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Planning Commission Staff Report

Meeting Date: March 10, 2008

From: Jennifer Yackley, Project Planner

Subject: Ordinance Amendment Vote Report

Location: 15310 Conway Road

Petition: P.Z. 47-2007 Conway Point Office Building (Conway Partners, LLC)

Proposal Summary

Conway Partners, LLC has submitted an application for an ordinance amendment to City of Chesterfield Governing Ordinance 2361 to amend the legal description, permitted uses, and development criteria for the 1.063 acre parcel of land, zoned "PC" Planned Commercial District, located at the southeast corner of the intersection of Chesterfield Parkway and Conway Road. The specific amendments requested by the Petitioner are as follows:

1. Amend the legal description to include the right of way area that will be vacated by St. Louis County and purchased by the Petitioner.
2. Add "Financial Institution" as a permitted use.
3. Structure setback amendments:
 - ~~Nintey-five (95)~~ **Fifty (50)** feet from the right of way of Conway Road.
 - ~~Sixty (60) feet from the western property line bearing N 04° 31'39"W~~ **Twenty-five (25) feet from the western property line bearing N 04°31'39"W.** In addition to the minimum twenty-five (25) feet, any structure whose height exceeds thirty (30) feet and adjoins property in the Non-Urban, Park and Scenic, or any Residential District must be setback an additional one (1) foot for every two (2) feet in height above thirty (30) feet.
 - ~~Twenty (20)~~ **Fifty (50)** feet from the eastern property line.

5. Reduce the required openspace from 45% to 35%. This amendment will require a two-thirds (6) vote of the Planning Commission.

Staff Recommendation

Staff has reviewed the requested changes by the Petitioner against the requirements of the City of Chesterfield Zoning Ordinance. Several amendments to the structure setbacks are being proposed by the Petitioner which differs from the recommended setbacks by Staff. These are outlined in Section I. Specific Criteria, page 1, of the Attachment A. To illustrate the amendments being proposed, Staff has prepared page 1 of the Attachment A outlining the Petitioner’s proposed changes and an additional page 1 with Staff’s recommendations.

Ordinance Amendment Analysis

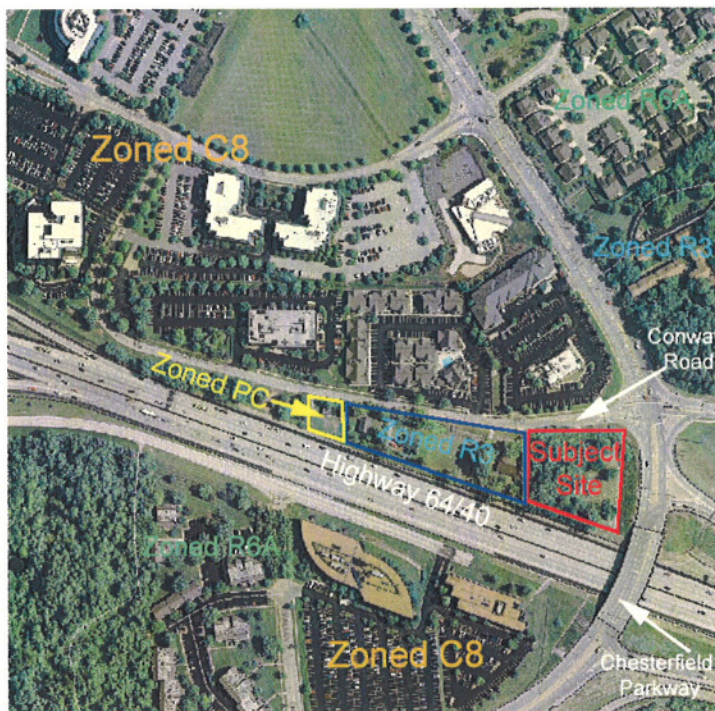
The Petitioner is requesting amendments to the structure setbacks, permitted uses, openspace requirement and legal description. The City of Chesterfield Zoning Ordinance and the existing Governing Ordinance for the site, requires a minimum of 45% openspace for office developments in a “PC” District. The Petitioner is seeking a reduction to 35% openspace.

