Association to provide a brief update on the Ice Rink development project and potential timetables. Council agreed it is important to re-state that the City of Chesterfield is not being asked to fund or approve a financing mechanism for this project. The City simply wants to understand the scope and potential timing of the project, to enable them to respond to concerned residents.

LEGISLATION

BILL NO. 3131 AUTHORIZES THE MAYOR TO EXECUTE A STORM SEWER EASEMENT IN CONJUNCTION WITH THE DEVELOPMENT OF A MULTI-FAMILY DEVELOPMENT AT 16300 LYDIA HILL DRIVE (18T321095) (SECOND READING; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 3131. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3131 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3131 with the following results: Ayes – Roach, Hurt, DeCampi, Tilman, Nations, Logan, McGuinness and Flachsbart. Nays – None. Whereupon Mayor Nation declared Bill No. 3131 approved, passed it and it became **ORDINANCE NO. 2935**.

BILL NO. 3137 APPROVES THE INSTALLATION OF ONE FIRE HYDRANT AT HARMONY SEVEN LOCATED WITHIN THE CITY OF CHESTERFIELD (FIRST & SECOND READING; PUBLIC WORKS DEPARTMENT RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember McGuinness, for the first reading of Bill No. 3137. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3137 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 3137. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3137 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3137 with the following results: Ayes – DeCampi, Logan, Nations, Hurt, McGuinness, Roach, Flachsbart and Tilman. Nays – None. Whereupon Mayor Nation declared Bill No. 3137 approved, passed it and it became **ORDINANCE NO. 2936**.

BILL NO. 3138 REVISES THE PARKS RULES FOR THE CITY OF
CHESTERFIELD **(FIRST READING; PARKS, RECREATION
AND ARTS RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 3138. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3138 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 3134 AMENDS THE UNIFIED DEVELOPMENT CODE OF THE CITY
OF CHESTERFIELD BY CHANGING THE BOUNDARY OF A
“NU” NON-URBAN DISTRICT TO A “PI” PLANNED
INDUSTRIAL DISTRICT FOR A 10.786 ACRE TRACT OF
LAND LOCATED ON THE EAST SIDE OF EATHERTON RD.,
SOUTH OF THE LANDINGS AT SPIRIT DR. (P.Z. 12-2016
CHESTERFIELD COMMERCE CENTER [150 N. EATHERTON
RD.] – 18W140020) **(FIRST READING; PLANNING
COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 3134. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3134 was read for the first time.

BILL NO. 3135 AMENDS THE UNIFIED DEVELOPMENT CODE OF THE CITY
OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF
AN “NU” NON-URBAN DISTRICT TO AN “E-1AC” ESTATE
DISTRICT FOR A 4.2 ACRE TRACT OF LAND LOCATED ON
THE SOUTH SIDE OF WILD HORSE CREEK ROAD EAST OF
ITS INTERSECTION WITH KEHRS MILL ROAD (P.Z. 15-2016
17256 WILD HORSE CREEK ROAD [LEE’S BOYS] -
18U420027) **(FIRST READING; PLANNING COMMISSION
RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 3135. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3135 was read for the first time.

BILL NO. 3136 PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR
THE PETER STEFFAN SUBDIVISION, A 1.77 ACRE TRACT OF
LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT
LOCATED NORTH OF CHESTERFIELD AIRPORT ROAD
WEST OF ITS INTERSECTION WITH ARNAGE BOULEVARD
**(FIRST & SECOND READING; PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 3136. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3136 was read for the first time.

Councilmember McGuinness made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 3136. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3136 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3136 with the following results: Ayes – Flachsbart, Hurt, Roach, McGuinness, Logan, Tilman, Nations and DeCampi. Nays – None. Whereupon Mayor Nation declared Bill No. 3136 approved, passed it and it became **ORDINANCE NO. 2937**.

[Councilmember Hurt stepped out of the meeting and returned during the Legislative portion of the agenda, but was present for all votes.]

ADJOURNMENT

Mayor Nation recognized candidates in attendance at this evening's meeting.

There being no further business to discuss, Mayor Nation adjourned the meeting at 8:31 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk

APPROVED BY CITY COUNCIL: _____

COMMUNICATIONS AND PETITIONS

TSG Briefing – Chesterfield Hockey Association

As always, if you have any questions or require additional information, please contact me prior to Wednesday's meeting.

UPCOMING MEETINGS/EVENTS

Thursday, February 23, 2017 – Planning and Public Works (5:30pm)

Monday, February 27, 2017 – F&A Committee (4pm)

Monday, February 27, 2017 – Public Health & Safety (5:30pm)

Monday, February 27, 2017 – Planning Commission (7pm)

Monday, March 6, 2017 – Next City Council meeting (7pm)

APPOINTMENTS

Appointment – Nominee for Planning Commission

James Rosenauer, Ward IV

The Planning and Public Works Committee interviewed Mr. Rosenauer and unanimously recommends his appointment to the Planning Commission.

If you have any questions, please contact me prior to Wednesday's meeting.

PLANNING AND PUBLIC WORKS COMMITTEE

The Planning and Public Works Committee met on Thursday, February 9th which resulted in several action items for City Council.

City Limit Signs and Noise Ordinance Enforced Signs

The Director of Public Works is recommending the approval of three ordinances in order to construct and maintain signs within MODOT right of way. The first ordinance approves a Maintenance Agreement for City Limit Signs, which was approved by City Council in later 2016, but not via ordinance. The second ordinance approves a similar Maintenance Agreement for Noise Ordinance Enforced signs within MODOT right of way. The third and final ordinance repeals the previous noise ordinance and enacts a new ordinance in its place, with the elimination of the term "Jake Braking", which is trademarked. If you have questions or need additional information, please contact Mr. Eckrich or me prior to the meeting.

Bill No. 3139 – CITY LIMIT SIGNS (FIRST READING; PLANNING AND PUBLIC WORKS COMMISSION RECOMMENDS APPROVAL) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE MAINTENANCE OF CITY LIMIT SIGNS LOCATED WITHIN STATE RIGHT OF WAY.

Bill No. 3140 – NOISE ORDINANCE ENFORCED SIGNS (FIRST READING; PLANNING AND PUBLIC WORKS COMMISSION RECOMMENDS APPROVAL) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE MAINTENANCE OF NOISE ORDINANCE ENFORCED SIGNS LOCATED WITHIN STATE RIGHT OF WAY.

Bill No. 3141 – BRAKING SYSTEM (FIRST READING; PLANNING AND PUBLIC WORKS COMMISSION RECOMMENDS APPROVAL) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI REPEALING ORDINANCE NUMBER 2926 AND ENACTING A NEW ORDINANCE RESTRICTING COMPRESSION RELEASE BRAKING SYSTEMS.

The following Bills are on for Second Reading:

Bill No. 3134 – P.Z 12-2016 Chesterfield Commerce Center (150 N. Eatherton Rd.) (Second Reading) (PLANNING COMMISSION RECOMMENDS APPROVAL) AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARY OF AN "NU" NON-URBAN DISTRICT TO A "PI" PLANNED INDUSTRIAL DISTRICT FOR A 10.786 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF EATHERTON RD., SOUTH OF THE LANDINGS AT SPIRIT DR. (P.Z. 12-2016 CHESTERFIELD COMMERCE CENTER [150 N. EATHERTON RD.]–18W140020)

**Bill No. 3135 – P.Z. 15-2016 17256 Wild Horse Creek Road (Lee's Boys)
(Second Reading) (PLANNING COMMISSION RECOMMENDS APPROVAL)**

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO AN "E-1AC" ESTATE DISTRICT FOR A 4.2 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD EAST OF ITS INTERSECTION WITH KEHRS MILL ROAD (P.Z. 15-2016 17256 WILD HORSE CREEK ROAD [LEE'S BOYS]-18U420027).

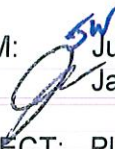
Next Meeting

The next meeting of the Planning and Public Works Committee is scheduled for Thursday, February 23rd, 2017 at 5:30 pm.

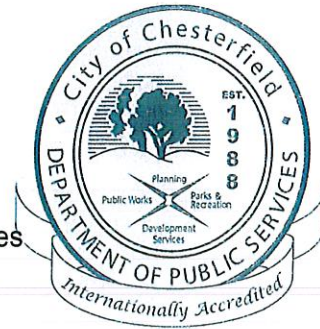
If you have any questions, please contact me prior to Wednesday's meeting.

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM:  Justin Wyse, Director of Planning and Development Services
James Eckrich, Director of Public Works/City Engineer

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, February 9, 2017



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, February 9, 2017, in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Barbara McGuinness** (Ward I,) and **Councilmember Nathan Roach** (Ward IV).

Also in attendance were: Mayor Bob Nation; Planning Commission Chair Stanley Proctor; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning & Development Services; Jessica Henry, Senior Planner; and Kathy Juergens, Recording Secretary. The following members of the Architectural Review Board were also present: Mick Weber, Rick Clawson and Mary Brown.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the January 19, 2017 Committee Meeting Summary

Councilmember McGuinness made a motion to approve the Meeting Summary of January 19, 2017. The motion was seconded by Councilmember Roach and **passed** by a voice vote of 3-0.

II. UNFINISHED BUSINESS - None

III. NEW BUSINESS

A. Planning Commission Nominee Interview

Chair Hurt introduced nominee James Rosenauer.

Mr. Rosenauer stated that he met the Mayor a year ago and has had several conversations with him regarding the City. The Mayor has explained the purpose and responsibilities of the Planning Commission. He understands the Committee's role in advising Council on planning and development within the City and he understands the importance of the position. Now that he is fully retired, he would like to give back to the City by offering his time and taking part in something meaningful. He has lived in Chesterfield for 38 years and has seen how the City has developed over the years. He stated his business and education background lends credence to his ability to learn and absorb what will be required of him in order to participate and make

meaningful decisions. He has begun to review the Comprehensive Plan and has been reading the monthly PDS Activity newsletter. He feels that he will be up to speed in a very short time.

Councilmember McGuinness expressed her appreciation to Mr. Rosenauer for his willingness to serve and she is pleased that he has already begun reviewing the Comprehensive Plan. She stated this is a big job that entails important responsibility. The Planning Commission is a statutory committee that advises the City Council on planning and development in the City.

Councilmember Roach advised Mr. Rosenauer that the position requires quite a bit of time and encouraged him to work with the other two Planning Commission members from Ward IV. Packets are distributed the week prior to meetings and he advised Mr. Rosenauer to physically go out and look at the sites to familiarize himself with the projects prior to meetings.

Councilmember McGuinness made a motion to recommend approval of the Mayor's nomination of James Rosenauer, representative of Ward IV, to the Planning Commission to serve out Nathan Roach's term. The motion was seconded by Councilmember Roach and passed by a voice vote of 3-0.

Chair Hurt stated City Council will vote on the nomination at the February 22, 2017 meeting.

Chair Hurt stated there is an Architectural Review Board meeting tonight at 6:00 p.m. and since there are several members of that Board present, Item III.C. Architectural Lighting, will be discussed next.

C. Discussion of Architectural Lighting (Hurt)

At the last Architectural Review Board (ARB) meeting, Chair Hurt stated there was discussion regarding the colored lighting on the Metro Lighting building located in Chesterfield Valley. One of the main functions of ARB and the Planning Commission is to address the character of buildings and neighborhoods based on the materials, colors and architectural detailing that are to be used on structures. Because of how the new technology of LED lighting and the use of holograms can change the character of a building, it became apparent during discussions at the ARB meeting that the City needs to establish guidelines for this type of lighting.

Rick Clawson, member of ARB, stated that LED technology is computer generated which means there are unlimited ways to program the patterns, colors and motions of the lighting. Metro Lighting is only utilizing a few colors, however, there are 39 LED lights that are all connected and in theory, they could use 39 different colors. In many instances, architectural lighting can lend dramatic improvement to the face of a building and ARB encourages that.

Chair Hurt stated the City Code restricts illumination, so that is not a major concern. He suggested considering the following possible restrictions on LED lighting:

- Number of colors
- The area of square footage
- Changing patterns
- Frequency of color change
- Speed of color change
- Consideration of color from one building to another
- Location of building

Mick Weber, ARB member, stated that color on an isolated building is not concerning, but if all the buildings along Highway 40 in the Valley start doing something different with lighting, it would become chaotic. During the ARB discussion, the question was raised as to whether lighting can be considered signage or architectural articulation when used on a lighting company's building. He feels each request should be evaluated on a case by case basis. In the event of an existing building requesting a change in lighting that does not necessitate a full building review, he questioned how it would be determined as to what is appropriate and how one would create an unbiased judgement in reviewing buildings.

Mr. Clawson stated that perhaps the ARB standards can be modified to state that building façade lighting may be acceptable but it must be reviewed separately. He would not want to strictly prohibit it, but would like it to be reviewed on a case by case basis.

Justin Wyse, Director of Planning and Development Services, stated that the City's current code accomplishes that. In the instance of Metro Lighting, the lights are existing lights that were in violation. Metro Lighting was not aware that they needed a permit. They have been to ARB and now they will be going to Planning Commission. The current process is governed by the Architectural Section of the UDC.

Mr. Clawson stated that this technology is ever changing so it is difficult to pinpoint restrictions as they may change in the future.

Chair Hurt was in agreement in maintaining the current process, however, he would be in favor of developing standards or guidelines for allowing LED lighting. He suggested that Staff be directed to begin such a review and develop preliminary language for discussion before solidifying a path.

Councilmember McGuinness made a motion to direct Staff to establish parameters to control Architectural Lighting and present recommendations to the Committee. The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 3-0.

B. Article 04-01 Architectural Review Standards – Update on Code Amendment

STAFF REPORT

Councilmember McGuinness stated that she raised this issue because it has become tiresome to remember to require siding to grade on all new residential developments. She called Power of Review on Harmony Seven for this issue and during her tenure on the Planning Commission, she would have to remember each time to request this. She stated it is much easier to include this requirement in the Code. She noted that Staff has suggested the following wording:

- Primary building material shall be extended and installed so that a maximum of twelve (12) inches of concrete foundation wall is exposed.
- Any exposed portion of concrete foundation wall must be painted to match the color of the adjacent building material.

With reference to the first bullet point, Councilmember McGuinness stated that she interprets this to mean that 12 inches *has to be exposed* which is a concern for her. She suggested the

following modification thereby giving developers the flexibility to provide less than 12 inches of exposed concrete:

Primary building material shall be extended and installed so that *no more than* twelve (12) inches of concrete foundation wall is exposed.

Councilmember McGuiness made a motion to forward to City Council the following amendments to Article 4 - Architectural Review Design Standards of the Unified Development Code with a recommendation to approve.

- **Primary building material shall be extended and installed so that no more than twelve (12) inches of concrete foundation wall is exposed.**
- **Any exposed portion of concrete foundation wall must be painted to match the color of the adjacent building material.**

The motion was seconded by Chair Hurt.

Discussion on the Motion

After some discussion on the pros and cons of painted concrete, Councilmember McGuiness amended her original motion to delete the second bullet point.

The amendment to the motion was seconded by Chair Hurt and **passed** by a voice vote of 3-0.

Justin Wyse, Director of Planning and Development Services, clarified that the amendment applies to new construction only and would also include additions or major changes to a residence that would require a permit and noted that simply re-siding a home does not require a permit.

The above motion to approve, as amended, **passed** by a voice vote of 3-0.

Since this is an amendment to the Code, Mr. Wyse advised that it will require a Public Hearing and will, therefore, be sent to the Planning Commission.

IV. OTHER – None.

V. ADJOURNMENT

The meeting adjourned at 6:15 p.m.



DATE: February 10, 2017

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

FROM: James A. Eckrich, P.E.
Public Works Director / City Engineer

RE: City Limit Signs on MODOT Right of Way
Noise Ordinance Enforced Signs on MODOT Right of Way

As you will recall, in late 2016 the City of Chesterfield City Council approved an Agreement with the Missouri Highways and Transportation Commission to maintain six City Limits Signs located on State right of way. Around the same time, the City of Chesterfield adopted an ordinance (2926) restricting the use of any braking system which produces excessive and unnecessary noise. In order to install the signs authorized by these legislative actions, the following additional actions are required:

- see
111#3139 1) Adoption of the attached ordinance authorizing the approval of a Maintenance Agreement with the Missouri Highways and Transportation Commission for the maintenance of City Limit Signs. This Agreement was previously approved by City Council, but MODOT notified us (after approval) that they would not accept it unless it is approved via ordinance. Accordingly, it is being re-submitted to City Council.
- ee
111#3140 2) Adoption of the attached ordinance authorizing the approval of a Maintenance Agreement with the Missouri Highways and Transportation Commission for the maintenance of Noise Ordinance Enforced Signs. This Agreement will allow the City Staff to install and maintain Noise Ordinance Enforced Signs on I-64 and Missouri Route 141.
- ee
111#3141 3) Adoption of the attached ordinance repealing the previous noise ordinance (2926) and enacting a new ordinance in its place. There is a claim that the previous ordinance infringes upon the "Jake Brake" trademark. Accordingly, the term "Jake Brake" has been removed from the proposed replacement ordinance.

