



VIII.A.

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Planning Commission Staff Report

Subject: Rezoning Vote Report

Meeting Date: March 10, 2008

From: Charlie Campo, Project Planner

Location: 542 Kingscross Ln.

Petition: P.Z. 44-2007 Woodsmill Park Apartments (542 Kingscross Ln.)
P.Z. 44A-2007 Woodsmill Park Apartments (542 Kingscross Ln.)

Proposal Summary

Michael Doster, on behalf of Woods Mill Park Apartments, has submitted a request for a change of zoning from "NU" Non-Urban District, "FPNU" Flood Plain Non-Urban District, "R-3" Residence District and, "FPR-3" Flood Plain Residence District with a PEU to "R-6AA" Residence District per the regulations of the City of Chesterfield Zoning Ordinance Section 1003.120 and Section 1003.187.

Staff Recommendation

The zoning on the site contradicts the development that currently exists. It is necessary to amend the zoning on the site to allow for the existing use. The Attachment A is written to allow for the current development, at such time as significant improvements/changes are made to the existing development on the property governed by this ordinance the site will be subject to further review by the City of Chesterfield. The Attachment A for this request meets all of the development requirements of the City of Chesterfield and therefore, Staff recommends approval of the change of zoning from "NU" Non-Urban District, "FPNU" Flood Plain Non-Urban District, "R-3" Residence District and, "FPR-3" Flood Plain Residence District with a PEU to "R-6AA" Planned Environment Unit District.

Zoning Analysis

A preliminary plan accompanies all rezoning requests when the change of zoning is to a Planned District. When a vote is taken on a rezoning request, the vote is to approve the change of zoning with an Attachment A written by Staff. The vote is not to approve the accompanying preliminary plan which is provided for informational purposes only.

The addition of the PEU is necessary in order to allow the existing development in an R-6AA Zoning District. While preparing the Attachment A for this development, Staff reviewed the conditions established in the Comprehensive Plan and Zoning Ordinance. The Attachment A requires that this development will adhere to the requirements of both.

Surrounding Land Use and Zoning

The land use and zoning for the properties surrounding this parcel are as follows:

North: North of the subject site is a church and single family residential development.

South: South of the subject site is undeveloped wooded area.

East: The property to the east is undeveloped and contains Ameren UE transmission lines.

West: West of the subject site across Woods Mill Rd is Parkway Central High School and single family residential development.





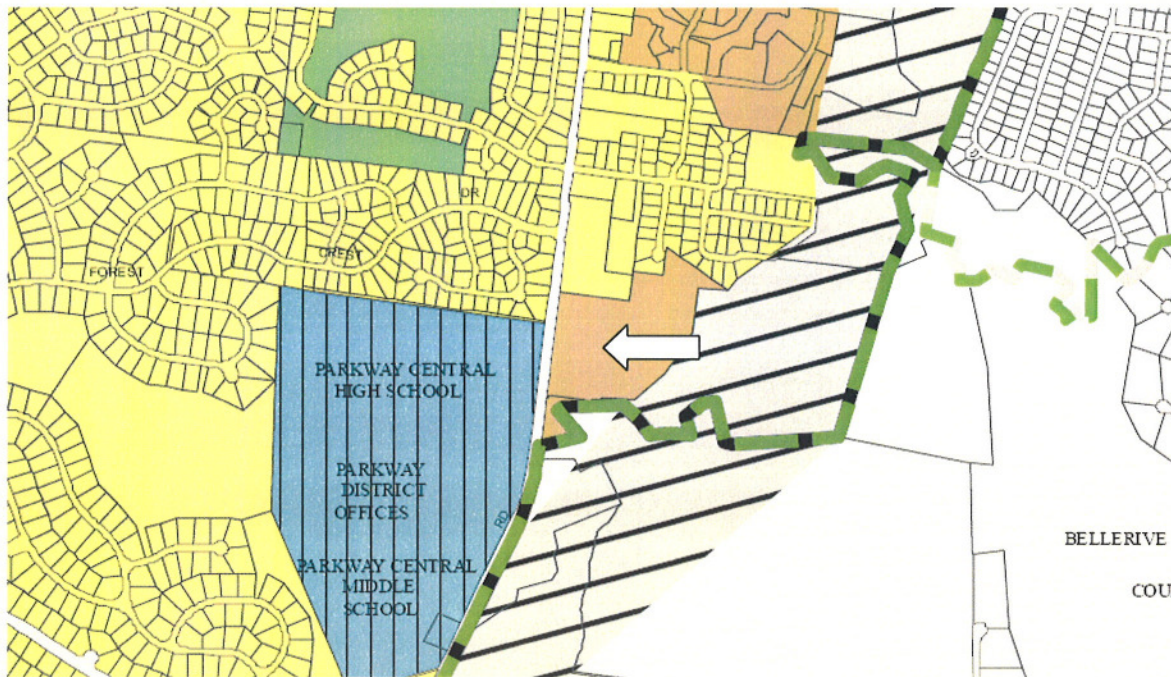
Looking north from the Subject Site



Looking south along Woods Mill Rd.