In addition, due to an error in measuring the setbacks, Staff is requesting that the structure setback along Conway Road be amended from 95 feet to 86 feet.

Surrounding Land Use and Zoning

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

- North: The property to the north is zoned “C8” Planned Commercial District.
- South: The property across Highway 64/40 to the south is zoned “C8” Planned Commercial District
- East: The property to the east across Chesterfield Parkway is zoned “NU” Non Urban
- West: The property to the west is zoned “R3” Residence District.





Office building to the south across Highway 64/40.



Restaurant to the north of the site across Conway Road.



View of site facing north.



View of site facing west.

Comprehensive Plan Analysis

The subject site is located within Ward 2 of the City of Chesterfield. The Comprehensive Plan designates this area as the Urban Core. The project has been reviewed against all guidelines of the Comprehensive Plan and there are no outstanding issues.

Site Area History

The site was zoned "R3" Residence District by St. Louis County prior to the City's incorporation. On May 21, 2007 the City rezoned the property to "PC" Planned Commercial District via Ordinance Number 2361.

Issues

A public hearing was held for this request on January 14, 2008. At that time there were two speakers on this matter other than the petitioners. At the hearing, several issues were identified. Those issues along with the Petitioner's responses are attached.

The only open issue is the Petitioner's request for a reduction in the openspace requirement. The required openspace is 45% for this development; the petitioner is requesting a reduction to 35%.

Staff was asked to provide other examples when the City allowed adjacent off site land to be taken into consideration when calculating openspace. Staff found three instances:

1. **The Drury Plaza Hotel** The City Council approved a reduction in the openspace to 20% within the property lines of the development. The reduction was granted in consideration of the Drury Inn's proposal of a landscaped berm half of which would be in the MoDOT right-of-way. The petitioner was granted permission by MoDOT to provide landscaping on MoDOT's portion of the berm.
2. **Northeast Interchange Development** The City Council approved a reduction in the openspace requirement from 50% to 40%. The developers acquired an easement from the Levee District allowing them to maintain the area as "green space". The governing ordinance specifically states that openspace can be calculated using the Levee District easement area to the east. Additionally the Ordinance notes that the reduction was granted in part because the adjacent right of way area to the south, if included in the openspace calculation would increase the amount of openspace to 54.5%.
3. **Chesterfield Valley Medical Building II** The City Council approved a reduction in the openspace requirement from 50% to 40%. The ordinance requires that the adjacent right of way area be landscaped and includes an Exhibit detailing the development's landscaping. If the right of way area were included the openspace would be 60%.

When the developers submitted the petition to rezone the property to Planned Commercial the parking setbacks were established based on the development criteria in place at the time and the Preliminary Plan. Subsequently, the Tree Manual was amended to include a requirement for a 30 foot landscape buffer along collector and arterial roadways. Upon the Petitioner's request, the Department granted a variance to the Tree Manual to allow the parking setbacks established in the governing ordinance to remain in the new Attachment A relative to this petition.

Request

Staff requests action on each of the following amendments to Ordinance Number 2361:

1. Amend the legal description to include the right of way area that will be vacated by St. Louis County and acquired by the Petitioner.
2. Add "Financial Institution" as a permitted use.
3. Structure setback amendments:
 - ~~Ninety-five (95)~~ **Fifty (50)** feet from the right of way of Conway Road
 - ~~Sixty (60) feet from the western property line bearing N 04° 31'39"W~~ **Twenty-five (25) feet from the western property line bearing N 04°31'39"W. In addition to the minimum twenty-five (25) feet, any structure whose height exceeds thirty (30) feet and adjoins property in the Non-Urban, Park and Scenic, or any Residential District must be**

setback an additional one (1) foot for every two (2) feet in height above thirty (30) feet.