Action Recommended

This matter should be forwarded to the City Council for approval of the three above-described ordinances. Once approved, the Agreements will be forwarded to MODOT for execution. After the Agreements have been signed, the City will initiate installation of the desired signs.

FINANCE AND ADMINISTRATION COMMITTEE

The Finance and Administration Committee met on Monday, January 23rd, which resulted in several action items for City Council.

Next Meeting

The next meeting of the F&A Committee is tentatively scheduled for Monday, February 27th, 2017 at 4 pm.

If you have any questions, please contact me prior to Wednesday's meeting.

PARKS RECREATION AND ARTS COMMITTEE

The Parks, Recreation and Arts Committee last met on Thursday, January 19th, 2017, which resulted in several action items for City Council.

Bill No. 3138 – Revising Park Rules (Second Reading)

The Parks, Recreation and Arts Committee reviewed the complete set of park rules and unanimously recommends the adoption of the Bill which repeals and replaces the current park rules.

Next Meeting

The next meeting has not been scheduled.

If you have any questions or require additional information, please contact me prior to Wednesday's meeting.

PUBLIC HEALTH AND SAFETY COMMITTEE

Next Meeting

The next meeting of the Public Health and Safety is tentatively scheduled for Monday, February 27th, 2017 at 5:30 pm.

If you have any questions or require additional information, please contact me prior to Wednesday's meeting.

CITY ADMINISTRATOR'S REPORT

If you have any questions, please contact me prior to Wednesday's meeting.

UNFINISHED BUSINESS

There are no unfinished agenda items for Monday's meeting.

If you have any questions or require additional information, please contact me prior to Monday's meeting.

LEGISLATION

BILL NO. 3138 – AN ORDINANCE REVISING THE PARKS RULES FOR THE CITY OF CHESTERFIELD. (SECOND READING; PARKS, RECREATION AND ARTS RECOMMENDS APPROVAL)

BILL NO. 3139 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE MAINTENANCE OF CITY LIMIT SIGNS LOCATED WITHIN STATE RIGHT OF WAY.(FIRST READING; PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)

BILL NO. 3140 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE MAINTENANCE OF NOISE ORDINANCE ENFORCED SIGNS LOCATED WITHIN STATE RIGHT OF WAY. (FIRST READING; PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)

BILL NO. 3141 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI REPEALING ORDINANCE NUMBER 2926 AND ENACTING A NEW ORDINANCE RESTRICTING COMPRESSION RELEASE BRAKING SYSTEMS. (FIRST READING; PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)

BILL NO. 3138

ORDINANCE NO. _____

AN ORDINANCE REVISING THE PARK RULES FOR THE CITY OF CHESTERFIELD

WHEREAS, the City of Chesterfield has determined it necessary to establish rules for the use of City Parks; and

WHEREAS, said rules provide for safe and enjoyable use of City Parks by its Citizenry; and

WHEREAS, said rules of use are to be uniformly and equitably enforced within Chesterfield Parks;

WHEREAS, the City of Chesterfield adopted the current Park Rules and Regulations with the passage of Ordinance 2552 on August 3, 2009; and

WHEREAS, the City of Chesterfield desires to enhance the use and enjoyment of City Parks; and

WHEREAS, the City of Chesterfield Parks, Recreation and Arts Committee reviewed and unanimously recommended adoption of the revised Park Rules;

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

Section 1. A copy of the Revised Park Rules is provided for clarity and is hereby attached hereto and incorporated herein by reference and marked as Exhibit "A".

Section 2. Chapter 22, Section 22-1 through Section 22-51 are hereby repealed and replaced as provided for in Exhibit "A", attached hereto:

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

Passed and approved this _____ day of _____, 2017

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD:

“EXHIBIT A”

Park Rules and Regulations

ARTICLE I. IN GENERAL

Sec. 22-1. Unlawful to operate motor vehicles in certain areas of city parks.

No person shall operate a motor vehicle upon any unpaved area within a Chesterfield city park unless the area is specifically designated and posted to permit the operation of such vehicles in that area.

Sec. 22-2. Buses and certain trucks prohibited in city parks.

Trucks larger than a three-fourth (3/4) ton pickup truck and buses are prohibited from entering into a city park unless specific permission for same is obtained from the Director of Parks, Recreation & Arts or his/her designee. Trucks and buses having secured permission must park in areas so designated by the Director of Parks, Recreation & Arts or his/her designee or police.

Sec. 22-3 -- 22-15. Reserved.

ARTICLE II. PARKS RULES AND REGULATIONS

Sec. 22-16. Operating rules.

The Director of Parks, Recreation & Arts is hereby authorized to establish rules, which he/she determines are necessary to properly maintain, operate, develop, or construct city parks, facilities and/or trail areas, or to assure the safety of users of said parks and recreation facilities.

Sec. 22-17. Hours of operation.

City parks, facilities, and trail areas shall be open for public use during the period from sunrise to sunset with the exception of special use facilities such as aquatic centers, athletic complexes, amphitheaters; and in instances of special events and festivals, etc. It shall be unlawful for any person or persons (other than city personnel and/or concession/vending operators conducting city business therein) to occupy or be present in said park during any hours in which the park is not open to the public, unless written permission for extended use has been obtained from the Director of Parks, Recreation & Arts or his/her designee.

Sec. 22-18. Park, facility, and trail usage.

The city through its representatives, agents and employees, reserves the right to control the use of all city parks, facilities, and trail areas. In general, all city parks, facilities, and trail areas are to be open for the use by its residents; however, the city reserves the right to restrict the use of city parks, facilities, and trail areas or portion thereof for programs, special events, festivals, rentals, construction, and ongoing maintenance and operations.

No organized programs, camps, special events, festivals, walks, runs, rides, etc. shall take place in a city park, facility and/or trail area without the expressed written consent of the Director of Parks, Recreation & Arts.

The city through its representatives, agents, and employees, reserves the right to control all activities at any city park, facility and/or trail area and to eject any person(s) who is objectionable and causes disfavor to the rules and regulations.

Park patrons, lessee's agents, servants, employees, assigns, successors, invitees, and licensees at all times agree to fully abide by all federal, state, county and municipal laws and ordinances.

No private property may be placed on or in city parks, facilities and/or trail areas without the expressed written consent of the Director of Parks, Recreation & Arts or his/her designee.

The city will not assume any responsibility for any private property that may be approved for placement.

The city shall have the sole right to determine any and all decisions regarding the condition and usage of the parks, facilities and trail areas.

Sec. 22-19. Meetings, Exhibitions, Parades, etc.

No person shall, without a permit:

(1) Conduct a public assembly, parade, picnic, or other event involving more than twenty (20) individuals;

(2) Conduct any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;

(3) Create or emit any Amplified Sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by another person;

(4) Station or erect any building, tent, canopy, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure.

Permits may be obtained from the Director of Parks, Recreation & Arts. Permits may be issued pursuant to the guidelines set forth in Section 22-20.

Sec. 22-20. Permits

A permit for the use of a specific park, park area, facility or trail area may be obtained by applying to the Parks, Recreation & Arts Department in advance of the date for which the use of a specific park, park area, facility or trail area is sought. Persons issued a permit for the use of a specific park, park area, facility or trail area shall have preference to the use of the specific park, park area, facility or trail area reserved upon the dates and during the times indicated on the permit. A permit shall generally be issued when:

- (1) The proposed activity or use of the park, facility or trail area will not reasonably interfere with or detract from the general public's enjoyment of the park, facility and/or trail area.
- (2) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (3) The proposed activity or use will not entail unusual, extraordinary or burdensome expense, and/or police/maintenance operation by the city.
- (4) The location for the proposed activity or use is in an area deemed suitable by the Director of Parks, Recreation & Arts.
- (5) The issuance of such permit shall not result in crowded or congested conditions due to the issuance of prior permits for the same day, or due to the anticipated number of attendees for the planned event.
- (6) The proposed activity, use and/or equipment are deemed not to be a safety or liability issue.

Lessee is responsible to see that all activities are properly controlled; all rules are enforced, and must have a designated person(s) of authority on site at all times.

Lessee agrees that he/she will, to the extent possible, take every action necessary to prevent any and all disorderly or boisterous conduct or immoral practices of any kind and/or about the premises by its agents, servants, employees, assigns, successors, invitees and licensees.

The city through its representatives, agents, and employees, may revoke the usage of any permit previously granted at any time if it is determined that the application for permit contained any misrepresentation or false statement, or that any condition set forth in the policies governing the permit requested is not being complied with, or that the safety of the participants in the activities of the applicant or other patrons or visitors to the park, facility and/or trail area is endangered by the continuation of such activity.

Sec. 22-21. Domestic animals.

(a) No person shall bring any animal into areas of a park, facility and/or trail area that have been marked by signs bearing that animals/pets are not allowed.

(b) No person shall bring any animal into playground areas.

(c) No person shall permit the running of a domestic animal at large, unless in a designated area such as a "Dog Park" or an "Off-Leash" area.

(d) Except as part of an organized, authorized, or supervised Parks, Recreation & Arts program or in a designated area such as a "Dog Park" or an "Off-Leash" area, all domesticated animals where permitted shall be restrained by a leash no more than six feet in length and held by a competent person.

(e) No vicious animal of any kind shall be brought into the park, facility and/or trail area at any time even though restrained as described above.

(f) No person shall ride or otherwise bring any horse, mule, pony or other such riding animal in any of the parks, facility and/or trail area, except where posted for use of special trails etc. or unless special written permission for said use is obtained in advance from the Director of Parks, Recreation & Arts.

(g) Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended.

(h) No animal shall be tethered to any bush, tree, shrub, or to any park structure.

(i) Any person bringing an animal into the parks, facilities and/or trail areas shall remove and dispose of all feces left by such animal.

Sec. 22-22. Disposal of trash.

(a) No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, storm sewer or drain flowing into such waters, any substances matter or thing, liquid or solid, which will or may result in the pollution of the waters.

(b) No person shall litter or cause to be littered any of the grounds, driveways, buildings or other structures of the parks, facilities, and/or trail areas by scattering, dumping, or leaving paper, garbage, cans, broken glass, bottles, ashes, rubbish, waste, or other trash. All such rubbish or waste shall be placed in the proper receptacles where they are provided. Where receptacles are not provided, all rubbish or waste shall be carried away from the park, facility and/or trail area by the person responsible for its presence and properly disposed of elsewhere.

(c) No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash.

Sec. 22-23. Fires.

(a) No person shall build or attempt to build a fire in a park, facility and/or trail area except in an approved container and with written approval from the Director of Parks, Recreation & Arts.

(b) No person who has built any fire shall leave the place where the fire was built without first completely extinguishing the fire.

(c) No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park, facility and/or trail area.

Sec. 22-24. Tobacco and smoking.

No person shall smoke or use tobacco products (pipes, cigars and cigarettes) or vaping with e-cigarettes, in any City park, facility and/or trail area, with the exception of parking lot areas.

Sec. 22-25. Camping.

Camping, whether in vehicles or not, is prohibited in city parks, facilities and/or trail areas unless where specific written approval has been made by the Director of Parks, Recreation & Arts.

Sec. 22-26. Tents, awnings and canopies.

No person shall erect, hang, or construct any tent/awning/canopy in any City park, facility and/or trail area unless where specific approval has been made by the Director of Parks and Recreation or his/her designee.

Sec. 22-27. Damaging property.

No person in a city park, facility and/or trail area shall;

(1) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof; sign, notice, or placard whether temporary or permanent; monument, stake, post or other boundary marker; or other structure or equipment, facility, trail or park property or appurtenances whatsoever, either real or personal.

(2) Dig or remove any soil, rock, stone, sand, shrub, tree or plants, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(3) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit by the Director of Parks and Recreation.

(4) Damage, cut, carve, transplant or remove any tree or plant, or injure the bark thereof; or pick the flowers or seeds of any tree or plant; or attach any rope, wire or other contrivance to any tree or plant; or dig in or otherwise disturb grass areas; or in any other way injure or impair the natural beauty or usefulness of any area.

(5) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

Sec. 22-28. Weapons prohibited.

No person shall carry or have in his/her possession any firearm, air pistol, air rifle, bow and arrow or any other instrument capable of launching or firing any projectile or noxious substance, whether propelled by gunpowder, gas, air, spring, or any other means, while within any park, facility, trail area, roadway, driveway, or other public place of the department. This section shall not apply to any law enforcement officer authorized by law to carry a weapon within the parks, facilities and/or trail areas.

Sec. 22-29. Bicycles.

((a) No person shall bring a bicycle(s) into any areas of a park, facility and/or trail areas that have been marked by signs bearing that bicycle usage is prohibited.

(b) It is required that children between the age of 1 and 17 wear an approved helmet (Snell or ANSI standards) when riding a bicycle in a City park, facility and/or trail area.

(c) No person shall leave a bicycle in a place other than a bicycle rack when such is provided and space is available.

(d) No person shall leave a bicycle lying on the pavement or in any place or position where other persons may trip over it or be injured by it.

(e) No person shall ride a bicycle on other than a graveled, wood chipped or paved vehicular road or path designated for that purpose, except a bicyclist may wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(f) No person shall fail to comply with all traffic rules and regulations as apply to the operation of bicycles on City streets.

Sec. 22-30. Skateboards, in-line skates, coasters, scooters etc.

(a) No person shall ride or otherwise bring any skateboards, in-line skates, coasters, scooters or any other such riding apparatus in any parks, facilities and/or trail areas except where posted for designated use (designated trails/pathways, skateboard parks etc.).

(b) It is required that children between the age of 1 and 17 wear an approved helmet (Snell or ANSI standards) when riding skateboards, in-line skates, coasters, scooters, hover board, or any other such riding apparatus in a City park, facility and/or trail area.

Sec. 22-31. Solicitations prohibited.

(a) No person shall solicit alms or contributions for any purpose whatsoever, whether public or private within any of the parks, facilities, and/or trail areas, except by written permission of the Director of Parks, Recreation & Arts, when such solicitations are of direct benefit to the Parks, Recreation & Arts Department's purposes and programs.

(b) No person shall offer to sell or exchange any article or thing, or do any hawking, peddling or soliciting of sales, or buy or offer to buy any article or thing in any of the parks, facilities, and/or trail areas, except when acting in pursuant to a concession/vending contract or with the written permission of the Director of Parks, Recreation & Arts or his/her designee.

(c) No person shall paste, glue, tack, place signs on windshields of cars or otherwise post any sign, placard, advertisement or inscription whatsoever, or to erect or cause to be erected any sign on any public lands or highways or roads adjacent to a park, facility and/or trail area without the expressed written consent of the Director of Parks, Recreation & Arts.

(d) No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire without the expressed written consent of the Director of Parks, Recreation & Arts.

(e) No person shall campaign or solicit for petition whether public or private within any of the parks, facilities, and/or trail areas, except by written permission of the Director of Parks, Recreation & Arts, when such solicitations are of direct benefit to the city's purposes and programs.

Sec. 22-32. Concessions and vending.

The city reserves the exclusive right to all concession and vending at all parks, facilities and/or trail areas. This shall include, but not limited to food/beverage operations, bicycle and boat rentals, t-shirt and novelty sales etc.

Sec. 22-33. Closed areas.

No person shall enter an area or roadway in a park, facility and/or trail area closed to public access, unless authorized by the Director of Parks, Recreation & Arts or his/her designee.

Sec. 22-34. Traffic and motor vehicles.

(a) Persons operating a motor vehicle within a city park, facility and/or trail area shall operate the same in a careful and prudent manner.

(b) No person shall drive any motor vehicle on a driveway located in any of the city parks, facilities and/or trail areas at any speed over the posted speed limit.

