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Planning Commission Vote Report

Subject: Amending Existing Ordinance Vote Report

Meeting Date: March 9, 2015

From: John Boyer, Senior Planner

Location: Southeast of the intersection of Chesterfield Airport Road and Long Road.

Petition: **P.Z. 17-2014 Steve W. Wallace (H.V. Real Estate Corp):**

Proposal Summary

DosterUllom & Boyle, LLC, on behalf of Automotive and Trailer II, LLC, has submitted a request for an amendment to Ordinance 1328 to add a use beyond those originally included within this C8 Planned Commercial District. The request as documented on the February 19, 2015 Written Narrative only wishes to add one use, Vehicle Repair and Service Facility, to the permitted uses for this development. Previous requests for amendments to development conditions and other uses have been removed from this application.

When this petitioner was originally filed and heard at the Public Hearing on January 12, 2015, a number of amendments were requested. Originally the petitioner requested 33 new land uses in addition with amendments to development criteria such as;

- Removing of the 2,100 square foot limitation on Oil Change Facilities,
- Expansion of the existing structure on Lot 2, and
- Amending the parking setback along the southern property line from 10 feet to 3 feet.

As mentioned above, the applicant has changed due to the selling of Lot 2 to a new owner and therefore the request has changed to what is outlined in the Written Narrative dated February 19, 2015.

The City of Chesterfield Unified Development Code (UDC) allows existing C8 properties to be amended as long as the limits of the particular zoning district are not expanded to new lots. The purpose of this requirement is to provide a mechanism for the redevelopment of existing C8 properties, many of which were zoned and originally developed prior to the incorporation of the City of Chesterfield.

Site History

On May 4, 1997, the City of Chesterfield approved Ordinance Number 1248 which rezoned a 2.03 acre parcel from NU Non-Urban District to C8 Planned Commercial District. Also included in Ordinance 1248 was .91 acres which was already zoned C8 Planned Commercial via St. Louis County Ordinance 5,531. The permitted uses for the site authorized a freestanding co-use convenience store/fast-food restaurant with drive-thru window, under canopy gas dispensing and a freestanding three (3) bay oil/lube operation. On October 6, 1997, Ordinance 1328 was approved by the City of Chesterfield to clarify signage criteria for the site.

Surrounding Land Uses

The land use and zoning for the properties surrounding this parcel shown in the aerial image in Figure 1 below is as follows:

North: The property to the north across Chesterfield Airport Road is currently zoned NU Non-Urban District and PC Planned Commercial. These lots are currently vacant.

South: The property is currently zoned PC Planned Commercial. The property's current use is for an auto body/detail shop.

East: The property is currently zoned PI Planned Industrial District. The property is currently being used by the St. Louis Family Church.

West: The properties to the west are currently zoned C8 Planned Commercial and M3 Planned Industrial. Current uses include general retail and a dental office.