- ~~Twenty (20)~~ **Fifty (50)** feet from the eastern property line.

4. Staff requested amendment

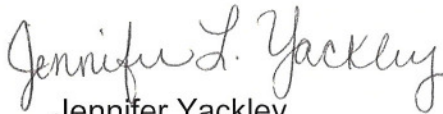
- ~~Ninety-five (95)~~ **Eighty (80)** feet from the right-of-way of Conway Road.

i. The eighty-six (86) foot structure setback from Conway Road shall be exclusive of canopies.

ii. Building canopies on the northern façade of the building shall be seventy-six (76) feet from the right-of-way of Conway Road.

5. Staff requests action on the Petitioner's request for a reduction in the openspace requirement to 35%. A separate two-thirds vote (6) of the Planning Commission would be required for approval.

Respectfully submitted,



Jennifer Yackley
Project Planner

Respectfully submitted



Aimee Nassif
Senior Planner

Attachments

1. Attachment A
2. Preliminary Plan
3. Tree Stand Delineation

ATTACHMENT A
Petitioner's Proposed Pages 1-2

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 "PC" Planned Commercial District shall be:
 - a. Offices or Office Buildings.
 - b. One (1) parking garage.
 - c. **Financial Institution**
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.

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

1. BUILDING REQUIREMENTS
 - a. **A minimum of thirty-five percent (35%) open space is required for this development.**

C. SETBACKS

1. STRUCTURE SETBACKS
No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:
 - a. **Fifty (50)** feet from the right-of-way of Conway Road.
 - b. **Fifty (50)** feet from the eastern property line.

- c. Fifty (50) feet from the southern property line.
- d. Twenty-five (25) feet from the western property line bearing N 04°31'39"W. In addition to the minimum twenty-five (25) feet, any structure whose height exceeds thirty (30) feet and adjoins property in the Non-Urban, Park and Scenic, or any Residential District must be setback an additional one (1) foot for every two (2) feet in height above thirty (30) feet.

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 "PC" Planned Commercial District shall be:
 - a. Offices or Office Buildings
 - b. One (1) parking garage
 - c. Financial Institution
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.

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

1. BUILDING REQUIREMENTS
 - a. A minimum of forty-five percent (45%) open space is required for this development.

C. SETBACKS

1. STRUCTURE SETBACKS

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

 - a. Setbacks from the right-of-way of Conway Road.
 - i. The eighty-six (86) foot structure setback from Conway Road shall be exclusive of canopies or awnings.
 - ii. Canopies or awnings on the northern façade of the building shall have a seventy-six (76) foot setback from the right-of-way of Conway Road.
 - b. Sixty (60) feet from the western property line.

- c. Fifty (50) feet from the southern property line.
- d. Twenty (20) feet from the eastern property line.

2. PARKING SETBACKS

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

- a. Eighteen (18) feet from the right-of-way of Conway Road.
- b. Ten (10) feet from the western property line.
- c. Eighteen (18) feet from the southern property line.
- d. Thirteen (13) feet from the eastern property line.
 - i. If right of way along the eastern property line of this development is acquired and zoned appropriately, said parking and loading space setbacks may be measured from the new right of way line as directed by the City of Chesterfield.

D. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will 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.
- 4. No construction related parking shall be permitted within the Conway Road right-of-way.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
 - a. A ten (10) foot landscape buffer shall be required along the western property line.
2. Landscaping in the right of way, if proposed, shall be reviewed by the City of Chesterfield, the Missouri Department of Transportation and/or the St. Louis County Department of Highways and Traffic.

F. SIGN REQUIREMENTS

1. Sign package submittal materials shall be required for this development. All sign packages shall be 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, Missouri Department of Transportation, and/or the St. Louis County Department of Highways and Traffic, 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 developer shall submit architectural elevations, including but not limited to, colored 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 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. The material will be as approved by the Planning Commission in conjunction with the Site Development Plan.