Comprehensive Plan Analysis

The subject site is located within Ward 1 of the City of Chesterfield. The Comprehensive Plan calls for this area to be Residential Multi-Family. This subject site is not located in any sub-area identified by the Comprehensive Plan; therefore there are no additional development guidelines for this site.



Site Area History

The site is currently zoned "NU" Non-Urban District, "FPNU" Flood Plain Non-Urban District, "R-3" Residence District and "FPR-3" Flood Plain Residence District. The western section along Woods Mill Rd. is zoned "NU" and "FPNU", and the remainder of the tract was zoned "R-3" and "FPR-3" under the terms of St. Louis County Ordinance

3916. (1966) St. Louis County Ordinance 4843 gave preliminary approval for a PEU procedure on the site. (1968)

Issues

A Public Hearing was held on October 22, 2007, there were three speakers in opposition, and two neutral on this matter. During the public hearing several issues were identified. Those issues along with the petitioner's responses are attached.

Request

Staff has reviewed the change of zoning from "NU" Non-Urban District, "FPNU" Flood Plain Non-Urban District, "R-3" Residence District and, FPR-3" Flood Plain Residence District with a PEU to "R-6AA" Residence District and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield. Staff requests action on P.Z. 44-2007 Woods Mill Park Apartments.

Respectfully submitted,



Charlie Campo
Project Planner

Respectfully submitted,



Mara M. Perry, AICP
Senior Planner of Plan Review

Attachments

1. Petitioners Response to issues
2. Attachment A
3. Preliminary Plan

January 22, 2008

JAN 22 2008

HAND DELIVERED

Mr. Charlie Campo, Project Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

RE: P.Z. 44-2007 Woodsmill Park Apartments (542 King Cross Lane)

Dear Charlie:

In response to the issues identified at the October 22, 2007 Public Hearing for the above-mentioned petition and specified in your letter dated October 31, 2007, we offer the following responses:

CITY OF CHESTERFIELD COMMENTS

- 1. There is to be no change to the development as it exists today. Attachment A will be specifically written to allow what is currently existing on the site.**

Response: We acknowledge this requirement.

- 2. The public record (in the PEU, the Attachment A, or Staff Report) will note that the rezoning is to rectify zoning for what is there. The public record should also include the history of the zoning noting this is why an exception is being made for this site.**

Response: We acknowledge this requirement.

- 3. Provide an explanation as to why the existing situation makes it necessary for the site to be zoned at the zoning designation that has been chosen.**

Response: Existing zoning is unclear and confusing. The requested zoning change most closely matches existing conditions and uses at the site.

- 4. Provide the number of living units and covered and open parking spaces on the subject site.**

Response: Number of living units – 140; Covered Parking – 136 carports, 16 Garages; and Open Parking Spaces – 162 spaces.

- 5. Provide the height of all existing structures on the site.**

Response: Club House Loft – 19 ft.; Town Homes – 26 ft.; and Garden Homes – 26 ft.

- 6. Calculate the area of the site that is located within the 100 yr. floodplain.**

Response: Approximately 4.77 acres.

- 7. Be advised of the attached comments submitted by Missouri Department of Transportation and Spirit of St. Louis Airport. These conditions will be included in your Attachment A.**

Response: We acknowledge those comments will be addressed at such time in the future as the owner seeks to make significant improvements to the Site.

- 8. Comments from Monarch Fire Protection District will also be included when they are received.**

Response: We acknowledge those comments will be addressed at such time in the future as the owner seeks to make significant improvements to the Site.

The following conditions related to site specific issues will be applied to the rezoning petition:

Setbacks/Building Height

The setback and building height requirements will be based on information requested in the Issues section above.

Access

- 1. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, compliance with access management principals found in Chapter 26, Article III of the City code will be required as directed by the City of Chesterfield. Significant improvements/changes**

shall include any increase in total number of units or buildings contained on the property.

Response: We acknowledge this requirement.

Private Streets

- 2. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, compliance with Appendix B, Section 1005.180 of the City of Chesterfield code, as directed by the City of Chesterfield, will be required for all private roadways. Significant improvements/changes shall include any increase in total number of units or buildings contained on the property.**

Response: We acknowledge this requirement.

Storm Water

- 3. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, compliance with current storm water management criteria as contained in the City of Chesterfield Ordinance No. 1263 will be required. Significant improvements/changes shall include any increase in total number of units or buildings contained on the property.**

Response: We acknowledge this requirement.

Floodplain

- 4. Any future development of the property governed by this ordinance will be required to comply with the floodplain management criteria contained in Chapter 14 of the City of Chesterfield code.**

Response: We acknowledge this requirement.

- 5. Any substantial improvement, as defined in Chapter 14, Article 1, Section 14-5 of the City of Chesterfield code, to an existing structure located within the Special Flood Hazard Area will require the structure to be brought into compliance with Chapter 14, article III, section 14-33 of the City of Chesterfield code.**

Response: We acknowledge this requirement.