(c) No person in a park, facility and/or trail area shall drive any vehicle on any area except the graveled or paved park and/or facility roads or parking areas provided for that purpose, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director of Parks, Recreation & Arts.

(d) No person in a park, facility and/or trail area shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instruction of any attendant who may be present.

(e) No person shall leave, park or stop a motor vehicle within any city park, facility and/or trail area after the designated closing time unless authorized by the Director of Parks, Recreation & Arts or his/her designee.

(f) No trucks, buses, or other commercial vehicle exceeding a gross weight of (8,000 lbs) may enter any city park, facility and/or trail area unless specific permission in writing is obtained from the Director of Parks, Recreation & Arts or his/her designee. This does not include vehicles delivering to or coming from the parks, facility and/or trail area, or vehicles engaged in work for the city.

(g) No person shall leave a parked vehicle in a city park, facility and/or trail area for the purpose of carpooling or the advertisement to sell said vehicle.

(h) No person shall operate a golf cart and/or utility cart on or in a city park, facility and/or trail area without the expressed written consent of the Director of Parks, Recreation & Arts or his/her designee.

Sec. 22-35. Glass bottles or containers prohibited.

No person shall bring into any city park, facility and/or trail area any glass bottles or containers.

Sec. 22-36. Gambling.

No person shall gamble, or participate in or abet any games of chance in a park, facility and/or trail area.

Sec. 22-37. Amusement rides, games, booths, activities, DJ's.

The use of amusement rides, inflatables, games, booths, activities, portable barbeque pits, bands and DJ's etc. are prohibited in any city park, facility and/or trail area unless specifically approved in writing by the Director of Parks, Recreation & Arts or his/her designee.

Sec. 22-38. Swimming.

It shall be unlawful for any person in a park, facility and/or trail area to swim, bathe or wade in any waters or waterways in or adjacent to any park, facility, and/or trail area, except in such waters and at such places as are provided therefore, and in compliance with such regulation as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat, when such activity is prohibited by the Director of Parks, Recreation & Arts or his/her designee upon finding that such use of the water would be dangerous or otherwise inadvisable.

(a) Certain hours. It shall be unlawful for any person in a park, facility and/or trail area to frequent any waters or places designated for the purpose of swimming or bathing, or congregating thereat, except between such hours of the day as shall be designated by the Director of Parks, Recreation & Arts or his/her designee for such purposes for each individual area.

(b) Bath houses and Restrooms. It shall be unlawful for any person in a park, facility and/or trail area to dress or undress on any beach, or in any vehicle or other place, except in such restrooms, bathing houses or structures as provided for that purpose.

(c) No person shall be indecently exposed or nude in a park, facility and/or trail area unless in a bath house or restroom.

Sec. 22-39. Boating.

No person shall bring into or operate any boat, raft or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director of Parks, Recreation and Arts, or as part of an organized, authorized, or supervised Parks, Recreation and Arts program/special event or when acting pursuant to a concessions/vending contract. Such activities shall be in accordance with applicable regulations as are now or may hereafter be adopted.

(a) River's Edge is open for boating, canoeing, kayaking or paddle boarding from sunrise to sunset. No motorized boats or motorized floating devices, this includes electric, gas or solar-powered Trolling motors.

(b) Youth 15 years of age and under are required to wear a coastguard-approved personal flotation device while on the water. If you are 16 years of age or older you must have a coastguard approved personal flotation device in your possession while on the water at all times.

(c) No public motor vehicles are allowed on any access or trails to River's Edge Park without written permission by the City.

Sec. 22-40. Ice skating.

No person shall go onto the ice on any body of water in any park, facility or trail area.

Sec. 22-41. Sledding and snow-boarding.

No person shall sleigh ride or snow board on/in any city park, facility and/or trail area.

Sec. 22-42. Fishing.

Except as otherwise provided herein, fishing is allowed in waters or waterways in or adjacent to any park, facility and/or trail pursuant to the Missouri Conservation Commission rules R.S. Mo. Ch252.

(a) No person shall fish off-shore in a park, facility and/or trail area, except where such locations have been specifically designated for such activity.

(b) Fishing at the Central Park Lake is catch and release only unless you have written permission from the Director of Parks, Recreation and Arts or his /her designee.

(c) No trapping or jug fishing allowed.

(d) The lake may be closed to fishing during special events.

(e) When fishing, only one fishing pole per person at catch and release sites and catch and keep sites.

(f) All state fishing regulations apply unless additional rules are posted, see mdc.mo.gov/fishing/fishing/fishing-regulations.

Sec. 22-43. Hunting.

(a) No person shall hunt, molest, harm, trap, kill, shoot at any animal, reptile or bird; or remove the eggs or nest or young of any bird; except snakes known to be deadly poisonous in any city park, facility and/or trail area.

(b) No person shall give or offer to give any animal or bird any noxious substance.

Sec. 22-44. Intoxicating beverages.

(a) The use of intoxicating beverages within the parks, facilities and/or trails is acceptable, with exception of where specifically prohibited by the Director of Parks, Recreation & Arts.

(b) No person shall enter any of the parks, facilities and/or trails while in an intoxicated condition nor shall that person remain therein while in an intoxicated condition whether intoxicated at the time of entering the parks, facilities and/or trail area or becoming intoxicated after entering.

(c) No one shall sell alcoholic beverages of any kind in a park, facility and/or trail area except when acting pursuant to a concession/vending contract. (d) No minor shall possess or consume any intoxicating beverages at any time in any park, facility and/or trail areas.

Sec. 22-45. Fireworks and explosives.

Except as expressively permitted by the Director of Parks, Recreation & Arts, no person in a park, facility and/or trail shall bring or have in his/her possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket, or other fireworks or explosives of inflammable material; nor shall any person throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous.

Sec. 22-46. Games and activities.

(a) No person in a park, facility and/or trail area shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, javelins, lawn darts, golf, remote controlled model airplanes, model cars, drones, and horseshoes except in areas set apart for such forms of recreation or upon the written approval of the Director of Parks, Recreation and Arts.

(b) No person in a park, facility and/or trail area shall take part in or set up/construct the plying of any games which require driven stakes, excavation, or other physical disturbance of the parks grounds; except in areas set apart for such forms of recreation or upon written approval of the Director of Parks, Recreation and Arts.

Sec. 22-47. City trails.

(a) Definitions and rules of construction. The following definitions and rules of construction apply to this section.

“City Trail” means any trail maintained or operated by the Parks, Recreation and Arts Department for use by pedestrians or cyclists.

“Cycle” means any device, other than a wheelchair, which is propelled by human power and has one or more wheels at least twenty (20) inches in diameter and a frame size of at least fourteen (14) inches.

“Pedestrian” includes any person walking, jogging, running, in-line skating or riding in a wheelchair.

“Wheelchair” means a chair mounted on wheels for use by disabled individuals.

(b) Trail use by motorized equipment/vehicles.

All motorized vehicles (cars, trucks, motorcycles, go karts, Segway’s, toy vehicles, etc.), except for electrically-assisted powered-mobility devices for persons with disabilities (wheelchairs and scooters) shall not use any trail, except for official and emergency vehicles.

(c) **Trail use by cyclists.**

(i) It is required that children between the age of 1 and 17 wear an approved helmet (Snell or ANSI Standards) when riding a bicycle on a City trail.

(ii) Every person operating a cycle upon a City trail shall ride as near to the right side of the trail as practicable, exercising due care when passing a pedestrian or other cyclist.

(iii) Persons operating cycles upon a City trail shall ride, single file when passing a pedestrian or other cyclist.

(v) Every person operating a cycle upon a City trail shall give an audible signal before passing a pedestrian or another cyclist.

(vi) Every person operating a cycle upon a City trail shall at all times exercise the highest degree of care to avoid colliding with another trail user, and shall always yield to pedestrians.

(e) Trail use by pedestrians.

(i) Pedestrians on a City trail shall remain as near to the right side of the trail as practicable.

(ii) Every pedestrian on a City trail shall give an audible signal before passing another pedestrian or cyclist.

(f) Trail use by dogs.

(i) All dogs shall be restrained by a leash no more than six (6) feet in length. The dog shall be reined in to within four (4) feet of the responsible person whenever it approaches or is approached by another trail user.

(ii) Any person bringing a dog onto a City trail shall remove and dispose of all feces left by such dog.

(g) Trail use by horses.

It shall be unlawful for any person in a park, facility and/or trail area to ride a horse, except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

Sec. 22-48. Photos, Film and Video.

No person(s) in a park, facility and/or trail area shall take part in the taking of organized photo, film or video shoots etc., without the expressed written consent of the Director of Parks, Recreation & Arts or his/her designee.

Sec. 22-49. Provisions not applicable to employees.

The provision of these rules and regulations shall not be applicable to City employees or contractors of the City, while actually engaged in their official duties, nor shall the provisions of these rules and regulations be applicable to City officials while attending to park business.

Sec 22-50 Community Garden

- (a) All gardeners are required to complete an application form along with payment for plot usage.
- (b) Planting of illegal plants is strictly prohibited.
- (c) Tobacco products are strictly prohibited which includes; pipes, cigars, cigarettes or vaping with e-cigarettes.
- (d) Pets, drugs, alcohol, boom boxes and fires are not allowed in the garden.
- (e) The applications of herbicides (weed killers) is strictly prohibited.
- (f) Garden hours are from sunrise to sunset.

Sec 22-51 Chesterfield Dog Park

- (a) All dogs in the dog park must be registered as a current member of the dog park.
- (b) All dogs must be spayed or neutered.
- (c) No dogs under four months of age in the dog park.
- (d) Dog feces (and/or dog waste) must be picked up and disposed of properly by owners immediately.
- (e) Owners are legally responsible for their dogs and any injuries or damages caused by their dogs.
- (f) All dog altercations where a dog or person is injured needs to be reported immediately to the Chesterfield Police Department at 636-537-3000 and a report needs to be filed.
- (g) All dogs are to be on a leash until inside the fenced in transition area when visiting the park.
- (h) Dogs in the Dog Park that have overly aggressive behavior, been in fights or caused harm to other dogs or patrons can be banned from the Dog Park.
- (i) Dog owners must closely supervise their dogs and at no time may the owner leave the fenced area without his/her dogs.

(j) All dogs must have been vaccinated and legally licensed prior to using the off leash area and must wear a current Chesterfield Dog Park tag and ownership tag.

(k) No children under ten (10) years of age allowed in the dog park.

(l) Youth between the ages of 10 and 15 must be supervised by an Adult.

(m) Dog handlers or owners in the dog park must be at least 16 years old.

(n) There is to be no alcoholic beverages, food, dog treats or rawhide items in the dog park.

(o) No animals other than dogs are to be brought into the dog park.

(Remainder of page left blank intentionally)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE MAINTENANCE OF CITY LIMIT SIGNS LOCATED WITHIN STATE RIGHT OF WAY.

WHEREAS, the City of Chesterfield strives to promote a beautiful and safe place for residents to live, work, and drive; and

WHEREAS, the City of Chesterfield is proud of its services and amenities and desires to promote itself to motorists entering the City; and

WHEREAS, the City of Chesterfield currently maintains six City Limit signs located within State Right of Way, and wants to improve that signage where appropriate; and

WHEREAS, the attached "Exhibit A" is an Agreement with the Missouri Highway and Transportation Commission detailing the responsibilities for maintaining City Limit Signs within State Right of Way;

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

Section 1. The Maintenance Agreement between the Missouri Highways and Transportation Commission and the City of Chesterfield regarding the upkeep and maintenance of City Limit Signs is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be substantially the form of Exhibit A, with any changes therein approved by the City Administrator consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient, or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement.

Section 2. The City of Chesterfield Public Works Department is authorized and directed to install and maintain all City Limit Signs referenced in the Agreement.

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

Passed and approved this _____ day of _____, 2017.

PRESIDING OFFICER

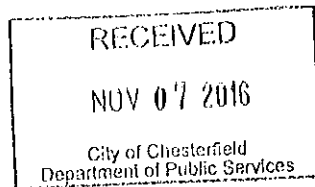
Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: _____

CCO Form: TR42
Approved: 08/06 (BDG)
Revised: 04/14 (ASB)
Modified:



MoDOT District: SL
MoDOT Contract Administrator: Phil Pierson

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AGREEMENT FOR SIGNING INSTALLED AND MAINTAINED BY APPLICANT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission"), whose address is P.O. Box 270, 105 W. Capitol, Jefferson City, Missouri 65102, and The City of Chesterfield (hereinafter, "Applicant"), whose address is 690 Chesterfield Pkwy W, Chesterfield, MO 63017.

WITNESSETH:

WHEREAS, Applicant requests approval from the Commission to install and maintain certain signs further described below in St. Louis County, Missouri for The City of Chesterfield in the general vicinity of I-64 and the Missouri River, I-64 and MO 141, MO 340 and MO 141, MO 340 and Kehrs Mill Rd, MO 141 and Conway Rd, and MO 109 and Rt CC; and

WHEREAS, the Commission is willing to approve the Applicant's request subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) LOCATION AND DISPLAY: The Applicant hereby requests that the Commission allow Applicant to construct, install and maintain the following sign(s):

- ☐ Blue Star Marker(s)
- ☐ Buckle-Up Signs(s)
 - Community Awareness Sign(s)
 - ☐ DARE Sign(s)
 - ☐ Drug Free School Zone Sign(s)
 - ☐ Tree City USA Sign(s)
 - ☐ Disaster Resistant Community Sign(s)
 - ☐ Storm Ready Community Sign(s)
 - ☐ Other Community Awareness Sign(s) approved by the Commission's State Traffic Engineer
 - Local Reference Signs
 - ☐ City Hall/County Courthouse Signs(s)
 - ☐ Police Station/Sheriff's Department Sign(s)
 - ☐ City/County Park Sign(s)
 - ☐ Library Sign(s)
 - ☐ Recycle Center Sign(s)
 - ☐ Compost Site Sign(s)
 - ☐ Other Local Reference Sign(s) approved by the Commission's State Traffic Engineer
- ☐ Bus Stop/Mass Transit Sign(s)
- ☐ Neighborhood Watch Sign(s)
- ☐ Noise Ordinance Sign(s)
- ☒ Other sign(s) approved by the Commission's State Traffic Engineer

Welcome To Signs

(A) The sign(s) design will follow the guidelines and regulations of the *Federal Manual on Uniform Traffic Control Devices (MUTCD)* and the Commission's *Signing Manual* for size, color and reflectorization. The sign(s) shall read as displayed in Exhibit A.

(B) The sign(s) will be generally located as illustrated in Exhibit B. The Commission will approve final location prior to installation.

(C) The signs will be displayed:

☒ Year round

☐ Seasonally

from _____ to _____

If the sign(s) is/are to be displayed seasonally, that the Applicant shall cover or remove the sign(s) during periods of non-use.

(2) INSTALLATION: The signs shall be installed on a post supplied by the applicant and shall not be attached to Commission's pole or traffic control devices. The post shall include a breakaway post assembly, in accordance with Commission requirements. The Applicant shall provide plans with the specific location details of the sign installation for approval by the Commission prior to installation. All costs associated with this installation shall be borne by the Applicant.

(3) TRAFFIC CONTROL: All work zone signs and traffic control devices to be used during installation and maintenance shall be in accordance and comply with the latest revision of the *Manual on Uniform Traffic Control Devices for Streets and Highways* or as directed by the District Engineer or his authorized representative

(4) PERMIT: Before beginning installation work, the Applicant shall secure a permit from the Commission's District Engineer for the installation of the proposed sign(s). The Applicant shall comply with any additional requirements placed on the issuance of the permit by the District Engineer. The Applicant may provide written authority to the Commission's District Engineer enabling its contractor to obtain the permit as an agent for the Applicant. If required, separate permit(s) for future maintenance will be issued.

(5) COSTS: If this request is approved, all costs associated with the construction, installation, maintenance, or relocation of the sign(s), including, but not limited to work zone signing and traffic control during construction will be borne entirely by the Applicant, with no cost incurred by the Commission. In the event the Commission incurs any costs in association with the performance of this Agreement, the Applicant shall reimburse the Commission for those costs.

(6) HIGHWAY SPECIFICATIONS: All work done pursuant to this Agreement shall be in accordance with applicable portions of the latest editions of the *Missouri Highways and Transportation Commission's Standard Specifications for Highway Construction* and the *Standard Plans for Highway Construction*. The Applicant shall provide a copy of its contractors certification of material used to the Commission.