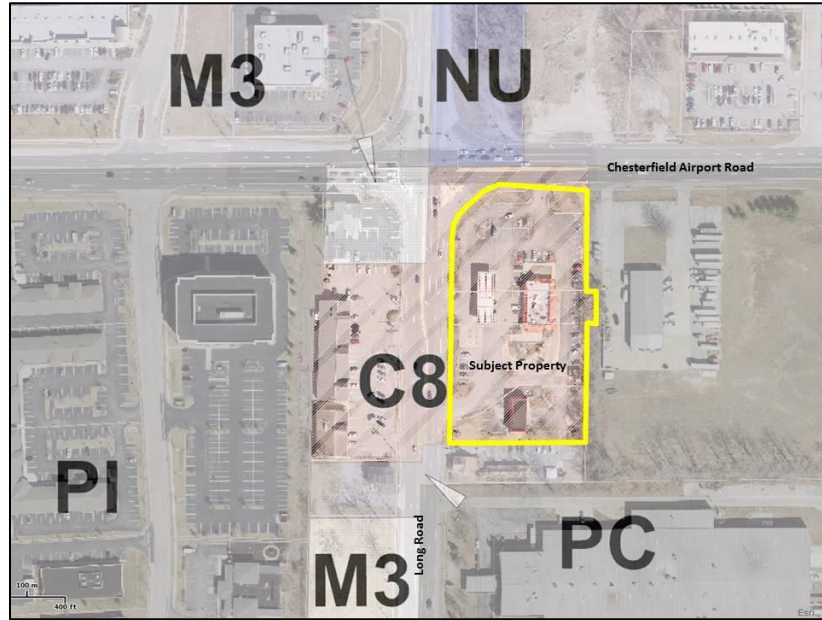


Figure 1: Aerial and Zoning Map

Comprehensive Plan Analysis

The subject site is located within the Chesterfield Valley area and within the Mixed Use (Retail/Office/Warehouse) area. This area would recommend retail, low density office and limited office/warehouse facilities. The proposed use submitted by the applicant would comply with this designation with appropriate conditions, which are further discussed within the Analysis section starting on page 4.

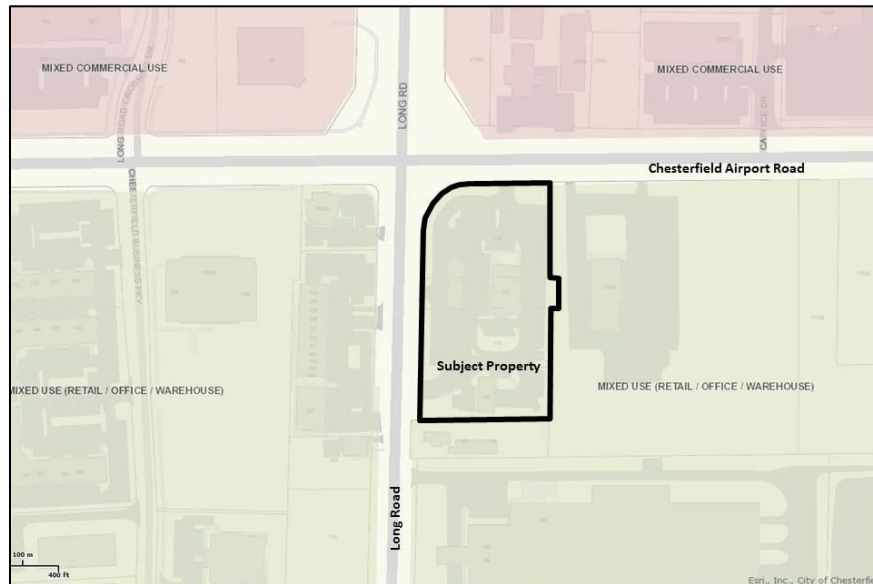


Figure 2: Land Use Plan

Petition Analysis

Uses/Development Conditions

As currently written, Ordinance 1328 limits Lot 2 to only allow an oil change facility as developed. Since the other remaining uses are limited in size by ordinance, the ordinance in effect will not allow any other uses besides the oil change facility on Lot 2, unless the current gas station/fast food restaurant/convenience store is demolished.

The petitioner wishes to add one use to the existing permitted uses; Vehicle Repair and Services Facility. Associated with the Vehicle Repair and Service Facility land use requested with this application, Staff recommends inclusion of development criteria to ensure compatibility of surrounding uses and to remain a commercial center and not an industrial center, which is not recommended via the Comprehensive Plan.

Staff recommends limitations on wrecked/dismantled vehicles and prohibitions of salvage vehicles which are not permitted outside of industrial districts. Recommended development criteria have been added to the Attachment A. Additional conditions may be added by the Planning Commission to insure compliance with the City UDC and area compatibility if desired. With the added conditions, Staff believes the Vehicle Repair and Service Facility can operate in compliance with adjacent properties and the City's Comprehensive Plan.