4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. No direct access to Highway 40/64 or Chesterfield Parkway will be allowed for this development.
2. The property bound by this ordinance shall be allowed one (1) defeasible entrance to Conway Road. The entrance shall be located near the western property line as directed by the City of Chesterfield. The defeasible entrance shall be temporary until such time that the use of the adjoining parcel to the west is revised and installation of a common entrance is practical. The common entrance shall align with the commercial entrance for the restaurant in the Fairfield Suites development as directed by the City of Chesterfield. Cross access easements shall be provided by both parcels as directed by the City of Chesterfield. The defeasible entrance shall be removed and relocated within six (6) months of written notice by the City of Chesterfield. A Special Cash escrow for a portion of the common entrance and all work necessary to remove the defeasible entrance will be required prior to approval of the Improvement Plans.
3. Northbound left turns from Chesterfield Parkway East to westbound Conway Road are currently prohibited, and will not be permitted under existing geometric conditions and I-64 ramp location.
4. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require permit. To the entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Obtain approvals from the City of Chesterfield, St. Louis County Department of Highways and Traffic and the Missouri Department of Transportation for areas of new dedication, and roadway improvements.
2. Provide a four (4) foot wide sidewalk along Conway Road. If the sidewalk cannot be constructed within the existing right of way, provide a sidewalk, maintenance, utility, and roadway widening easement as necessary to extend from the right of way to one foot beyond the sidewalk. The easement shall be established prior to approval of the Improvement Plans.

3. Provide the necessary easements and a cash escrow for future construction of an eight (8) foot wide sidewalk, street trees, and street lights along the Chesterfield Parkway frontage of the site in accordance with the City of Chesterfield "Pathway on the Parkway" project. The easements and escrow must be established prior to approval of the improvement plans.
4. Conform to the requirements and/or recommendations of the Missouri Department of Transportation regarding State Route 64/40 in the area.
5. St. Louis County Department of Highways and Traffic reserves the right to require roadway and intersection improvements until Final Plans are submitted.
6. As portions of these roadway improvements may require the acquisition of additional right of way and easements from private property, the normal sequence of design, right of way acquisition and construction shall commence immediately upon approval of the requested rezoning. If the developer is unable to acquire the necessary right of way and easements through negotiation with the particular property owners involved, St. Louis County will acquire it through eminent domain proceedings. The cost of appraisals, negotiations, administrations and court proceedings and all associated costs incurred by St. Louis County proceedings shall be paid by the developer.
7. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
8. Any required roadway improvements must be completed prior to issuance of the building permits in excess of sixty percent (60%) of the total.
9. 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 dedications and access requirements for each phase of development as directed by the St. Louis County Department of Highways and Traffic.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield, St. Louis County Department of Highways and Traffic and/or 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 St. Louis County Department of Highways and Traffic, for the proposed entrance onto Conway 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.

L. POWER OF REVIEW

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the site plan. The City Council will then take appropriate action relative to the proposal.

M. STORMWATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system.
2. Detention/retention and other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty (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.
3. All drainage detention storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right of way line, whichever is greater.

4. Provide adequate detention and/or hydraulic calculations for review and approval of all stormwater that will encroach on MODOT right of way.

N. SANITARY SEWER

1. Extension of public sanitary sewer lines will be necessary to serve this site and proper easements may be required. Private sanitary sewer laterals may not cross property lines. Extension of sanitary sewers shall be completed in such a manner as to allow for future service of undeveloped parcels to the west. A strong preference shall be shown for gravity sanitary sewers.
2. Treatment may be required for water quality in accordance with Metropolitan St. Louis Sewer District regulations dated February 2006.

O. GEOTECHNICAL REPORT.

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 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.

P. MISCELLANEOUS

1. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
2. 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.
3. 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. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.
- 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 adhere to the above criteria and 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 the 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 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 Ordinance.
- 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 Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Levee District, Spirit of St. Louis Airport, Missouri Department of Transportation.
- 22. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

A. The developer shall be required to contribute to the Chesterfield Village Road Trust Fund. 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.