(7) MAINTENANCE: Applicant shall maintain signs following the guidelines of the *Federal Manual on Uniform Traffic Control Devices (MUTCD)* and the Commission's *Missouri Signing Manual* for reflectivity, alignment, and placement. The Commission may request maintenance of the signs by the Applicant, at the Applicant's expense, and the Applicant shall promptly comply with the Commission's request for maintenance of the signs. Failure by the

Applicant to complete requested maintenance within 14 calendar days from Commission's request shall be grounds for removal of all signs installed by the Applicant.

(8) MAINTENANCE BY APPLICANT WITHIN COMMISSION RIGHT OF WAY: In order to coordinate maintenance activities on the sign(s), the Applicant shall notify the Commission either by telephone, telefax, or in writing, prior to performing maintenance work within Commission right of way. Such notification shall be made to the Commission's District Engineer or a designated assistant, and shall include the location and nature of the work to be performed. Any maintenance activities done by the Applicant which involves closing one or more of the through lanes, affects the safety of the traveling public, or which will cause permanent changes to the configuration of the improvement, may require a permit from the Commission. The Applicant will be informed of whether or not a permit is required at the time the Applicant notifies Commission of the proposed maintenance activities. The Applicant shall comply with any additional condition placed upon the issuance of the permit.

(9) REMOVAL:

(A) If the Applicant fails to comply with the provisions stated herein regarding the maintenance responsibilities, the Commission may remove the sign(s).

(B) If the Commission, in its sole discretion, determines that the sign(s) is no longer justified, the Commission may remove the sign(s).

(C) If the Commission, in its sole discretion, determines that the sign(s) should be removed or eliminated as part of a highway or transportation project, the Commission may remove the sign(s).

(D) If the Commission, in its sole discretion, determines that the removal of the sign(s) from the Commission's right of way is in the best interests of the state highway system, the Commission may remove the sign(s).

(E) If the Commission removes the sign(s) in accordance with any provision of this Agreement, the Commission will not reimburse the Applicant for the cost or value of the sign(s).

(10) APPLICANT'S RESPONSIBILITIES: The Commission may request the Applicant modify the sign(s) when necessary to comply with changed standards that might be promulgated or adopted at the Applicant's cost and Commission may request the Applicant to relocate the signs to accommodate the need to install signs the Commission, in its sole discretion, deems more appropriate at the Applicant's cost. Should the Commission make either request, the Applicant shall comply with the Commission's request within 14 calendar days.

(11) APPLICANT'S REPRESENTATIVE: The Applicant's Public Works Director / City Engineer is designated as the Applicant's representative for the purpose of administering the provisions of this Agreement. The Applicant's representative may designate by written notice other persons having the authority to act on behalf of the Applicant in furtherance of the performance of this Agreement. All Notices or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

**James A Eckrich
Public Works Director / City Engineer
City of Chesterfield
690 Chesterfield Pkwy W**

Chesterfield, MO 63017
Telefax No.: (636) 537-4764

(12) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(13) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Applicant shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Applicant's wrongful or negligent performance of its obligations under this Agreement.

(B) The Applicant is required or will require any contractor procured by the Applicant to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(14) NO INTEREST: By placing and maintaining signs on the Commission's right of way, the Applicant gains no property interest in Commission's right of way. The Commission shall not be obligated to keep the sign(s) in place if the Commission, in its sole discretion, determines removal or modification of the sign(s) is in the best interests of the state highway system or the Commission.

(15) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Applicant.

(16) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(17) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(18) ATTACHMENTS: The following Exhibits and other documents are attached to and made a part of this Agreement:

- (A) Exhibit A: Sign Display Detail
- (B) Exhibit B: Sign Location Layout

[Remainder of Page Intentionally Left Blank; Execution and Signature Page Follows]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below:

Executed by the Applicant the ____ day of _____, 20____.

Executed by the Commission the ____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

APPLICANT

By _____

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Commission Counsel

Copies: Applicant
 District
 Traffic Division
 Commission Secretary

EXHIBIT A
Sign Display Detail
Attach and Number Additional Sheets if Necessary

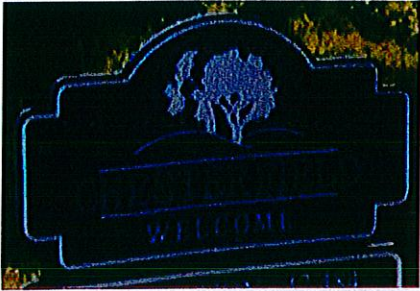
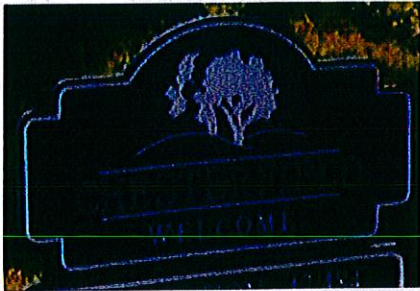
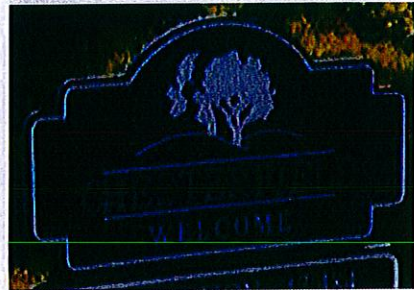
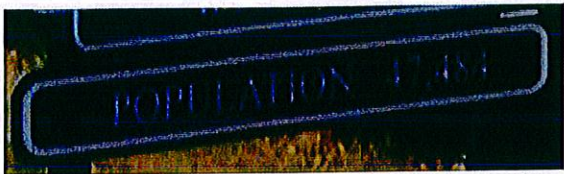
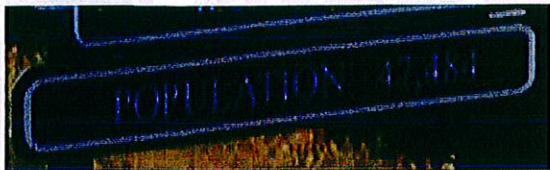
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Sign No:	3	Size:	36" x 72"	Quantity:	1	Sign No:	4	Size:	30" x 48"	Quantity:	1
											
Sign No:	5	Size:	17" x 120"	Quantity:	2	Sign No:	6	Size:	10" x 72"	Quantity:	2
											

EXHIBIT B
Sign Location Layout



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE MAINTENANCE OF NOISE ORDINANCE ENFORCED SIGNS LOCATED WITHIN STATE RIGHT OF WAY.

WHEREAS, the City of Chesterfield strives to promote a beautiful and safe place for residents to live, work, and drive; and

WHEREAS, the City of Chesterfield seeks to reduce unnecessary noise generated from motor vehicles, thereby improving the quality of life for nearby residents; and

WHEREAS, the City of Chesterfield seeks to install four Noise Ordinance Enforced Signs within State Right of Way, near the City Limits along I-64 and Missouri Route 141; and

WHEREAS, the attached "Exhibit B" is an Agreement with the Missouri Highway and Transportation Commission detailing the responsibilities for maintaining City Limit Signs within State Right of Way;

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

Section 1. The Maintenance Agreement between the Missouri Highways and Transportation Commission and the City of Chesterfield regarding the upkeep and maintenance of Noise Ordinance Enforced Signs is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be substantially the form of Exhibit B, with any changes therein approved by the City Administrator consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient, or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement.

Section 2. The City of Chesterfield Public Works Department is authorized and directed to install and maintain all Noise Ordinance Enforced Signs referenced in the Agreement.

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

Passed and approved this _____ day of _____, 2017.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: _____

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
AGREEMENT FOR SIGNING INSTALLED AND MAINTAINED BY APPLICANT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission"), whose address is P.O. Box 270, 105 W. Capitol, Jefferson City, Missouri 65102, and The City of Chesterfield (hereinafter, "Applicant"), whose address is 690 Chesterfield Pkwy W, Chesterfield, MO 63017.

WITNESSETH:

WHEREAS, Applicant requests approval from the Commission to install and maintain certain signs further described below in St. Louis County, Missouri The City of Chesterfield in the general vicinity of I-64 at the Missouri River, I-64 at MO 141, MO 141 at MO 340 and MO 141 at Conway Rd; and

WHEREAS, the Commission is willing to approve the Applicant's request subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) LOCATION AND DISPLAY: The Applicant hereby requests that the Commission allow Applicant to construct, install and maintain the following sign(s):

- ☐ Blue Star Marker(s)
- ☐ Buckle-Up Signs(s)
 - Community Awareness Sign(s)
 - ☐ DARE Sign(s)
 - ☐ Drug Free School Zone Sign(s)
 - ☐ Tree City USA Sign(s)
 - ☐ Disaster Resistant Community Sign(s)
 - ☐ Storm Ready Community Sign(s)
 - ☐ Other Community Awareness Sign(s) approved by the Commission's State Traffic Engineer
 - Local Reference Signs
 - ☐ City Hall/County Courthouse Signs(s)
 - ☐ Police Station/Sheriff's Department Sign(s)
 - ☐ City/County Park Sign(s)
 - ☐ Library Sign(s)
 - ☐ Recycle Center Sign(s)
 - ☐ Compost Site Sign(s)
 - ☐ Other Local Reference Sign(s) approved by the Commission's State Traffic Engineer
- ☐ Bus Stop/Mass Transit Sign(s)
- ☐ Neighborhood Watch Sign(s)
- ☒ Noise Ordinance Sign(s)
- ☐ Other sign(s) approved by the Commission's State Traffic Engineer

(A) The sign(s) design will follow the guidelines and regulations of the *Federal Manual on Uniform Traffic Control Devices* (MUTCD) and the Commission's *Signing Manual* for size, color and reflectorization. The sign(s) shall read as displayed in Exhibit A.

(B) The sign(s) will be generally located as illustrated in Exhibit B. The Commission will approve final location prior to installation.

(C) The signs will be displayed:

☒ Year round

☐ Seasonally

from _____ to _____

If the sign(s) is/are to be displayed seasonally, that the Applicant shall cover or remove the sign(s) during periods of non-use.

(2) INSTALLATION: The signs shall be installed on a post supplied by the applicant and shall not be attached to Commission's pole or traffic control devices. The post shall include a breakaway post assembly, in accordance with Commission requirements. The Applicant shall provide plans with the specific location details of the sign installation for approval by the Commission prior to installation. All costs associated with this installation shall be borne by the Applicant.

(3) TRAFFIC CONTROL: All work zone signs and traffic control devices to be used during installation and maintenance shall be in accordance and comply with the latest revision of the *Manual on Uniform Traffic Control Devices for Streets and Highways* or as directed by the District Engineer or his authorized representative

(4) PERMIT: Before beginning installation work, the Applicant shall secure a permit from the Commission's District Engineer for the installation of the proposed sign(s). The Applicant shall comply with any additional requirements placed on the issuance of the permit by the District Engineer. The Applicant may provide written authority to the Commission's District Engineer enabling its contractor to obtain the permit as an agent for the Applicant. If required, separate permit(s) for future maintenance will be issued.

(5) COSTS: If this request is approved, all costs associated with the construction, installation, maintenance, or relocation of the sign(s), including, but not limited to work zone signing and traffic control during construction will be borne entirely by the Applicant, with no cost incurred by the Commission. In the event the Commission incurs any costs in association with the performance of this Agreement, the Applicant shall reimburse the Commission for those costs.

(6) HIGHWAY SPECIFICATIONS: All work done pursuant to this Agreement shall be in accordance with applicable portions of the latest editions of the *Missouri Highways and Transportation Commission's Standard Specifications for Highway Construction* and the *Standard Plans for Highway Construction*. The Applicant shall provide a copy of its contractors certification of material used to the Commission.

(7) MAINTENANCE: Applicant shall maintain signs following the guidelines of the *Federal Manual on Uniform Traffic Control Devices* (MUTCD) and the Commission's *Missouri Signing Manual* for reflectivity, alignment, and placement. The Commission may request maintenance of the signs by the Applicant, at the Applicant's expense, and the Applicant shall promptly comply with the Commission's request for maintenance of the signs. Failure by the

Applicant to complete requested maintenance within 14 calendar days from Commission's request shall be grounds for removal of all signs installed by the Applicant.

(8) MAINTENANCE BY APPLICANT WITHIN COMMISSION RIGHT OF WAY: In order to coordinate maintenance activities on the sign(s), the Applicant shall notify the Commission either by telephone, telefax, or in writing, prior to performing maintenance work within Commission right of way. Such notification shall be made to the Commission's District Engineer or a designated assistant, and shall include the location and nature of the work to be performed. Any maintenance activities done by the Applicant which involves closing one or more of the through lanes, affects the safety of the traveling public, or which will cause permanent changes to the configuration of the improvement, may require a permit from the Commission. The Applicant will be informed of whether or not a permit is required at the time the Applicant notifies Commission of the proposed maintenance activities. The Applicant shall comply with any additional condition placed upon the issuance of the permit.

(9) REMOVAL:

(A) If the Applicant fails to comply with the provisions stated herein regarding the maintenance responsibilities, the Commission may remove the sign(s).

(B) If the Commission, in its sole discretion, determines that the sign(s) is no longer justified, the Commission may remove the sign(s).

(C) If the Commission, in its sole discretion, determines that the sign(s) should be removed or eliminated as part of a highway or transportation project, the Commission may remove the sign(s).

(D) If the Commission, in its sole discretion, determines that the removal of the sign(s) from the Commission's right of way is in the best interests of the state highway system, the Commission may remove the sign(s).

(E) If the Commission removes the sign(s) in accordance with any provision of this Agreement, the Commission will not reimburse the Applicant for the cost or value of the sign(s).

(10) APPLICANT'S RESPONSIBILITIES: The Commission may request the Applicant modify the sign(s) when necessary to comply with changed standards that might be promulgated or adopted at the Applicant's cost and Commission may request the Applicant to relocate the signs to accommodate the need to install signs the Commission, in its sole discretion, deems more appropriate at the Applicant's cost. Should the Commission make either request, the Applicant shall comply with the Commission's request within 14 calendar days.

(11) APPLICANT'S REPRESENTATIVE: The Applicant's Public Works Director / City Engineer is designated as the Applicant's representative for the purpose of administering the provisions of this Agreement. The Applicant's representative may designate by written notice other persons having the authority to act on behalf of the Applicant in furtherance of the performance of this Agreement. All Notices or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

James A Eckrich, P.E.
Public Works Director / City Engineer
The City of Chesterfield
690 Chesterfield Pkwy W

Chesterfield, MO 63017
Telefax No.: (636) 537-4764

(12) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(13) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Applicant shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Applicant's wrongful or negligent performance of its obligations under this Agreement.

(B) The Applicant is required or will require any contractor procured by the Applicant to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(14) NO INTEREST: By placing and maintaining signs on the Commission's right of way, the Applicant gains no property interest in Commission's right of way. The Commission shall not be obligated to keep the sign(s) in place if the Commission, in its sole discretion, determines removal or modification of the sign(s) is in the best interests of the state highway system or the Commission.

(15) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Applicant.

(16) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(17) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(18) ATTACHMENTS: The following Exhibits and other documents are attached to and made a part of this Agreement:

- (A) Exhibit A: Sign Display Detail
- (B) Exhibit B: Sign Location Layout

[Remainder of Page Intentionally Left Blank; Execution and Signature Page Follows]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below:

Executed by the Applicant the _____ day of _____, 20____.

Executed by the Commission the _____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

APPLICANT

By _____

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Commission Counsel

Copies: Applicant
 District
 Traffic Division
 Commission Secretary

EXHIBIT A
Sign Display Detail
Attach and Number Additional Sheets if Necessary

Sign No:	1	Size:	24" x 30"	Quantity:	4	Sign No:	2	Size:		Quantity:	
											
Sign No:	3	Size:		Quantity:		Sign No:	4	Size:		Quantity:	
Sign No:	5	Size:		Quantity:		Sign No:	6	Size:		Quantity:	

EXHIBIT B
Sign Location Layout



BILL NO. 3141

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD,
MISSOURI REPEALING ORDINANCE NUMBER 2926 AND ENACTING A NEW
ORDINANCE RESTRICTING COMPRESSION RELEASE BRAKING SYSTEMS.**

It shall be unlawful for the operator of a motor vehicle on any public street, roadway, or highway within the limits of the City of Chesterfield to cause his or her vehicle to slow or brake by any method which produces an excessive and unnecessary noise, including but not limited to un-muffled engine braking.