Per the updated Written Narrative, no amendments to the ordinance are being required to necessitate a preliminary plan. While no preliminary plan is required, Staff still recommends the addition of an open space requirement. The current ordinance and the C8 District do not require a minimum open space. While this limitation is not required, Staff would recommend the addition of a minimum open space figure which would be consistent with other planned commercial districts. Currently, the site has 27.8% open space. The draft Attachment A indicates a 27% open space minimum for this site.

Request

A summary of the request before the Planning Commission as discussed in this report is as follows;

- The previous use list has been updated to include one additional use, Vehicle Repair and Service Facility.
- A 2,100 square foot limitation on the Oil Change Facility will remain as currently required in Ordinance 1328.
- No site changes are proposed; therefore, the request to add the drive lane on the south, expand the existing building and the request to amend the parking setback along the south property line is removed. The setback as originally approved in Ordinance 1328 of ten (10) feet shall remain.
- With no proposed changes to the existing site, the requirement for the Preliminary Plan is no longer necessary and has been removed.

All conditions from Ordinance 1328 not requested to be amended by this petition have been included in the new Attachment A plus new conditions as follows;

- **In addition to the Oil Change Facility, the Vehicle Repair and Service Facility land use is recommended to be limited to 2,100 square feet.**
- **Outdoor storage of derelict, wrecked or dismantled vehicles is prohibited.**
- **Unscreened outdoor storage is prohibited.**

Staff has also included the Hours of Operation section to the Attachment A for Planning Commission's review. No limitation of hours is recommended by Staff for this development at this time. Hour limitations are usually employed in order to ensure compatibility with surrounding uses; however there are no issues with the proposed uses and the surrounding area.

All issues discussed at the Issues Meeting on February 23, 2015 have been resolved by the updated request and no other issues were raised by the Planning Commission. The petition has met all filing requirements and procedures of the City of Chesterfield. Additionally, all agency comments have been received and comments are represented in the provided Attachment A. Staff requests action on P.Z. 17-2014 Steve W. Wallace.

Attachments:

1. Attachment A
2. Narrative Statement

ATTACHMENT A

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

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this C8 District shall be as follows:
 - a. Filling station and convenience store with pump stations;
 - b. Restaurant-fast food;
 - c. Oil change facility; and,
 - d. Vehicle repair and service facility.
2. The above uses in the C8 District shall be restricted as follows:
 - a. All uses within this C8 Planned Commercial District shall be contained within a total of two (2) single-story buildings.
 - b. The canopy structure associated with the Filling station and convenience store with pump stations shall not exceed 5,600 square feet in area and contain a total of six (6) fuel pumps.
 - c. The Convenience store/restaurant-fast food co-use shall not exceed 6,000 square feet in overall size. The restaurant-fast food portion of this co-use shall not exceed sixty (60) seats.
 - d. The Oil change facility and Vehicle repair and service facility uses shall be limited to three (3) bays and shall not exceed 2,100 square feet.
 - e. There shall be no outdoor display and/or selling of merchandise within the limits of the C8 Planned Commercial District.
 - f. Outdoor storage of derelict, wrecked or dismantled vehicles is prohibited.
 - g. Unscreened outdoor storage is prohibited.
3. Hours of Operation.
 - a. Hours of operation for this C8 District shall not be restricted.

4. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City of Chesterfield Unified Development Code.

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

1. Building Requirements

- a. A minimum of twenty-seven percent (27%) open space is required for this development.

C. SETBACKS

1. Structure Setbacks

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

- a. Ninety (90) feet from the right-of-way of Chesterfield Airport Road.
- b. Twenty (20) feet from the eastern boundary of this C8 District.
- c. Fifteen (15) feet from the southern boundary of this C8 District.
- d. Forty (40) feet from the right-of-way of Long Road.