This contribution shall not exceed an amount established by multiplying the ordinance required parking spaces for the difference between the existing and proposed uses by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$556.13/Parking Space
Loading Space	\$2,730.25/Loading Space

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

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

Credits for roadway improvements required will be awarded as directed by St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund. Credits for roadway improvements will be as approved by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic.

If this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development will be retained in the appropriate trust fund.

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

The amount of this required contribution, if not submitted by January 1, 2009 will 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.

Traffic generation assessment contributions shall be deposited with the St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer will provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

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. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Prior to Special Use Permit issuance by the St. Louis County Department of Highways and Traffic, a special cash escrow or a special cash escrow supported by an Irrevocable Letter of Credit, must be established with the St. Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.

VII. 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.



LIGHTHOUSE
ARCHITECTS

RECEIVED
FEB 10 2008
PLANNING
DEPARTMENT

February 5, 2008

Ms. Jennifer Yackley – Project Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017-0760

RE: Conway Point Office Building Issues Response (P.Z. #47-2007)

Dear Ms. Yackley,

The following written responses are in reference to the issues provided in your letter dated January 16, 2008.

1. Provide comments from St. Louis County Department of Highways and Traffic. **ANSWER: we have received a letter from St. Louis County Highways and Traffic dated December 6, 2007 which indicates their intent to recommend the vacation of the current right-of-way in question to the Conway Point Office Building development (see attached letter included for your files).**
2. The submitted petition requests an open space requirement of 45% for the site that would be divided as follows: 35% on the site and the adjacent right of way areas credited for the additional 10%. Please be advised that a site's open space requirement must be fulfilled on the site; adjacent property cannot be used to fulfill this requirement. **ANSWER: I apologize for any ambiguity provided in the initial submittal. The intent was to request a variance to allow for 35% open space on this site, with the rationale being our site is in the Urban Core of the City of Chesterfield and the definition provided in the Land Use Plan identifies this area as "highest density development in the City of Chesterfield". There are currently developments along Highway 40 in Chesterfield Valley that provide 30% open space, so we feel our request of a variance providing for 35% open space is acceptable. The developers of Conway Point Office Building have also approached MoDOT and St. Louis County Highways and have reached an agreement to landscape and maintain their additional**



right of ways which is contiguous to our project site. This financial investment will cover the right of way areas to Conway Road, Chesterfield Parkway and Highway 40/64 and equals an additional 10% open space (visually this site will provide a combined 45% open space with the requested variance of 35% open space on our project site area).

3. Staff was asked to provide other examples in the City in which the open space requirement was reduced due to adjacent rights of way areas or easements. **ANSWER: We have been informed there have been three (3) such examples of this condition in the City of Chesterfield, and these examples will be provided by staff.**
4. City of Chesterfield Ordinance #2361 requires 45% open space for this site. The proposed preliminary plan does not meet this requirement. A variance to this requirement may be considered by the Planning Commission if it is demonstrated that said amendment will encourage, promote, and reward good architecture and urban planning. Said consideration would require a two thirds (6) vote of the Planning Commission. **ANSWER: Please see answer to question #2 above to address the variance request for the 35% open space condition for this project. We do feel the variance request will encourage good urban planning because it is consistent with the approved Land Use Plan definition of "urban core" for the City of Chesterfield (highest density to be provided in the urban core of Chesterfield). We also feel this variance request will reward and promote the desirable architectural language proposed by the design of this building. This project is a gateway project for the City of Chesterfield, and since it is located on the Highway 40 corridor it needs to possess a scale of prominence which is currently provided and has already been reviewed and approved by the Architectural Review Board as a desired amenity for the City of Chesterfield.**
5. How will pedestrian access be provided on the site? **ANSWER: Currently there is a 4'-0" wide concrete sidewalk provided along Conway Road on the proposed site plan (this 4'-0" sidewalk extends to a 6'-0" transitional concrete sidewalk which currently terminates at the crosswalk provided at the intersection of Conway Road and Chesterfield Parkway). The elevation of the concrete sidewalk along Conway Road is in close proximity to the elevation of the parking lot proposed on the north of the site – this was engineered to allow for pedestrian access along Conway Road without the need for stairs. There are also provisions made for the future "Pathway Along the Parkway" which will allow for future pedestrian access along Chesterfield Parkway. While we feel pedestrian traffic will be minimal around this commercial area, provisions are made for safe pedestrian access to this proposed development.**
6. Left turns onto Conway Road from northbound Chesterfield Parkway are currently prohibited. Please explain how this will affect people's ability to