As used in this section, "engine braking" shall refer to compression release braking systems as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes.

Passed and approved this _____ day of _____ 2017.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: _____

BILL NO. 3125ORDINANCE NO. 2926**AN ORDINANCE RESTRICTING COMPRESSION RELEASE BRAKING SYSTEMS**

It shall be unlawful for the operator of a motor vehicle on any public street, roadway, or highway within the limits of the City of Chesterfield to cause his or her vehicle to slow or brake by any method which produces an excessive and unnecessary noise, including but not limited to un-muffled engine braking.

As used in this section, "engine braking" shall refer to compression release braking systems or "Jake brakes", as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes.

Passed and approved this 5TH day of December, 2016

Bob Nation
PRESIDING OFFICER

Bob Nation
Bob Nation, MAYOR

ATTEST:

Vickie Hass
Vickie Hass, CITY CLERK

FIRST READING HELD: 11/21/2016

LEGISLATION – PLANNING COMMISSION

BILL NO. 3134 – AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARY OF A “NU” NON-URBAN DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 10.786 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF EATHERTON RD., SOUTH OF THE LANDINGS AT SPIRIT DR. (P.Z. 12-2016 CHESTERFIELD COMMERCE CENTER[150 N. EATHERSON RD.]– 18W140020)(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)

BILL NO. 3135 – AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E-1AC” ESTATE DISTRICT FOR A 4.2 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD EAST OF ITS INTERSECTION WITH KEHRS MILL ROAD (P.Z. 15-2016 17256 WILD HORSE CREEK ROAD [LEE’S BOYS]-18U420027).(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARY OF A “NU” NON-URBAN DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 10.786 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF EATHERTON RD., SOUTH OF THE LANDINGS AT SPIRIT DR. (P.Z. 12-2016 CHESTERFIELD COMMERCE CENTER [150 N. EATHERTON RD.]—18W140020).

WHEREAS, the petitioner, 150 N. Eatherton Property, LLC, has requested a change in zoning for an existing “NU” Non-Urban District to a “PI” Planned Industrial District for a 10.786 acre tract of land located on the east side of Eatherton Rd., south of The Landings at Spirit Dr.; and,

WHEREAS, a Public Hearing was held before the Planning Commission on November 14, 2016; and,

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

WHEREAS, the Planning and Public Works Committee in a meeting of the Committee of a Whole, having considered said request, recommended approval of the change of zoning; and,

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

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 10.786 acres located on the east side of Eatherton Rd., south of The Landings at Spirit Dr. and as described as follows:

A tract of land as conveyed Virgil E. & Janet R. Moehsmer, Trust by instrument recorded in Book 20119, Page 570 of the St. Louis County records, located in U.S. Survey 362, Township 45 North, Range 3 East,

City of Chesterfield, St. Louis County, Missouri being more particularly described as follows:

Beginning at a found Iron Rod located at the northwest corner of a tract of land as conveyed to St. Louis County, by instrument recorded in Book 17814, Page 1339 of above said records, said point also being located on the eastern right-of-way of Eatherton Road, variable width; thence along said right-of-way line, North 11 degrees 57 minutes 36 seconds West, 259.24 feet to the southwest corner of a tract of land as conveyed to Glen R. Hartog by instrument recorded in Book 7625, Page 452 of above said records, from which a found Iron Pipe lies 0.27 feet west; thence along the south of said Hartog tract, North 77 degrees 58 minutes 56 seconds East, 290.40 feet to the southeast corner of thereof, from which a found Iron Pipe lies 0.41 feet west; thence along the east line of said Hartog tract, North 11 degrees 57 minutes 36 seconds East, 150.00 feet to the northeast corner thereof, from which a found Iron Pipe lies 0.46 feet west, said point also being located on the south line of a tract of land as conveyed to St. Louis County, by instrument recorded in Book 8889, Page 1550 of above said records; thence along said south line, North 78 degrees 00 minutes 00 seconds East, 959.92 to a found Stone located at the northeast corner of above said Moehsmer tract; thence along the east line of said Moeshmer tract, South 13 degrees 03 minutes 19 seconds East, 409.40 feet to a found Stone located at the northeast corner of a tract of land as conveyed to Windsor Crossing Community Church by instrument recorded in Book 17399, Page 4585 of above said records, thence along the north line of said Windsor Crossing Community Church tract and the north line of above said St. Louis County, tract recorded in Book 17814, Page 1339, South 78 degrees 00 minutes 00 seconds West, 1258.15 feet to the point of beginning containing 469,826 square feet or 10.786 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc on September 1, 2016.

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 and the specific conditions as recommended by the Planning Commission in its recommendation to the City Council, which are set out in the "Attachment A" and the preliminary plan indicated as "Attachment B" which is attached hereto as and made part of.

Section 3. The City Council, pursuant to the petition filed by 150 N. Eatherton Property, LLC. in P.Z. 12-2016, 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 14th day of November 2016, 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 _____, 2017

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: 02/06/2017

ATTACHMENT A

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

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "PI" Planned Industrial District shall be:
 - a. Automotive detailing shop
 - b. Automotive retail supply
 - c. Bakery
 - d. Blacksmith shop
 - e. Boat (and marine supply) storage, charter, repair, sale;
 - f. Brewpub
 - g. Broadcasting studio
 - h. Commercial service facility
 - i. Device for energy generation
 - j. Film processing plant
 - k. Gymnasium
 - l. Highway department garage
 - m. Industrial sales, service, and storage
 - n. Laboratory - professional, scientific
 - o. Lumberyard
 - p. Mail order sales warehouse
 - q. Manufacturing, fabrication, assembly, processing, or packing except explosives or flammable gases or liquids
 - r. Meat packing facility
 - s. Office - dental

- t. Office - general
 - u. Office - medical
 - v. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility
 - w. Professional and technical service facility
 - x. Public building facilities owned or leased by the City of Chesterfield
 - y. Public safety facility
 - z. Public utility facility
 - aa. Research laboratory and facility
 - bb. Self-storage facility
 - cc. Sheet metal shop
 - dd. Telecommunications structure
 - ee. Telecommunications tower or facility
 - ff. Union halls and hiring halls
 - gg. Veterinary clinic
 - hh. Vocational school
 - ii. Vocational school with outdoor training
 - jj. Warehouse - general
 - kk. Welding shop, sheet metal and blacksmith shop
2. The above uses in the "PI" Planned Industrial District shall be restricted as follows:
- a. The "Boat (and marine supply) storage, charter, repair, sale" and "Lumberyard" uses shall be restricted to indoor use only.
 - b. The "Automotive retail supply" and "Brewpub" uses shall only be permitted as accessory uses.
 - c. Uses "n" and "aa" shall prohibit uses which exhaust caustic chemicals.
3. Hours of Operation.
- a. Hours of operation for this "PI" District shall not be restricted.

4. 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 forty (40) 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 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 setbacks established on Attachment B.

2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within setbacks established on Attachment B.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Parking lots shall not be used as streets.
3. 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.

E. LANDSCAPE AND TREE REQUIREMENTS

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

F. SIGN REQUIREMENTS

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

G. LIGHT REQUIREMENTS

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

H. ARCHITECTURAL

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the City of Chesterfield and St. Louis County Department of Transportation.
2. Access to Eatherton Road shall be limited to one (1) commercial entrance located to provide the required sight distance as directed by the City of Chesterfield and St. Louis County Department of Transportation.
3. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield and the agency in control of the right of way off which the access is proposed.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Improve Eatherton Road to one half of a sixty (60) foot right-of-way as directed by the Saint Louis County Department of Transportation and City of Chesterfield.
2. 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 Highways and Traffic. No gate installation will be permitted on public right-of-way.
3. 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.
4. Provide a 5 foot wide sidewalk, conforming to ADA standards as directed by the City of Chesterfield along N. Eatherton Rd.
5. Obtain approvals from the City of Chesterfield and the St. Louis County Department of Transportation and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
6. Additional right-of-way and road improvements shall be provided, as required by St. Louis County Department of Transportation and the City of Chesterfield.

K. TRAFFIC STUDY

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

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

M. STORM WATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty percent (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan(s).
3. Formal MSD review, approval and permits are required prior to construction.
4. Post Construction Best Management Practices (BMPs) with a volume reduction component are required to treat the extents of the project's disturbed area. BMPs shall be designed such that the site's post construction runoff condition mimics its preconstruction runoff condition.
5. Approval from the Monarch Chesterfield Levee District and the City of Chesterfield concerning the project's compliance with the Chesterfield Valley master drainage plan will be required prior to MSD approval of final plans.
6. 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.
7. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.

8. The developer shall be responsible for construction of any required storm water improvements per the Chesterfield Valley Master Storm Water Plan, as applicable, and shall coordinate with the owners of the properties affected by construction of the required improvements. In the event that the ultimate required improvements cannot be constructed concurrently with this development, the developer shall provide interim drainage facilities and establish sufficient escrows as guarantee of future construction of the required improvements, including removal of interim facilities. Interim facilities shall be sized to handle runoff from the 100-year, 24-hour storm event as produced by the Master Storm Water Plan model. The interim facilities shall provide positive drainage and may include a temporary pump station, if necessary. Interim facilities shall be removed promptly after the permanent storm water improvements are constructed.
9. The Chesterfield Valley Master Storm Water Plan indicates a 20 foot wide flat bottom ditch with 4:1 side slopes shall be constructed along the western property line adjacent to Eatherton Road.

The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements per the Chesterfield Valley Master Storm Water Plan. Functional equivalence is said to be achieved when, as determined by the Public Works Director, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Public Works Director determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.

10. The developer shall provide all necessary Chesterfield Valley Storm Water Easements to accommodate construction of the Chesterfield Valley Master Storm Water Plan improvements, and depict any and all Chesterfield Valley Master Storm Water Plan improvements on the Site Development Plan(s) and

Improvement Plans. Maintenance of the required storm water improvements shall be the responsibility of the property owner unless otherwise noted.

11. All Chesterfield Valley Master Storm Water Plan improvements, as applicable, shall be operational prior to the paving of any driveways or parking areas unless otherwise approved.

N. SANITARY SEWER

1. Public sanitary sewers shall be extended to the site where a direct connection shall be made. Offsite easement acquisition may be required. A 10' wide easement corridor leading to the terminal manhole shall be extended to the site's property line abutting 170 N. Eatherton Road and along the site's eastern property line. Both easement corridors shall be routed to avoid conflict with BMPs.
2. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

O. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, 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.

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

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, the City Council may extend the period to submit a Site Development Concept Plan or Site Development Plan for eighteen (18) months.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall 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 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 the Missouri 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.

V. TRUST FUND CONTRIBUTION

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

A. ROADS

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	\$2,223.29 / parking space
General Office	\$741.06 / parking space
Loading Space	\$3,638.14 / parking space

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

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

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.

Road Improvement Traffic Generation Assessment contributions 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.

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 \$894.19 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 unless otherwise directed by the Saint Louis County Department of Transportation. Funds shall be payable to Treasurer, Saint Louis County.

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 \$2,837.06 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.

D. SANITARY SEWER

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

The sanitary sewer contribution within Chesterfield Valley area shall be deposited with the Metropolitan 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, 2017, 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.

VI. 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.

VII. ENFORCEMENT

- A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.

- D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

GENERAL NOTES

1. BOUNDARY AND TOPOGRAPHIC SURVEY BY STOCK & ASSOCIATES CONSULTING ENGINEERS, INC.
2. ALL UTILITIES SHOWN HAVE BEEN LOCATED BY THE ENGINEER FROM AVAILABLE RECORDS. THEIR LOCATION SHOULD BE CONSIDERED APPROXIMATE. THE CONTRACTOR HAS THE RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES, PRIOR TO CONSTRUCTION, TO HAVE EXISTING UTILITIES FIELD LOCATED.
3. NO GRADE SHALL EXCEED 3:1 SLOPE.
4. GRADING AND STORM WATER PER M.S.D., MODOT, ST. LOUIS COUNTY, THE CITY OF CHESTERFIELD AND THE MONARCH CHESTERFIELD LEVEE DISTRICT.
5. STORMWATER SHALL BE DISCHARGED AT ADEQUATE NATURAL DISCHARGE POINT. SINKHOLES ARE NOT ADEQUATE DISCHARGE POINTS.
6. ALL UTILITIES WILL BE INSTALLED UNDERGROUND.
7. SITE DEVELOPMENT SHALL BE IN ACCORDANCE WITH RECOMMENDATIONS AS OUTLINED IN THE GEOTECHNICAL EXPLORATION.
8. THERE IS A MINIMUM OPEN SPACE OF 35% AS REQUIRED BY THE PI DISTRICT REGULATIONS.
9. THERE IS A MAXIMUM F.A.R. OF 0.55 AS REQUIRED BY THE PI DISTRICT REGULATIONS.
10. ALL PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED TO ST. LOUIS COUNTY STANDARDS.
11. NO SLOPES WITHIN ST. LOUIS COUNTY RIGHT-OF-WAY SHALL EXCEED 3 (HORIZONTAL) TO 1 (VERTICAL).
12. ALL PROPOSED ACCESS TO ST. LOUIS COUNTY ROADS SHALL MEET MINIMUM ST. LOUIS COUNTY SIGHT DISTANCE REQUIREMENTS.
13. ALL SIDEWALKS AND ASSOCIATED ACCESSIBILITY IMPROVEMENTS WITHIN RIGHT-OF-WAY SHALL BE CONSTRUCTED TO ST. LOUIS COUNTY ADA STANDARDS.
14. A SIGNED/SEALED NOTE SHALL BE ADDED TO THE CONSTRUCTION PLANS INDICATING THAT THE UNIMPROVED EXISTING SIDEWALK ALONG THE PROJECT FRONTAGE MEETS CURRENT ST. LOUIS COUNTY ADA STANDARDS.
15. ALL GRADING AND DRAINAGE SHALL BE IN CONFORMANCE WITH ST. LOUIS COUNTY AND MSD STANDARDS.
16. ALL HYDRANTS, POWER POLES OR OTHER POTENTIAL OBSTRUCTIONS WITHIN THE ST. LOUIS COUNTY ROAD RIGHT-OF-WAY SHALL HAVE A MINIMUM TWO (2) FOOT SETBACK FROM FACE OF CURB OR EDGE OF PAVEMENT, AS DIRECTED BY THE ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC.
17. ANY ENTITY THAT PERFORMS WORK ON ST. LOUIS COUNTY MAINTAINED PROPERTY SHALL PROVIDE THE COUNTY WITH A CERTIFICATE OF INSURANCE EVIDENCING GENERAL LIABILITY COVERAGE (BODILY INJURY AND PROPERTY DAMAGE) IN THE AMOUNTS SPECIFIED AS THE LIMITS OF LIABILITY SET BY THE STATE FOR PUBLIC ENTITIES. SUCH CERTIFICATE SHALL INCLUDE "ST. LOUIS COUNTY" AS AN ADDITIONAL INSURED AND SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF ANY PERMIT. CERTIFICATE SHALL PROVIDE FOR A 30 DAY POLICY CANCELLATION NOTICE TO ST. LOUIS COUNTY. UPON REQUEST, THE COUNTY WILL PROVIDE THE SPECIFIC AMOUNTS FOR BOTH PER PERSON AND PER OCCURRENCE LIMITS.
18. PRIOR TO "SPECIAL USE PERMIT" ISSUANCE BY THE ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC, A SPECIAL CASH ESCROW OR A SPECIAL ESCROW SUPPORTED BY AN IRREVOCABLE LETTER OF CREDIT, MAY BE REQUIRED TO BE ESTABLISHED WITH THE ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC TO GUARANTEE COMPLETION OF THE REQUIRED ROADWAY IMPROVEMENTS.
19. A THIRTY (30) FOOT LANDSCAPE BUFFER WILL BE PROVIDED ALONG N. EATHERTON RD., AS REQUIRED BY SECTION 04-02 OF THE UNIFIED DEVELOPMENT CODE.

