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## **Planning and Development Services Division Public Hearing Summary Report**

**P.Z. 18-2013 Four Seasons Plaza, Lot 2 (100 and 176 Four Seasons Shopping Center)**: A request for an amendment to City of Chesterfield Ordinance 2492 to add “Restaurant, with drive-thru window” as a permitted use within an existing “PC” Planned Commercial District of 8.25 acres in size and located on the south side of Olive Boulevard west of its intersection with Woods Mill Road (16Q220719 and 16Q210763).

### **Summary**

Doster Ullom, LLC, on behalf of Caplaco Seven, Inc. and Dierbergs Four Seasons, Inc., has submitted a request for an ordinance amendment to permit a “Restaurant, with drive-thru window” use within an existing “PC” Planned Commercial District. No other changes to the ordinance are being requested. Attached to this report is a narrative prepared by the Petitioner detailing the request.

### **Site History**

The subject site was originally zoned “C-8” Planned Commercial by St. Louis County in 1975 under Ordinance 7836. In the decades since, the site-specific governing ordinance has been amended several times.

The most recent zoning amendment occurred in 2008, when the City of Chesterfield approved Ordinance 2492 which changed the zoning from the “C-8” Planned Commercial District to the “PC” Planned Commercial District. At that time, several modifications were made to the ordinance. As it pertains to this proposal, fast food restaurants were permitted; however, although included in the original request, after concern was expressed by the Planning Commission, drive-thru and free-standing fast food uses were specifically excluded during the zoning process. This was first raised at the Public Hearing on the request and the owner agreed to remove the drive-thru use from the request. As such, the entitlement for a drive thru fast food facility has never existed on this site and has specifically been excluded to ensure this use (as well as a free-standing fast food facility) would not be permitted on the site.

The reason the drive-thru use and free standing fast food restaurant have historically been restricted from this site is due to the close proximity of this commercial development to the existing residential subdivision. The Four Seasons Residential Subdivision was constructed in the late 1960’s, prior to the construction of the Four Seasons Commercial Development. Residential structures currently abut the property limits of this development without much landscaping or buffering provided because the City’s landscaping and buffering requirements for commercial developments did not exist until after the City’s incorporation in 1988.

### **Surrounding Land Use and Zoning**

The land use and zoning for the properties surrounding this parcel and shown in the aerial image on the following page are as follows:

- North:** The property to the north across Olive Street Road is the River Valley Condominiums residential subdivision and is zoned “R-2” Residence District.
- South:** The property to the south is the Four Seasons residential subdivision and is zoned “R-3” Residence District.
- East:** The property to the east is the Four Seasons Plaza Lot One commercial development and is zoned “C-2” Planned Commercial District.
- West:** The property to the west is the Four Seasons West commercial development and is zoned “C-8” Planned Commercial District.



**Comprehensive Plan Analysis**

The subject site is located within the Community Retail designation. The Comprehensive Plan defines Community Retail as a “Center characterized by one national anchor store or grocery store at a maximum of 150,000 square feet that provides general merchandise and services and attracts customers from multiple neighborhoods within Chesterfield and neighboring municipalities that will generally travel up to 15 minutes to reach the center”.

**Staff Analysis**

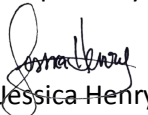
1. When the property owner was granted a change of zoning to the “PC” Planned Commercial District in 2008, the drive-thru use was specifically excluded. Prior to the change to “PC”, the site did allow for a drive-thru bank; however, fast food restaurants were not permitted. During the May 2008 Public Hearing on the request, concerns were expressed regarding the use, the history of the project, and the proximity to the existing residential properties (approximately 60 feet from building to property line), and the owner agreed to remove the drive-thru use from the request. As such, the entitlement for a drive-thru

fast food facility has never existed on this site and has specifically been excluded to ensure this use (as well as a free-standing fast food facility) would not be permitted on the site.