2. Parking Setbacks

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

- a. Twenty (20) feet from the right-of-way of Chesterfield Airport Road.
- b. Five (5) feet from the eastern boundary of this C8 District.
- c. Ten (10) feet from the southern boundary of this C8 District.
- d. Fifteen (15) feet from the right-of-way of Long Road.

D. 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. No more than two (2) freestanding project identification monument signs shall be permitted within the limits of this C8 District development. The height of one (1) such sign shall not exceed twelve (12) feet with a maximum of one hundred (100) square feet, and the height of the other sign shall not exceed eight (8) feet with a maximum of fifty (50) square feet, for a total of one hundred and fifty (150) square feet as approved by the Planning Commission on the Site Development Plan. A third sign for pricing is permitted and shall be no larger than twenty (20) square feet. The pricing sign may be included in the monument identification sign not to exceed one hundred (100) square feet or be used as a part of two (2) completely separate signs, one at eighty (80) square feet and one at twenty (20) square feet, for a total of one hundred and fifty (150) square feet for the approved uses, including twenty (20) square feet for the permitted price sign.
3. Except as otherwise permitted by this ordinance, 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.
4. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic (or MoDOT), for sight distance considerations prior to installation or construction.
5. No advertising signs or temporary signs (including balloons, banners, festoons of lights, strings of pennants, clusters of flags, twirlers or propellers, flares, spot lights and other similar devices of carnival nature) shall be permitted in this development.

E. ARCHITECTURAL

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas shall 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.

F. ACCESS/ACCESS MANAGEMENT

1. Cross access to adjacent properties shall be required as directed by the City of Chesterfield.

2. Driveway accesses are subject to City of Chesterfield, St. Louis County Department of Traffic and Highways and the Missouri Department of Transportation.

G. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Sidewalk adjacent to Chesterfield Airport Road shall be as directed by the City of Chesterfield.
2. Improve the southeast quadrant of the Chesterfield Airport Road and Long Road intersection to St. Louis County ADA standards as directed by the St. Louis County Department of Highways and Traffic.
3. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
4. No private features, such as signage or lighting shall be allowed within the Missouri Department of Transportation's right-of-way.

H. TRAFFIC STUDY

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

2. Provide a sight distance evaluation report, as required by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic or Missouri Department of Transportation, for the proposed entrance onto Chesterfield Airport Road and Long Road. 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 the St. Louis County Department of Highways and Traffic or Missouri Department of Transportation.

I. 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.

J. 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. The location and types of storm water management facilities shall be identified on the Site Development Plan(s).
3. This development will require a NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) acre or more. A copy of the permit application must be submitted to the City of Chesterfield prior to the issuance of a grading permit or approval of improvement plans.

K. SANITARY SEWER

Metropolitan St. Louis Sewer District approval will be required if the petitioner wishes to re-subdivide the parcels. Properties shall have access to the public sanitary sewer. Private laterals shall not cross property lines or be shared by multiple properties.

L. 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. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City Code shall be required where applicable.
3. 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 St. Louis County Department of Highways and Traffic or MoDOT. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
4. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.

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 Planning Commission may extend the period to commence construction for two (2) additional years.

IV. TRUST FUND CONTRIBUTION

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 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 Office	\$663.43
General Retail	\$1,990.41
Loading Space	\$3,257.06

(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 St. Louis County Department of Highways and Traffic.

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 St. Louis County Department of Highways and Traffic 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 St. 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 St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic or prior to the issuance of building permits in the case where no S.U.P. is required. 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. Funds shall be payable to Treasurer, St. Louis County.

The amount of all required contributions for roadway, storm water and primary water line improvements, if not submitted by January 1, 2016, 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 St. Louis County Department of Highways and Traffic.

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 \$800.53 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 St. Louis County Department of Highways and Traffic. The deposit shall be made before St. Louis County approval of the Site Development Plan unless otherwise directed by the St. Louis County Department of Highways and Traffic. Funds shall be payable to the Treasurer, St. 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 \$2,539.89 per acre for the total area as approved on the Site Development Plan.