150 N EATHERTON RD. PRELIMINARY DEVELOPMENT PLAN

A TRACT OF LAND BEING LOCATED IN U.S. SURVEY 362,
TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL
MERIDIAN CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

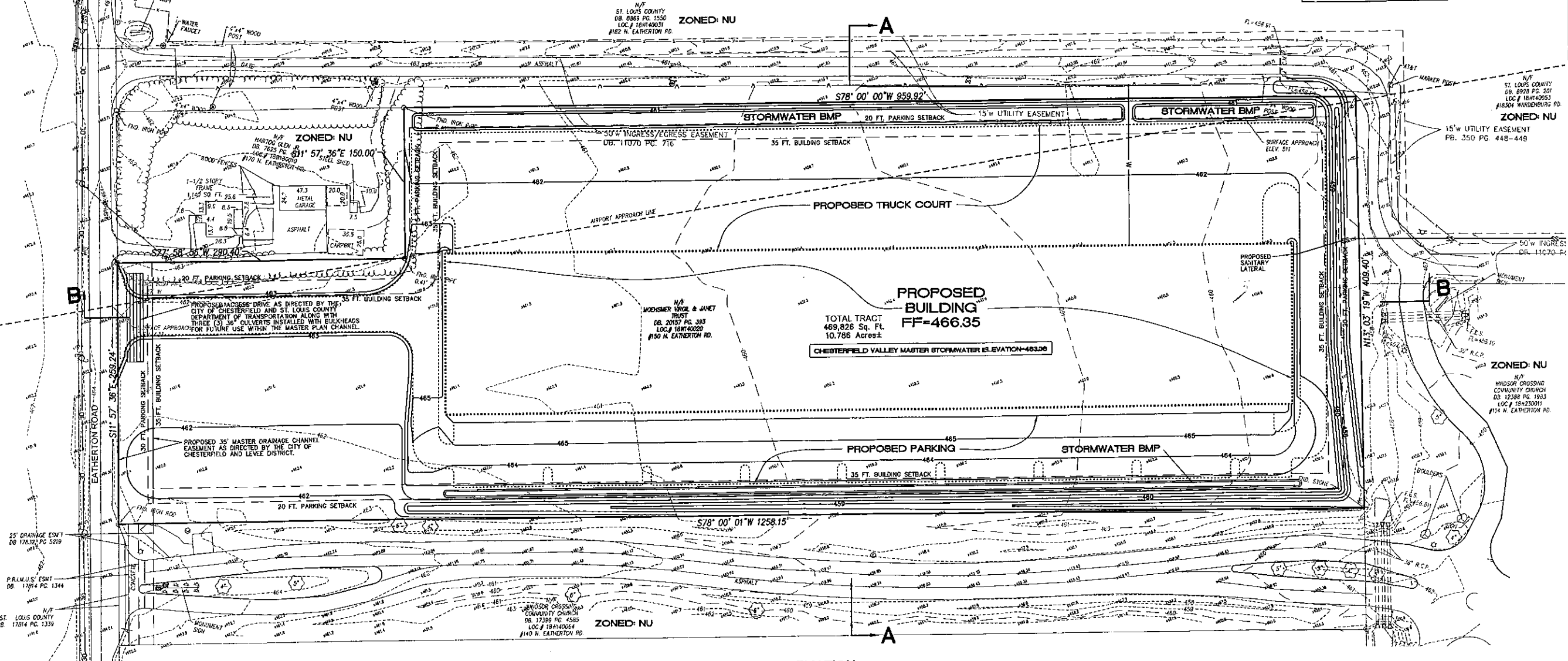
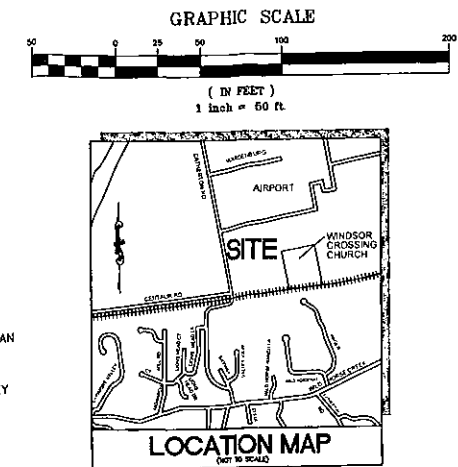
TOTAL TRACT = 10.786 AC

INDEX

- C1 - PRELIMINARY DEVELOPMENT PLAN
- C2 - SITE SECTIONS
- TSD - TREE STAND DELINEATION
- SHEET#1 - ALTA/NSPS LAND TITLE SURVEY

FLOODPLAIN INFORMATION:

Subject property lies within Flood Zone X Shaded (areas of 0.2% annual chance flood; areas of 1% flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood) according to the National Flood Insurance Rate Map Number 29189C0145K with an effective date of 02/4/2015.



PROPERTY DESCRIPTION

A tract of land as conveyed Virgil E. & Janet R. Moehsamer, Trust by instrument recorded in Book 20119, Page 570 of the St. Louis County records, located in U.S. Survey 362, Township 45 North, Range 3 East, City of Chesterfield, St. Louis County, Missouri being more particularly described as follows:

Beginning at a found iron rod located at the northwest corner of a tract of land as conveyed to St. Louis County, by instrument recorded in Book 17814, Page 1339 of above said records, said point also being located on the east/north right-of-way of Eatherton Road, variable width, thence along said right-of-way line, North 11 degrees 57 minutes 36 seconds West, 259.24 feet to the southwest corner of a tract of land as conveyed to Glen R. Hartog by instrument recorded in Book 7625, Page 452 of above said records, from which a found iron pipe lies 0.27 feet west, thence along the south of said Hartog tract, North 77 degrees 56 minutes 56 seconds East, 290.40 feet to the southeast corner of thereof, from which a found iron pipe lies 0.41 feet west, thence along the east line of said Hartog tract, North 11 degrees 57 minutes 36 seconds East, 150.00 feet to the northeast corner thereof, from which a found iron pipe lies 0.46 feet west, said point also being located on the south line of a tract of land as conveyed to St. Louis County, by instrument recorded in Book 8889, Page 1550 of above said records, thence along said south line, North 78 degrees 00 minutes 00 seconds East, 959.92 to a found stone located at the northeast corner of above said Moehsamer tract, thence along the east line of said Moehsamer tract, South 13 degrees 03 minutes 19 seconds East, 409.40 feet to a found stone located at the northeast corner of a tract of land as conveyed along the north line of said Windsor Crossing Community Church by instrument recorded in Book 17399, Page 4585 of above said records, thence along the north line of said Windsor Crossing Community Church tract and the north line of above said St. Louis County, tract recorded in Book 17814, Page 1339, South 78 degrees 00 minutes 00 seconds West, 1258.15 feet to the point of beginning containing 469,826 square feet or 10.786 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on September 1, 2016

SITE INFORMATION:

- PROPOSED SITE AREA = 10.786 ACRES
- EXISTING ZONING = "NU"
- PROPOSED ZONING = "PI" PLANNED INDUSTRIAL
- CITY = CHESTERFIELD, MISSOURI
- SITE ZIP CODE = 63005
- SITE ADDRESS INFO = 150 N. EATHERTON ROAD
- OWNER = 150 N. EATHERTON PROPERTY LLC (OWNER UNDER CONTRACT)
- WUNNENBERG'S SEWER DISTRICT = PG 19, 19-L
- WATER SHED = METROPOLITAN ST. LOUIS SEWER DISTRICT
- FLOOD MAP PANEL = MISSOURI RIVER
- FIRE DISTRICT = FIRM 29189C0145K, EFFECTIVE FEB. 4, 2015
- WATER DISTRICT = 13725 OLIVE BLVD. CHESTERFIELD, MO 63017
- = MISSOURI AMERICAN WATER COMPANY

SITE BENCH MARK

TOP OF FOUND STONE AT SOUTHEAST PROPERTY CORNER
ELEVATION = 459.25

ST. LOUIS COUNTY BENCH MARK

ST. LOUIS COUNTY HIGHWAYS AND TRAFFIC BENCHMARK
11-100" STANDARD ALUMINUM DISK STAMPED SL-41
1980. DISK IS SET ALONG THE EAST SIDE OF EATHERTON
ROAD JUST NORTH OF THE SHELL PIPELINE MARKER, 10'
EAST OF THE CENTERLINE OF EATHERTON AND 80' NORTH
OF THE EAST PIPELINE MARKER. ELEVATION = 461.24

PREPARED FOR:
150 N. EATHERTON PROPERTY LLC
(OWNER UNDER CONTRACT)
8 JENNYCLIFFE LANE
CHESTERFIELD, MO 63005

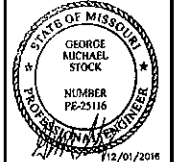
SURVEYOR'S CERTIFICATION

This is to certify that Stock and Associates Consulting Engineers, Inc. has prepared this Preliminary Plan from an actual survey. The information shown is a correct representation of all existing and proposed land divisions.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
L.S. No. 222-D

By: *Daniel E. Mann* 11/01/16
Daniel E. Mann, Missouri L.S. No. 2215

PRELIMINARY PLAN FOR:
150 N EATHERTON RD.
CHESTERFIELD
MISSOURI



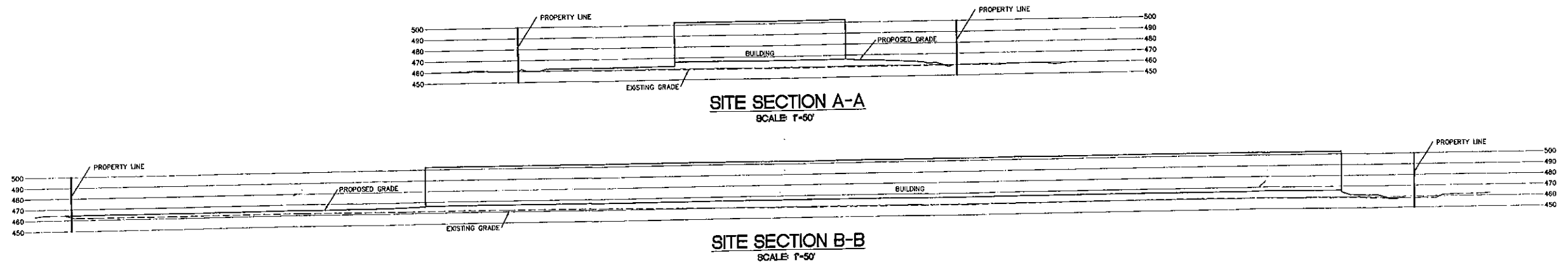
GEORGE M. STOCK E-25116
CIVIL ENGINEER
CERTIFICATE OF AUTHORITY
NUMBER: 000996

REVISIONS:

- | | | |
|---|-----------------|----------|
| 1 | County Comments | 10/13/16 |
| 2 | City Comments | 11/01/16 |
| 3 | City Comments | 12/01/16 |

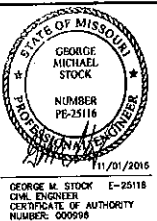
DATE: 09/02/2016
U.S.D. # 0
S.L.C. # 0
WORK # 0
SHEET TITLE: PRELIMINARY DEVELOPMENT PLAN
SHEET NO.: C1

C1



PREPARED BY:
STOCK & ASSOCIATES
Consulting Engineers, Inc.
257 Chesterfield Business Parkway
St. Louis, MO 63065 PH (636) 530-5101 FAX (636) 530-5100
e-mail: general@stockassoc.com
Web: www.stockassoc.com

PRELIMINARY PLAN FOR:
150 N EATHERTON RD.
CHESTERFIELD
MISSOURI



REVISIONS:

DRAWN BY: E.J.F.	DESIGNED BY: C.M.S.
DATE: 08/02/2016	2016-5868
W.S.D. P. # P-	BASE MAP # -
S.L.C. HAT # -	HAT SUR. # -
W.D.R.A. # MO-	

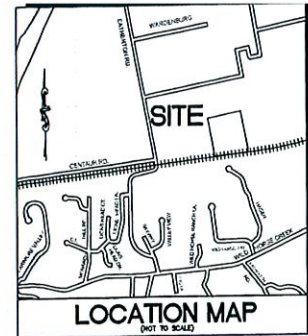
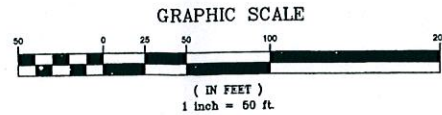
SHEET TITLE:

SITE SECTIONS

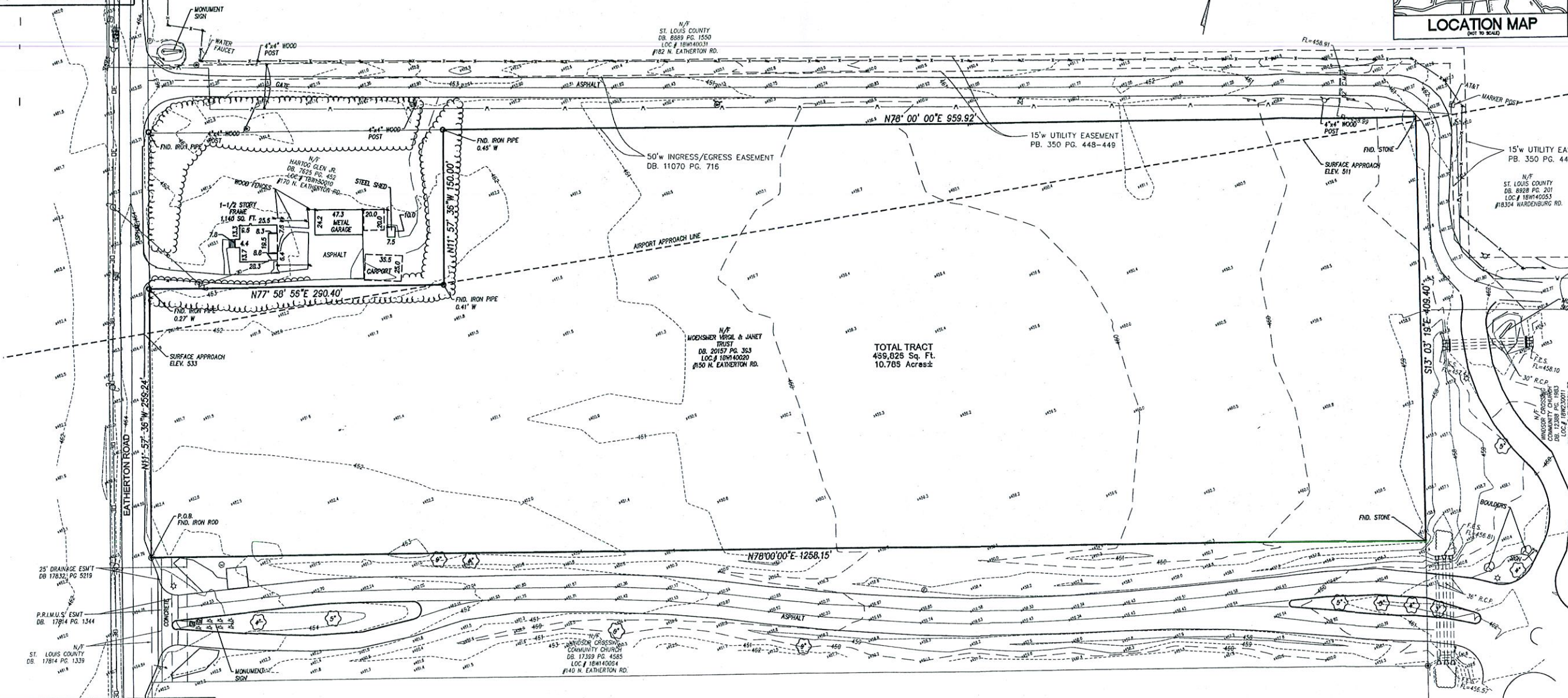
SHEET NO.:
C2

ALTA/NSPS LAND TITLE SURVEY

A TRACT OF LAND BEING LOCATED IN U.S. SURVEY 362, TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE FIFTH PRINCIPAL MERIDIAN CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



ABBREVIATIONS	
C.O.	CLEANOUT
DB	DEED BOOK
E	ELECTRIC
FL	FLOWLINE
FT	FEET
FND	FOUND
G	GAS
M.H.	MANHOLE
N/F	NOW OR FORMERLY
PL	PLAT BOOK
PG	PAGE
P.V.C.	POLYVINYL CHLORIDE PIPE
R.B.	RADIAL BEARING
R.C.P.	REINFORCED CONCRETE PIPE
SQ	SQUARE
T	TELEPHONE CABLE
V.C.P.	VETRIFIED CLAY PIPE
W	WATER
(65'W)	RIGHT-OF-WAY WIDTH



LEGEND	
	BENCH MARK
	FOUND IRON ROD
	FOUND IRON PIPE
	RIGHT OF WAY MARKER
	UTILITY POLE
	SUPPORT POLE
	UTILITY POLE WITH LIGHT
	LIGHT STANDARD
	ELECTRIC METER
	ELECTRIC MANHOLE
	ELECTRIC PEDESTAL
	ELECTRIC SPLICE BOX
	GAS DRIP
	GAS METER
	GAS VALVE
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	TELEPHONE SPLICE BOX
	CABLE TV PEDESTAL
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	WATER MANHOLE
	WATER METER
	WATER VALVE
	POST INDICATOR VALVE
	CLEAN OUT
	STORM MANHOLE
	GRADED MANHOLE
	STORMWATER INLET
	GRADED STORMWATER INLET
	SANITARY MANHOLE
	TREE
	BUSH
	TRAFFIC SIGNAL
	PARKING METER
	STREET SIGN
	SPRINKLER
	MAIL BOX

Notes:

(1) Stock and Associates Consulting Engineers, Inc. used exclusively First American Title Insurance Company, Commitment No. 218012-1, with an effective date of May 3, 2016 at 8:00 a.m. for research of easements and encumbrances. No further research was performed by Stock and Associates Consulting Engineers, Inc.