access your site. **ANSWER: Both the developers of this project and their tenants do not feel this is an issue for vehicular access to their building. Currently there is adequate vehicular access provided via Conway Road, Southbound Chesterfield Parkway and Swingley Ridge.**

7. How will the proposed bank use affect traffic in the vicinity as well as traffic circulation on the site? **ANSWER: The bank tenant is a commercial bank and with the limited number of drive-up lanes it will always be a commercial bank (as compared to a retail bank). The difference between a commercial bank and retail bank is in the greatly reduced number of on-site transactions (the difference between a commercial lending institution and a retail bank that provides consumer loans, checking and savings accounts). St. Louis Bank is an example of a bank with a similar commercial market focus. St. Louis Bank, a Chesterfield tenant, has \$472 million dollars in assets and generates 10 transactions from drive-up banking and 10 transactions from lobby teller traffic daily (1.25 transactions per hour for both the lobby teller line and the drive-up tellers). They do have a night depository that generates 13-15 after-hours transactions per week (typically 6 on Monday, 4 on Tuesday, 2 on Wednesday and 1 on Thursday). This will demonstrate the minimal vehicular traffic generated by the client base of this commercial banking tenant. On site, any banking vehicular traffic will also be a non-issue. Currently we have provided 4-5 cars of stacking per lane, and as demonstrated above, stacking requirements beyond this provision will never be realized due to the nature of the commercial bank.**
8. Please address MoDOT's suggested changes to the ramp off of Highway 40. **ANSWER: The changes to the ramp off Highway 40 and the subsequent modification to the intersection of Chesterfield Parkway and Conway Road suggested by MoDOT is not anticipated by the developers of Conway Point Office Building. However, if the suggested revision is deemed by MoDOT, St. Louis County Highways and the City of Chesterfield to provide a safer vehicular environment for this area we would support the modification.**
9. Please be advised that Staff has discovered an error in the existing governing ordinance and is requesting an amendment to the building setback from the Conway Road right of way. The amendment will reduce the setback to 83 feet from 95 feet. **ANSWER: We understand and have discussed this error with staff. We would recommend the setback from the north property line be revised to 75'-0" which will provide some space for minor site adjustments for this project (a 50'-0" setback is currently the provision in the city ordinance and is indicated on the site plan).**
10. Please be advised that the development does not meet the landscape requirements of the Tree Manual. If you choose to seek a variance

please provide a separate letter addressing each variance you are requesting to be reviewed by the Department of Planning and Public Works. Include why each variance is needed and what is being proposed in the alternative; a preliminary landscape plan should also be included. The preliminary plan does not meet the following landscape requirements:

- a. The 30'-0" landscape buffer along collector and arterial roadways.
- b. The 15'-0" landscape setback from existing or proposed rights of way for vehicular areas.

ANSWER: A variance request has been submitted to staff for review and comment.