Finally, the petitioner should be advised of the following requirements of the City Code which may impact the project during the later stages of the development process.

- A portion of the site is located in the Special Flood Hazard Area (100-year floodplain) and Supplemental Protection area related to the Special Flood Hazard Area. Consult Chapter 14 of the City Code for specific requirements. It should be noted that any new development on site or substantial improvement to an existing structure will require such work to comply with the City of Chesterfield's floodplain management criteria.

Response: We acknowledge this requirement.

Please call if you have any questions.

Very truly yours,



William B. Remis

cc: Steve Wolff
Mike Doster

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 "R-6AA" Planned Environment Unit District shall be:
 - a. A maximum of twenty (20) apartment buildings containing not more than one hundred and forty (140) apartment units and one (1) clubhouse/leasing office building.
 - b. A maximum of one hundred and thirty-six (136) covered carport parking spaces.

B. FLOOR AREA, HEIGHT, BUILDING AND STRUCTURE REQUIREMENTS

1. The apartment buildings shall be limited to two (2) stories in height with a maximum height of twenty-six (26) feet. The clubhouse/leasing office shall be limited to one (1) story and nineteen (19) feet in height.

C. SETBACKS

1. No building or structure, other than a freestanding project identification sign, boundary and retaining walls, light standards, flag poles, fences or covered carport structure, shall be located within the following setbacks:
 - a. Thirty (30) feet from the property line adjacent to Woods Mill Rd.
 - b. Sixty (60) feet from all other property lines.
2. No parking stall, loading space, internal driveway or roadway, or covered carport structure shall be located within the following setbacks:

- a. Five (5) feet from the property line adjacent to Woods Mill Rd.
- b. Eight (8) feet from the property line bearing S 83° 03' 15" E.
- c. Eight (8) feet from the property line bearing N 83° 07' 25" W.
- d. Thirty (30) feet from all other property lines.

D. PARKING AND LOADING REQUIREMENTS

- 1. Off-street parking spaces for this development shall be as required in the City of Chesterfield Code.
- 2. Construction Parking
 - a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
 - b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
- 3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

- 1. The developer shall adhere to the Tree Manual of the City of Chesterfield.

F. SIGN REQUIREMENTS

- 1. Ornamental Entrance monument construction, if proposed, shall be reviewed by the City of Chesterfield Department of Planning and Public Works, and/or St. Louis County Highways and Traffic for sight distance considerations prior to installation or construction.
- 2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

3. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, remove all private signs from Missouri Department of Transportation's right of way.

G. LIGHT REQUIREMENTS

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

H. ARCHITECTURAL

1. The developer shall submit architectural elevations, including but not limited to, color renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan. An opportunity for recycling will be provided.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, compliance with access management principals found in Chapter 26, Article III of the City Code will be required as directed by the City of Chesterfield. Significant improvements/changes shall include any increase in total number of units or buildings contained on the property.

J. PUBLIC PRIVATE ROAD IMPROVEMENTS INCLUDING PEDESTRIAN CIRCULATION

1. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, compliance with the Appendix B, Section 1005.180 of the City of Chesterfield code, as directed by the City of Chesterfield, will be required for all private roadways. Significant improvements/changes shall include any increase in total number of units or buildings contained on the property.
2. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and The Missouri Department of Transportation. 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. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, improve the curb radii for both approaches on entrances.
5. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, provide a roadway ditch along Route 141 to capture and direct roadway runoff.
6. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, provide drain structures as necessary.
7. Any improvements within Missouri Department of Transportation's right of way will require permit. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation standards.

K. POWER OF REVIEW

1. The Mayor or a Councilmember of the Ward in which a development is proposed may request that the Site Development Plan be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning

Commission review and approval of the Site Development Plan. The City Council will then take appropriate action relative to the proposal.

L. STORMWATER

1. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, compliance with storm water management criteria as contained in the City of Chesterfield Ordinance 1263 will be required. Significant improvements/changes shall include any increase in total number of units or buildings contained on the property.
2. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, the petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on Missouri Department of Transportation right-of-way.
3. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, all drainage detention storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right-of-way line, whichever is greater.

M. SANITARY SEWERS

1. Formal plan submittal and approval is required by MSD prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

N. GEOTECHNICAL REPORT

1. 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 Planning and Public Works. 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.

O. MISCELLANIOUS

1. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance, 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 of Chesterfield, Missouri Code shall be required where applicable.

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, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

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 Commission may extend the period to commence construction for not more than one additional year.

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 open space 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, and significant natural features, such as

wooded areas and rock formations, 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, the Spirit of St. Louis Airport and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.

V. RECORDING

Within 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.

VI. ENFORCEMENT

- A. The City of Chesterfield Missouri will enforce the conditions of this ordinance in accordance with the Site Development 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.