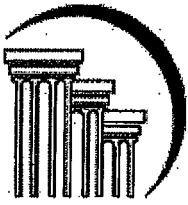
The storm water contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic or before the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to the Treasurer, St. Louis County.

D. SANITARY SEWER

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

V. ENFORCEMENT

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



**DOSTER ULLOM
& BOYLE, LLC**
ATTORNEYS AT LAW

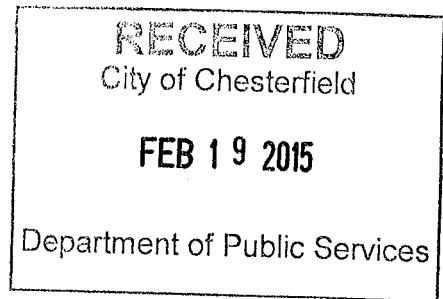
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Michael J. Doster
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February 19, 2015

Via E-mail & U.S. Mail

John Boyer
Senior Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017-0760



RE: P.Z. 17-2014 Steve W. Wallace (H.V. Real Estate Corp)

Dear Mr. Boyer:

Please be advised that the subject Property was sold by Petitioner to Automotive and Trailer II, LLC ("Automotive") on February 17, 2015. Automotive has engaged the undersigned to continue with the Petition subject to the following amendments:

- Automotive is substituted as the Petitioner;
- The requested elimination of the building square footage limitation is withdrawn;
- The requested reduction in the Southern side yard setback is withdrawn;
- The number of requested additional permitted uses is reduced to those shown on the enclosed revised list.

A revised Narrative Statement is also enclosed. Since Automotive is not requesting any changes to the approved Site Plan, the Preliminary Site Plan is withdrawn, and Automotive will rely upon and comply with the approved Site Plan.

Thank you.

Very truly yours,

Michael J. Doster

MJD/kml
Enclosures

NARRATIVE STATEMENT

The subject property, 120 Long Road, (the "Property") is lot 2 of a two (2) lot subdivision. The Property is the Southern lot which is improved with a building that is now vacant. The building was used for an oil and lube operation until vacated by the original operator. The Northern lot (Lot 1) is improved with a service station, convenience store and a McDonald's fast food/drive through restaurant. Both lots are subject to Ordinance No. 1328 (the "Ordinance"). The amendment requests the addition of one use, i.e. Vehicle repair and services facility.

The only approved use for the Property in the Ordinance is Oil/Lube Operation. The requested use is in addition to the existing approved uses in the Ordinance.

The Preliminary Plan has been withdrawn because no changes will be made to the Property as depicted on the approved Site Plan.

The proposal is compatible with the surrounding uses.

No exceptions or variations from the City's Zoning Ordinance or regulations are requested.

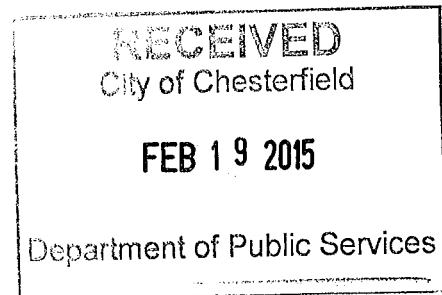


Exhibit III

120 Long Road Development

Uses

- Animal grooming service
- Art gallery
- Art studio
- Automotive retail supply
- Bakery
- Barber or beauty shop
- Coffee shop
- Coffee shop, drive thru
- Commercial service facility
- Day care center
- Drug store and pharmacy
- Drug store and pharmacy, drive thru
- Dry cleaning establishment, drive thru
- Financial institution
- Financial institution, drive thru
- Kennel, boarding
- Office, dental
- Office, general
- Office, medical
- Oil change facility
- Professional and technical service facility
- Restaurant, fast food
- Restaurant, sit down
- Restaurant, take out
- Retail sales establishment, neighborhood
- Vehicle repair and services facility
- Veterinary clinic