11. MoDOT has submitted the following comments:

- a. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require a permit. The entrance geometrics and drainage design shall be in accordance with MoDOT standards. **ANSWER: We will comply.**
- b. Provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right of way. **ANSWER: We will comply.**
- c. We (MoDOT) request that all drainage detention storage facilities be placed outside of the standard governmental agency planning and zoning setbacks, or 15'-0" from the new or existing right of way, whichever is greater. **ANSWER: We will comply.**

12. MSD has submitted the following comments:

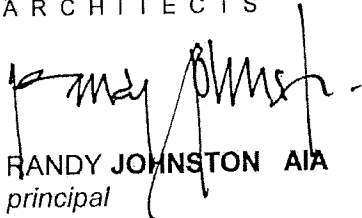
- a. Easements may be required at this site. Encroachments will not be allowed. **ANSWER: We will comply.**
- b. Extension of public sanitary sewer lines will be necessary to serve this site and proper easements may be required. Private sanitary sewer laterals may not cross property lines. Extension of sanitary sewers shall be completed in such a manner as to allow for future service of undeveloped parcels to the west. A strong preference shall be shown for gravity sanitary sewers. **ANSWER: We will comply.**
- c. Detention may not be required for this site as long as the differential runoff for the 15-year, 20-minute event remains below 2 cfs. **ANSWER: Currently our calculations indicate that detention will not be required, but we will comply with MSD directives.**
- d. Treatment may be required for water quality in accordance with MSD regulations dated February 2006. **ANSWER: We currently have provided two (2) water quality control areas on site, and we will comply with MSD regulations.**



Please feel free to contact me directly if there are any omissions, comments or questions regarding any provided response. Please let me know if this response will allow the Conway Point Office Building project to be placed on the next Planning Commission agenda. Thank you in advance for all your time and assistance, and I look forward to hearing from you soon.

Sincerely,

LIGHTHOUSE
ARCHITECTS



RANDY JOHNSTON AIA
principal





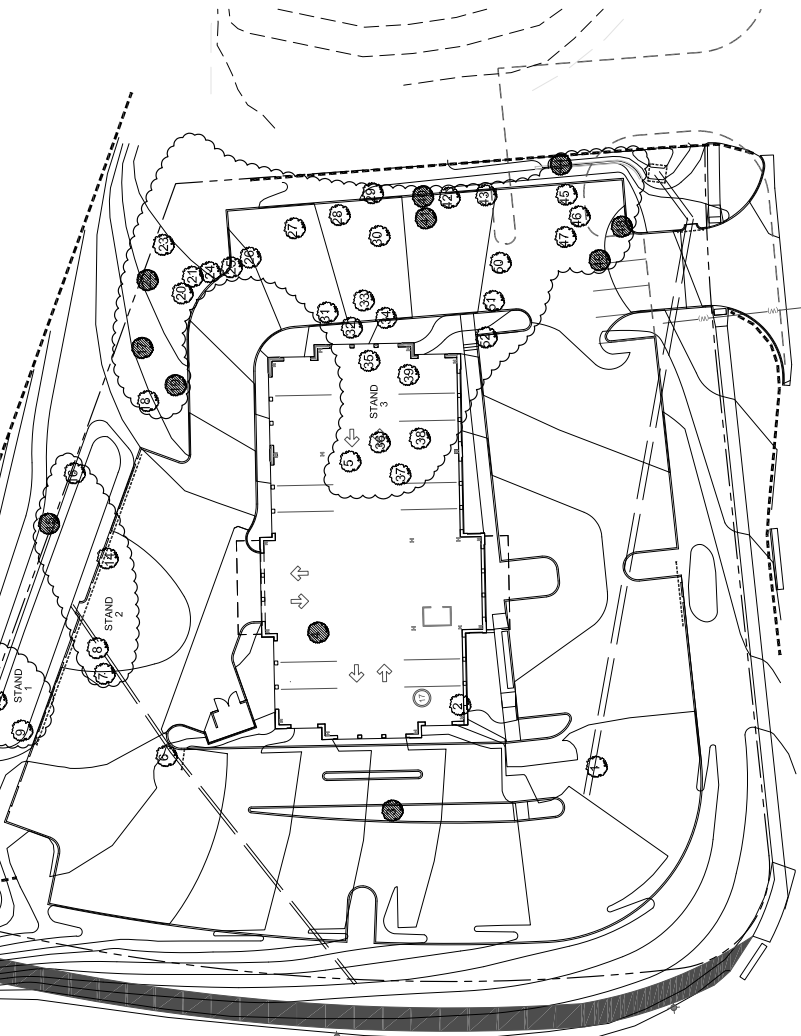
No.	Revision Description	Date
1	City Submitted	06/26/06
2	Revised Planting Plan	06/16/07