(2) Title to the estate or interest in the land described or referred to in the above commitment and covered therein is fee simple, and title thereto is a the effective date thereof vested in:

Virgil E. Moehsner and Janet R. Moehsner, or their successors, Trustees of the Virgil E. Moehsner and Janet R. Moehsner Joint Revocable Living Trust UTA Dated January 28, 2002

(3) Title Commitment No. 218012-1 with Schedule B-Section 2 exceptions:

(a) Item No. 10. Easement granted to Union Electric Company recorded in Book 1437 at Page 250 of the St. Louis County Records.

- GENERAL NOTES:
- 1) Subject property is Zoned NU No setbacks listed.
 - 2) Subject property lies within Flood Zone X Shaded (areas of 0.2% annual chance flood; areas of 1% flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood) according to the National Flood Insurance Rate Map Number 29189C0145K with an effective date of 02/24/2016.
 - 3) There are no buildings on the subject property.
 - 4) There are no stiped parking space on the subject property.
 - 5) Basis of bearings for this survey is Deed Book 20157, page 393 of the St. Louis County, Missouri Records.
 - 6) Underground utilities and facilities have been shown from survey and record information, and their location and size should be considered as approximate only.

Property Description

A tract of land in U.S. Survey 362, Township 45 North, Range 3 East, and described as: Beginning at a stone in the East line of U.S. Survey 362, being the Southwest corner of a tract of land conveyed to Effie Kelp by deed recorded in Book 420 Page 473 of the St. Louis County Records; thence South 78 degrees West 18.838 chains to a stone in the East line of Eatherton Road; thence South 12 degrees East along the East line of said Eatherton Road 6.202 chains to a stone; thence North 78 degrees East 19.072 chains to a stone in the East line of said U.S. Survey 362; and thence North 12 degrees 50 minutes West along said survey line 6.203 chains to the point of beginning.

EXCEPT: Beginning at a stone in the East line of U.S. Survey 362, being the Southeast corner of a tract of land conveyed to Effie Kelp by deed recorded in Book 420 Page 473 of the St. Louis County Records; thence South 78 degrees West, 959.508 feet to a point, said point being distant North 78 degrees 290.40 feet East of the East line of Eatherton Road, 40 feet wide; said point being the point of beginning of the tract herein described; thence continuing South 78 degrees West 290.40 feet to a point in the East line of Eatherton Road; thence South along the East line of Eatherton Road, South 12 degrees East 150.00 feet to a point; thence North 78 degrees East 290.40 feet to a point; thence North 12 degrees West 150.00 feet to the point of beginning.

As Surveyed Description

A tract of land as conveyed Virgil E. & Janet R. Moehsner, Trust by Instrument recorded in Book 20119, Page 570 of the St. Louis County records, located in U.S. Survey 362, Township 45 North, Range 3 East, City of Chesterfield, St. Louis County, Missouri being more particularly described as follows:

Beginning at a found Iron Rod located at the northwest corner of a tract of land as conveyed to St. Louis County, by Instrument recorded in Book 17814, Page 1339 of above said records, said point also being located on the eastern right-of-way of Eatherton Road, variable width; thence along said right-of-way line, North 11 degrees 57 minutes 36 seconds West, 259.24 feet to the southwest corner of a tract of land as conveyed to Glen R. Harby by Instrument recorded in Book 7625, Page 452 of above said records, from which a found Iron Pipe lies 0.27 feet west; thence along the south of said Harby tract, North 77 degrees 58 minutes 58 seconds East, 290.40 feet to the southeast corner of thereof, from which a found Iron Pipe lies 0.41 feet west; thence along the east line of said Harby tract, North 11 degrees 57 minutes 36 seconds East, 150.00 feet the northeast corner thereof, from which a found Iron Pipe lies 0.45 feet west, said point also being located on the south line of a tract of land as conveyed to St. Louis County, by Instrument recorded in Book 8888, Page 1550 of above said records; thence along said south line, North 78 degrees 00 minutes 00 seconds East, 959.82 to a found Stone located at the northeast corner of above said Moehsner tract; thence along the east line of said Moehsner tract, South 13 degrees 03 minutes 19 seconds East, 409.40 feet to a found Stone located at the northeast corner of a tract of land as conveyed to Windsor Crossing Community Church by Instrument recorded in Book 17399, Page 4585 of above said records, thence along the north line of said Windsor Crossing Community Church tract and the north line of above said St. Louis County, tract recorded in Book 17814, Page 1339, South 78 degrees 00 minutes 00 seconds West, 1258.15 feet to the point of beginning containing 459,826 square feet or 10.788 acres more or less according to calculations performed by Stock & Associates Consulting Engineers, Inc. on September 1, 2016.

Surveyors Certification

This is to certify to:

KU Development, LLC

First American Title Insurance Company

That this map or plat and the survey on which it is based were made in accordance with the 2016 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, 6(b), 7(a), 8, 9, 11 and 13 of Table A thereof. The field work was completed during 2016.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.
LC 222-0

By: *W. J. Pflager* 9/2/16
Walter J. Pflager, Missouri P.L.S. No. 2008000728

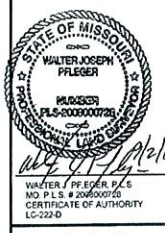
PREPARED FOR:
150 N. Eatherton Property LLC
8 Jennycliffe Lane,
Chesterfield Mo. 63005

PREPARED BY:

STOCK & ASSOCIATES
Consulting Engineers, Inc.

ALTA/NSPS LAND TITLE SURVEY

150 N. EATHERTON



REVISIONS:

DRAWN BY:	J.K.	CHECKED BY:	D.M.E.
DATE:	8/23/16	JOB NO.:	216-5868
W.S.S. P. #:	P-XXXXXX	BASE MAP #:	XXX
S.L.C. MAP #:	XXXX	HUT SUR. #:	XX-XXX-XX
M.S.N.R. #:	MO-XXXXXX		
SHEET TITLE:			
ALTA/NSPS LAND TITLE SURVEY			
SHEET NO.:			
1 OF 1			



Jerald Saunders - Landscape Architect
MO License # LA-007

Consultants:

150 N. EATHERTON

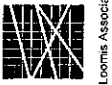
CHESTERFIELD, MISSOURI

Revisions:

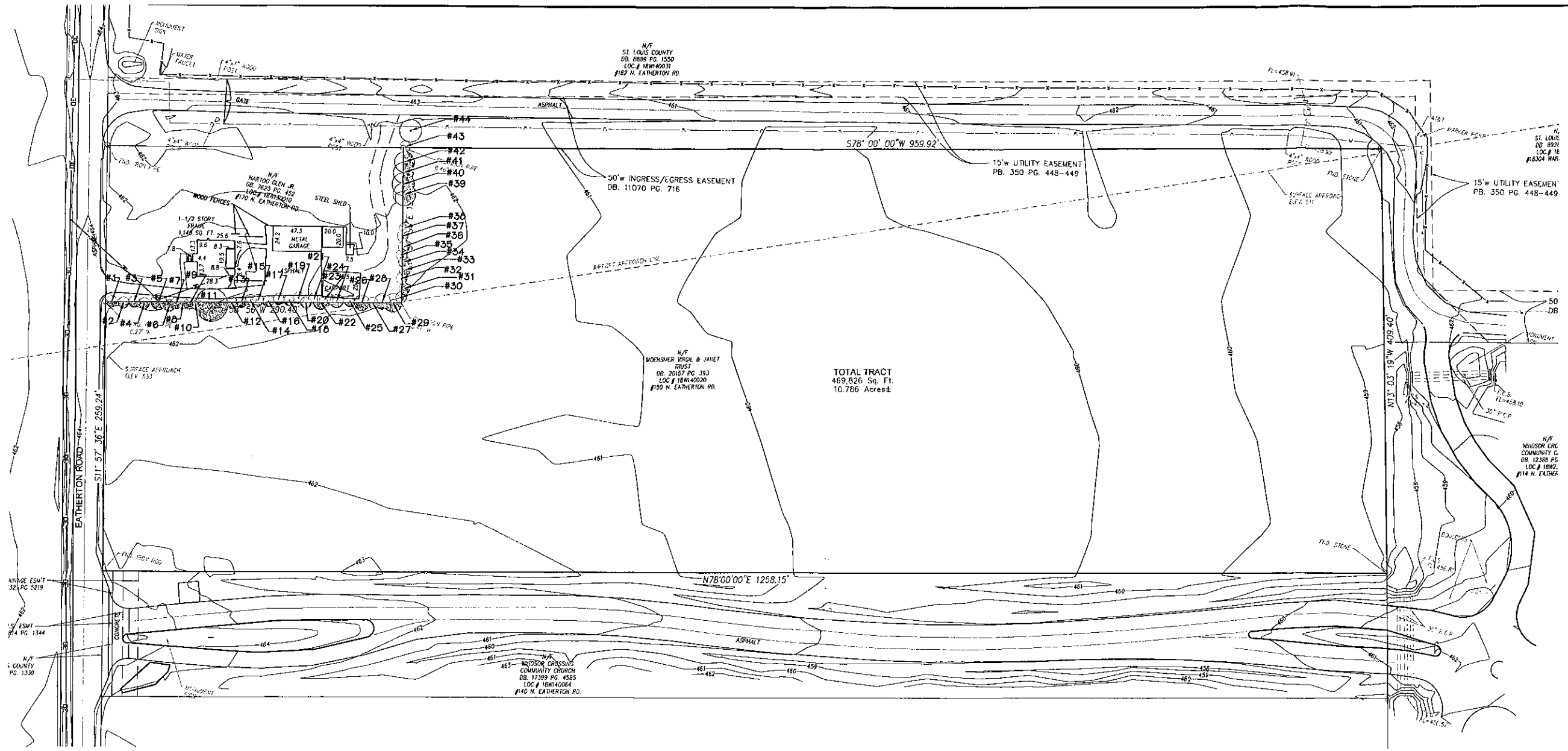
Date	Description	No.

Drawn: KP
Checked: RS

loomisAssociates

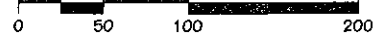

Landscape Architects/Planners
PO Box 40 Park Drive, Suite 135
Chesterfield, Missouri 63005-1154
Phone: 636.833.1154
Email: info@loomisassociates.com
loomisAssociates, Inc.
Missouri State Certificate of Authority # LAC #000019

Sheet Title:	Tree Stand Delineation
Sheet No:	TSD
Date:	09/02/16
Job #:	613.056



TREE STAND DELINEATION

SCALE 1"=50'



Legend:

Symbol	Description
# 1	Existing individual on-site tree
[Shaded Area]	Existing on-site canopy

TREE NOTES:

- Existing on-site canopy is approximately 2,727 square feet. Existing on-site and off-site trees located on both sides of the common boundary with the Hartog Property create the canopy.

ZONING DESIGNATION:

Present Zoning: NU "Non-Urban"

Total Site Area: 10.786 Acres±

Floodplain Map Number: 29189C0145K

150 N. Eatherton Road Tree Inventory						
ID	Tree Name	DBH	Canopy Diam.	Condition Rating	Comment	To Be Preserved/Removed
22	Apple	10	24	1	offsite	
23	Pear	8	20	1	offsite	
24	Silver Maple	8	15	2	offsite	
25	Silver Maple	6	50	2	offsite	
26	Silver Maple	12	40	2	offsite	
27	Silver Maple	8	35	2	offsite	
28	Silver Maple	12	25	2	offsite	
29	Silver Maple	18	60	2	offsite	
30	Cedar	10	50	2	offsite	
31	Cedar	10	40	2	offsite	
32	Pine	12	45	2	offsite	
33	Pine	12	40	2	offsite	
34	Cedar	10	30	2	offsite	
35	Pine	10	45	2	offsite	
36	Cedar	8	50	2	offsite	
37	Cedar	8	50	3	offsite	
38	Pine	12	25	2	offsite	
39	Mulberry	15	40	2	offsite	
40	Silver Maple	12	20	2	offsite	
41	Silver Maple	12	20	2	offsite	
42	Silver Maple	12	20	2	offsite	
43	Cedar	10	12	2	offsite	
44	Walnut	12	32	2	offsite	

TREE CONDITION RATING

- Superior: Specimen quality with sound trunk, healthy bark, good limb structure and balance, no corrective pruning or maintenance needed, good foliage color, no insects or diseases, twigs showing excellent growth.
- Above Average: Similar to above except tree may have minor insect problems or need minor corrective maintenance.
- Average: Sound trunk and healthy bark, fair limb structure with minor broken branch stubs, moderate maintenance needed, insect or disease problem present, fair twig growth and leaf color.
- Fair: Similar to above plus evidence of trunk scars and early stages of decay present.
- Poor: Advanced stage of decline with major problems in roots, trunk, and foliage.

150 N. Eatherton Road Tree Inventory						
ID	Tree Name	DBH	Canopy Diam.	Condition Rating	Comment	To Be Preserved/Removed
1	Cedar	8	10	2	offsite	
2	Cedar	8	10	2	offsite	
3	Cedar	8	10	2	offsite	
4	Cedar	8	10	2	offsite	
5	Mulberry	12	32	1	offsite	
6	Pine	8	12	2	offsite	
7	Pine	8	12	2	offsite	
8	Red Maple	10	20	2	offsite	
9	Pine	8	12	2	offsite	
10	Pine	8	12	2	offsite	
11	Silver Maple	30	30	2	offsite	
12	Cedar	8	10	2	offsite	
13	Pine	8	12	2	offsite	
14	Pine	8	12	2	offsite	
15	Cedar	8	10	2	offsite	
16	Pine	8	12	2	offsite	
17	Cedar	8	10	2	offsite	
18	Pine	8	12	2	offsite	
19	Pine	8	12	2	offsite	
20	Pine	8	12	2	offsite	
21	Pine	8	12	2	offsite	

BILL NO. 3135

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO AN "E-1AC" ESTATE DISTRICT FOR A 4.2 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD EAST OF ITS INTERSECTION WITH KEHRS MILL ROAD (P.Z. 15-2016 17256 WILD HORSE CREEK ROAD [LEE'S BOYS]—18U420027).

WHEREAS, the petitioner, Innovated Construction, Inc., has requested a change in zoning from an "NU" Non-Urban District to an "E-1AC" Estate District for a 4.2 acre tract of land located on the south side of Wild Horse Creek Road east of its intersection with Kehrs Mill Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on January 9, 2017; and,

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

WHEREAS, the Planning and Public Works Committee in a meeting of the Committee of the Whole, having considered said request, recommended approval of the change of zoning; and,

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

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 an "E-1AC" Estate designation for 4.2 acre tract of land located on the south side of Wild Horse Creek Road east of its intersection with Kehrs Mill Road and as described as follows:

A tract of land in U.S. Survey 126, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the West line of "Wildhorse Meadows", a subdivision according to the plat thereof recorded in Plat Book 346 pages 267 and 268 of the St. Louis County records with the North line of "The Crossing At Chesterfield", a subdivision according to the plat thereof recorded in Plat Book 346 pages 623 and 624 of the St. Louis County records; thence Westwardly along said North line of "The Crossing At Chesterfield", North 69 degrees 35 minutes 49 seconds West 754.41 feet to the East line of property described in deed to Hiu Cheung recorded in Book 21090 page 1247 of the St. Louis County records; thence Northwardly along the East line of said Cheung property, North 19 degrees 22 minutes 11 seconds East 235.99 feet to the South line of Wild Horse Creek Road, 80 feet wide; thence Eastwardly along said South line of Wild Horse Creek Road, 80 feet wide, the following courses and distances: South 72 degrees 42 minutes 18 seconds East 412.70 feet, along a curve to the left whose radius point bears North 17 degrees 17 minutes 42 seconds East 1472.69 feet from the last mentioned point, a distance of 203.91 feet and South 80 degrees 38 minutes 18 seconds East 39.44 feet to a point in the Northward prolongation of the West line of the aforesaid "Wildhorse Meadows"; thence Southwardly along said prolongation and the West line of said "Wildhorse Meadows", South 0 degrees 26 minutes 48 seconds West 309.56 feet to the point of beginning and containing 4.2 acres, more or less, according to calculations based on record information by Volz Incorporated on July 27, 2016.