2. The current ordinance has restrictions on the hours of operation (Sunday – Friday morning 6:00 AM to 1:30 AM and Friday – Sunday morning 6:00 AM until 2:30 AM). In the attached narrative, the Petitioner proposes hours of operation from 6:00 AM to 10:00 PM for a fast food drive thru restaurant. If the request is approved, Staff would recommend that the Planning Commission consider restricting the hours for any drive thru fast food restaurant even further and include such language in the planned district ordinance.
3. The existing building is constructed extremely close to the minimum required setback of sixty feet from the southern boundary of the “PC” Planned Commercial District. While review of any proposed development for setback compliance is a site plan issue, it is appropriate to investigate the needs during an ordinance amendment to clarify whether a modification to the setback is necessary. The Planning Commission and Petitioner should be aware that unless a modification to this setback is requested, this is the setback that any future construction will be required to meet.
4. If the request is approved, Staff would recommend that the drive-thru use be restricted by ordinance to a single drive-thru of any type at any given time for the subject property. As previously mentioned, a drive-thru bank was permitted prior to the change to the “PC” Planned Commercial District in 2008; however, this use was specifically excluded along with the restaurant drive-thru use by the Planning Commission at that time.
5. This current request is to add drive thru use to the list of permitted uses for this development. As such, a site plan is not required unless this zoning request is approved. However, Staff would advise both the Petitioner and the Planning Commission that if this request is approved, any construction to this site to accommodate a drive thru will be required to meet all parking, landscaping, access, and other City Code requirements. If this ordinance amendment request is not approved, this is a non-issue as this project will not reach the site plan review phase of the development process.

A public hearing further addressing the request will be held at the January 13, 2014, City of Chesterfield Planning Commission meeting. Attached, please find a copy of the Public Hearing Notice. As the site is already built out and the request before you is only for an ordinance amendment, a Preliminary Plan is not required by the City of Chesterfield Zoning Ordinance for this Ordinance Amendment.

Respectfully submitted,

  
Jessica Henry  
Project Planner

Attachments

1. Public Hearing Notice
2. Petitioner’s Narrative

cc: Aimee Nassif, Planning and Development Services Director

**NOTICE OF PUBLIC HEARING  
CITY OF CHESTERFIELD  
PLANNING COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Chesterfield will hold a Public Hearing on January 13, 2014 at 7:00 p.m. in the City Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:

**P.Z. 18-2013 Four Seasons Plaza, Lot 2 (100 and 176 Four Seasons Shopping Center)**: A request for an amendment to City of Chesterfield Ordinance 2492 to add “Restaurant, with drive-thru window” as a permitted use within an existing “PC” Planned Commercial District of 8.25 acres in size and located on the south side of Olive Boulevard west of its intersection with Woods Mill Road (16Q220719 and 16Q210763).

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available for review in the Department of Public Services at Chesterfield City Hall, 690 Chesterfield Parkway West during weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you should need additional information about this project, please contact Ms. Jessica Henry, Project Planner, by telephone at 636-537-4741 or by email at [jhenry@chesterfield.mo.us](mailto:jhenry@chesterfield.mo.us)

CITY OF CHESTERFIELD  
Mike Watson, Chair  
Chesterfield Planning Commission

**PROPERTY DESCRIPTION**

Adjusted Lot 2 of the Boundary Adjustment of Lots 1 and 2 of Four Seasons, Plat 6, according to Plat thereof recorded in Plat Book 341, page 58 of the St. Louis County Records.





**NARRATIVE STATEMENT**

**Dierbergs Four Seasons Lot 2**

**Application to Amend Zoning Ordinance**

Caplaco Seven, Inc. and Dierberg's Four Seasons, Inc. are requesting an amendment to the existing ordinance for the Dierberg's Four Seasons Shopping Center located at the corner of Olive and Woodsmill Roads. The amendment would permit operation of a drive through in connection with a fast food restaurant at the Shopping Center. The drive through would be permitted only for fast food restaurants operating within the Four Seasons Shopping Center (both Lot 1 and Lot 2) as of the effective date of the ordinance amendment. Hours of operation for the drive through would be restricted to between 6:00 a.m. and 10:00 p.m.

Applicants are seeking the amendment in connection with the relocation and new lease of the Panera Bread restaurant at the Center. Panera would like to relocate its existing restaurant to a new location in order to upgrade to a more modern store which will include a drive through. Landlord and Panera have identified a new location within the Center to accommodate Panera's request.

The Shopping Center is currently zoned as a "PC" Planned Commercial District pursuant to Ordinance No. 2492. The applicants are not seeking any other changes to the existing Zoning Ordinance other than as described herein.