Proposed Building for:
 Village Square Management
 Conway Point Office Building
 15310 Conway Road
 Chesterfield, Missouri 63017

SHEET:
 TREE STAND
 DELINEATION
TSD - 1.0
 PROJECT NO.
 08-043
 DATE
 01/12/08
 DRAWN BY: LFC
 REVIEWED BY: JM



LEGEND
 STAND 1
 TREE STAND
 5
 INDIVIDUAL TREE
 POOR CONDITION TREE



TREE STAND DELINEATION AND DEVELOPMENT PLAN
 Scale: 1"=20'
 0' 20' 40' 60'

PERCENT GREENSPACE
 GREENSPACE = GREEN AREA / TOTAL AREA
 GREENSPACE = 16,349 sf / 46,287 sf
 GREENSPACE PERCENTAGE = 35%
 NOTE: REVISOR BY CIVIL ENGINEER 6-16-07
 SEE CIVIL PLAN FOR GREENSPACE CALCULATIONS

TREE LIST

TREE NUMBER	SPECIES	DIAMETER (CONDITION TO BE REMOVED)	COMMENTS
1	Cottonwood	6" DBH @ 10'	Good
2	Hickory	6" DBH @ 10'	Yes
3	Shive Magnolia	10" DBH @ 10'	Yes
4	Shive Magnolia	30" DBH @ 10'	Poor
5	Elm	10"	Good
6	Elm	10"	Good
7	Elm	10"	Good
8	Elm	10"	Good
9	Elm	10"	Good
10	Elm	10"	Good
11	Elm	10"	Good
12	Elm	10"	Good
13	Shive Magnolia	10"	Good
14	Black Cherry	8" DBH @ 10'	Good
15	Black Cherry	10"	Yes
16	Elm	10"	Yes
17	Black Cherry	10"	Yes
18	Black Cherry	10"	Yes
19	Black Walnut	10"	Yes
20	Black Walnut	6"	Good
21	Black Walnut	10"	Good
22	Black Walnut	10"	Good
23	Black Walnut	10"	Good
24	Black Walnut	10"	Good
25	Black Walnut	10"	Good
26	Black Walnut	10"	Good
27	Black Walnut	10"	Good
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46	Black Walnut	10"	Good
47	Black Walnut	10"	Good
48	Black Walnut	10"	Good
49	Black Walnut	10"	Good
50	Black Walnut	10"	Good
51	Black Walnut	10"	Good
52	Black Walnut	10"	Good

PROJECT INFORMATION

- OWNER - VILLAGE SQUARE MANAGEMENT, LLC AGENT FOR TENANT IN COMMON OWNERSHIP
- APPLICANT - VILLAGE SQUARE MANAGEMENT, LLC AGENT FOR TENANT IN COMMON OWNERSHIP
- TREE SPECIALIST - BRUCE VAWTER
Forestry Consultant Services
9221 Marquette Drive
St. Louis, MO 63126
- PROPERTY ADDRESS - 15310 CONWAY ROAD
- PROPOSED ZONING - PC (PLANNED COMMERCIAL)
- TREE REMOVAL WORK HAS NOT BEEN BID.
- THERE ARE NO CHAMPION OR RARE TREES ON THE SITE.
- UTILITIES - THERE ARE MINIMAL UTILITIES PRESENT ON THE SITE AND ALL NEW UTILITIES SHALL BE INSTALLED UNDERGROUND.
- THE PROJECT SITE DOES NOT IMPACT WETLANDS OR FLOODPLAINS PER FEMA FIRM MAP NO. 25 680C045 H.