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 Innovated Construction, Inc. in P.Z. 15-2016, 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 9th day of January 2017, 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 _____, 2017

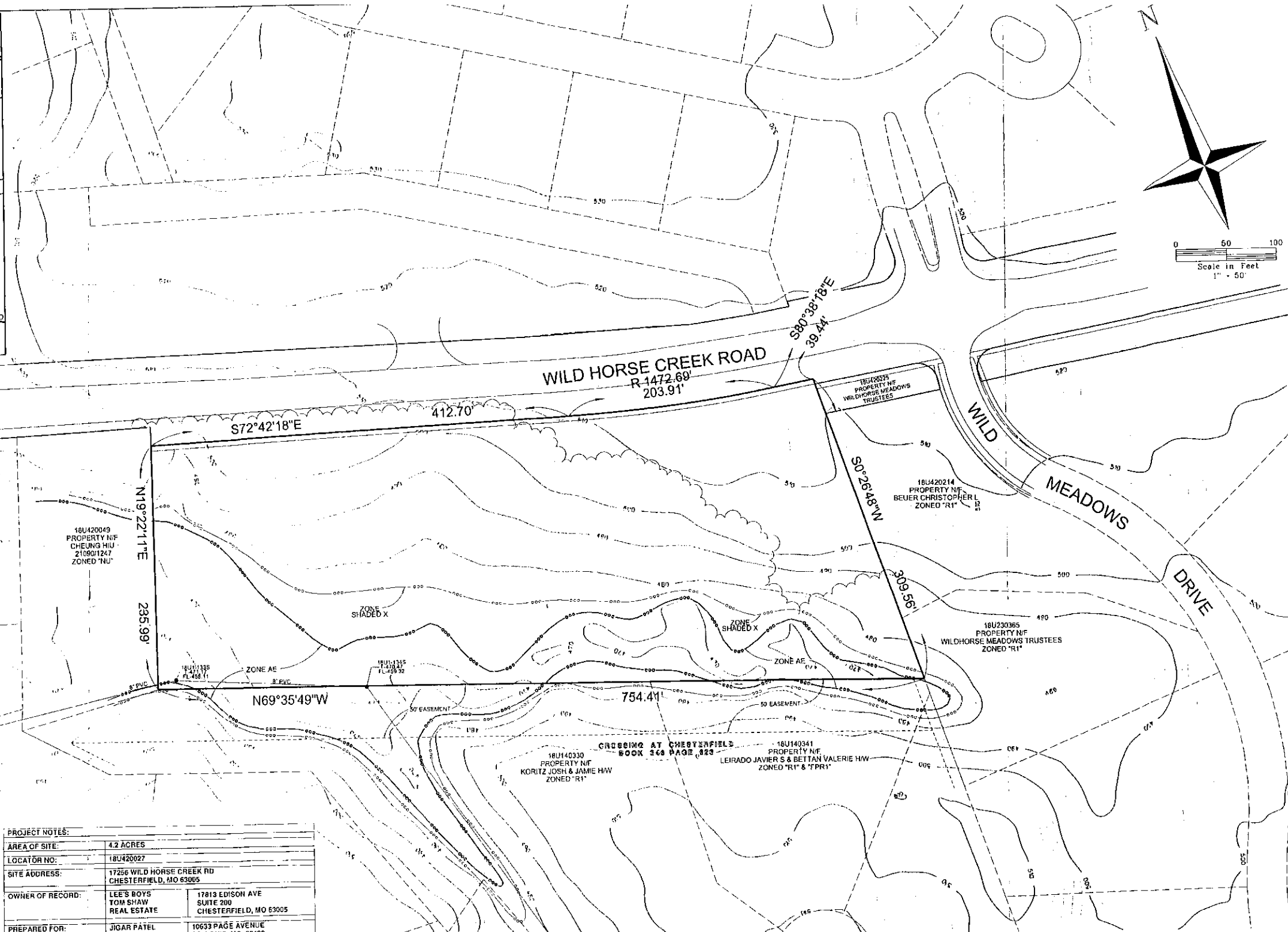
PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: __02/06/2017__



PROJECT NOTES:		
AREA OF SITE:	4.2 ACRES	
LOCATOR NO:	18U420027	
SITE ADDRESS:	17256 WILD HORSE CREEK RD CHESTERFIELD, MO 63005	
OWNER OF RECORD:	LEE'S BOYS TOM SHAW REAL ESTATE	17813 EDISON AVE SUITE 200 CHESTERFIELD, MO 63005
PREPARED FOR:	JIGAR PATEL	10633 PAGE AVENUE ST. LOUIS, MO 63132
PREPARED BY:	VOLZ Incorporated	10848 INDIAN HEAD INDL. BLDG. ST. LOUIS, MO 63132 314.425.6212 MAIN 314.890.1250 FAX
EXISTING ZONING:	"NU"	
PROPOSED ZONING:	"E-1 AC" ESTATE DISTRICT	
ARTICLE 03. ZONING DISTRICTS AND USES SEC 03-03. ZONING DISTRICTS AND REGULATIONS F. "E-1 AC" ESTATES DISTRICT		
SETBACKS	FRONT YARD	35 FT.
RESIDENTIAL USES E-1 AC:	SIDE YARD	25 FT.
	REAR YARD	35 FT.
	RIGHT-OF-WAY	20 FT.
	BETWEEN STRUCTURES	40 FT.
NATURAL FEATURES SHOULD BE PRESERVED AT NOT LESS THAN THE FOLLOWING LEVELS:	FLOOD PLAINS--NOT LESS THAN 80% OF DESIGNATED SPECIAL FLOOD HAZARD AREAS SHALL BE PRESERVED AND SHALL REMAIN UNDISTURBED. STEEP SLOPES--NOT LESS THAN 76% OF ALL AREAS EXCEEDING A 30% SLOPE SHALL BE PROTECTED AND SHALL REMAIN UNDISTURBED.	62,300 SF 100% PRESERVED 1,100 SF /11,000 SF 90% PRESERVED

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF "WILDHORSE MEADOWS"; A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 346 PAGES 267 AND 268 OF THE ST. LOUIS COUNTY RECORDS WITH THE NORTH LINE OF "THE CROSSING AT CHESTERFIELD", A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 346 PAGES 623 AND 624 OF THE ST. LOUIS COUNTY RECORDS; THENCE WESTWARDLY ALONG SAID NORTH LINE OF "THE CROSSING AT CHESTERFIELD", WITH AN BEARING OF 30 DEGREES 49' 00" SECONDS WEST, A DISTANCE OF 117.77 FEET TO THE POINT OF BEGINNING; THENCE NORTHWARDLY ALONG THE EAST LINE OF SAID CHEUNG PROPERTY, NORTH 19 DEGREES 22 MINUTES 11 SECONDS EAST 235.99 FEET TO THE SOUTH LINE OF SAID CHEUNG CREEK ROAD, 80 FEET WIDE; THENCE EASTWARDLY ALONG SAID SOUTH LINE OF SAID CHEUNG CREEK ROAD, 80 FEET WIDE, THE FOLLOWING CURVE TO THE RIGHT, WITH 77 DEGREES 42 MINUTES 18 SECONDS CENTRAL ANGLE, ALONG A CURVE TO THE LEFT WITH 77 DEGREES 42 MINUTES 18 SECONDS CENTRAL ANGLE, A DISTANCE OF 147.62 FEET FROM THE LAST MENTIONED POINT, A DISTANCE OF 203.91 FEET AND SOUTH 80 DEGREES 30 MINUTES 16 SECONDS EAST 39.44 FEET TO A POINT IN THE NORTHWARD PROLONGATION OF THE WEST LINE OF THE AFORESAID "WILDHORSE MEADOWS"; THENCE SOUTHWARDLY ALONG SAID PROLONGATION AND THE WEST LINE OF SAID "WILDHORSE MEADOWS" A DISTANCE OF 28 DEGREES 26 MINUTES 48 SECONDS WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; LESS, ACCORDING TO CALCULATIONS BASED ON RECORD INFORMATION BY VOL. 2 INCORPORATED ON JULY 27, 2016.



 TIMOTHY J. MEYER, P.E.
 PROFESSIONAL ENGINEER
 E-24665


 ROBERT N. VOLZ, P.L.S.
 PROFESSIONAL LAND SURVEYOR
 P.L.S. 741

SURVEY INFORMATION	
BASE MAP NO. 16U	4.2 ACRES
LOCATOR NUMBER, 16U420027	

Tree Number	Common Name	Size (DBH)	Condition	Height	Woodland Tree	Notes
1	Black Cherry	18"	Fair	No	No	Thin canopy; broken branches
2	White Pine	17"	Good	No	No	
3	Austrian Pine	10"	Poor	No	No	Declining
4	Flowering Dogwood	5"	Good	No	No	
5	Tulip Tree	35"	Poor	No	No	Dead central leader, hazard limbs; root decay
S1	Sycamore	39"	Fair	No	Yes	Embedded wire fence; vines
S2	Sycamore	38"	Fair	No	Yes	Vines and broken limbs
S3	Sycamore	45"	Fair	No	Yes	Vines and broken limbs
S4	Sycamore	31"	Fair	No	Yes	Cluster of three within wire fence; vines and broken limbs
S5	Sycamore	29"	Fair	No	Yes	Cluster of three within wire fence; vines and broken limbs
S6	Sycamore	40"	Fair	No	Yes	Cluster of three within wire fence; vines and broken limbs
S7	Sycamore	35"	Fair	No	Yes	Vines and broken limbs
S8	Sycamore	42"	Fair	No	Yes	decay; vines

WOODLAND NARRATIVE

W1 - 0.08 acre
Disturbed Mixed Hardwoods - Small to medium sized trees (6-10 inch diameter) including boxelder and elm. Other species present include: ash, redbud, sycamore, walnut. Predominant understory of invasive honeysuckle. Large chunks of concrete rubble throughout.

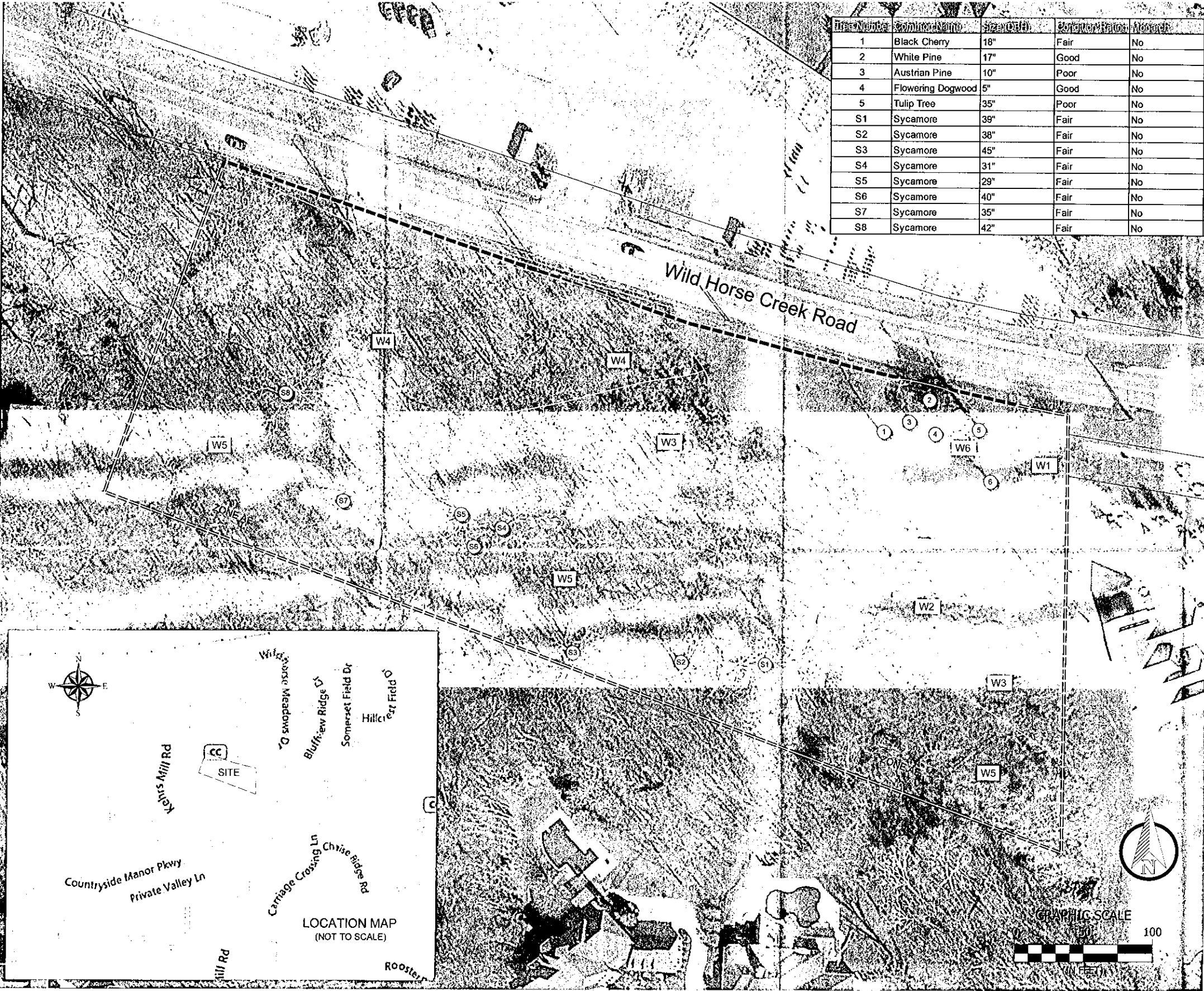
W2 - 0.21 acre
Invasive - Dense honeysuckle understory with some callery pear. A few overstory cottonwood, average <10 inch DBH. (not included in canopy calculation).

W3 - 0.70 acre
Mixed Hardwoods - Diverse medium sized trees (10-16" inch diameter) including: boxelder, cottonwood, walnut, sycamore, and cherry. A few large oak and sycamore trees (18" - 24"). Understory predominantly invasive honeysuckle mixed with pawpaw, maple, boxelder, ash and tulip tree.

W4 - 0.85 acre
Regenerating - High stocking of small trees (3-6 inch diameter) including: maple, pawpaw, olive and boxelder. Some medium to large (10-18") cottonwood, sycamores, ash, boxelder, and oak primarily along northern perimeter.

W5 - 1.88 acres
Bottomland - Scattered small to medium trees (6 - 10 inch diameter) including boxelder and walnut; large, mature sycamores close to creek. Pawpaw, elm, and honeysuckle understory.

W6 - 0.09 acre
Cluster of six landscape trees



--- = Approximate study area (4.31 acres)
① = Mapped tree and tree number

W1 = Woodlands (3.72 acres; includes 0.21 acre of W2)

Woodland Canopy Area	3.72 acres
Non-Woodland Canopy Area of W2	0.21 acres
Total Canopy On-Site	3.51 acres

Prepared by
DAVEY
RESOURCE GROUP
A Division of The Davey Tree Expert Company
1909 Park Avenue
St. Louis, Missouri 63104

Prepared for
Jigar Patel

Tree Stand Delineation
17256 Wild Horse Creek Road
Chesterfield, Missouri
Tree Stand Delineation prepared by ISA Certified Arborist
Meridith Perkins
Arborist (MW-4223A)

Tree data used to produce
this map were collected on
July 19, 2016
Tree Stand Delineation mapping
prepared by: Ken Christensen, ISA
Board Certified Arborist (A-0690)