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Planning Commission Staff Report

Project Type: Site Development Plan Submittal Time Extension

Meeting Date: March 24, 2014

From: John Boyer
Senior Planner

Location: 14767 North Outer 40 Road

Petition: P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC)

Description: **Highland on Conway (P.Z. 15-2010 Time Extension):** A request for an eighteen (18) month extension of time to submit a Site Development Plan for a 5.2909 acre tract of land zoned "PC" Planned Commercial District located on the north side of US Highway 40/Interstate 64 east of its intersection with Chesterfield Parkway and west of its intersection with Timberlake Manor Parkway (Locator ID: 18R110745).

PROPOSAL SUMMARY

John King of Lathrop & Gage, LLP, on behalf of Delmar Gardens, has submitted a request for an eighteen (18) month extension of time to submit a Site Development Plan for P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC). The Planning and Development Services Division has reviewed the request and submits the following report.

LAND USE AND ZONING HISTORY OF SUBJECT SITE

In May of 2011, the City of Chesterfield approved Ordinance 2651 which changed the zoning of the subject site from "PC" Planned Commercial to "PC" Planned Commercial in order to construct an office building for general, medical, and dental office uses. The subject site originally obtained "PC" Planned Commercial Zoning in 2002 with the passage of Ordinance 1870 and was entitled the land use of office, general.

Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	“R-3” Residence District
South	Highway 40-61, I-64	Highway 40-61, I-64
East	Commercial (Office - general)	“PC” Planned Commercial
West	Commercial (Office – general, medical, and dental)	“PC” Planned Commercial

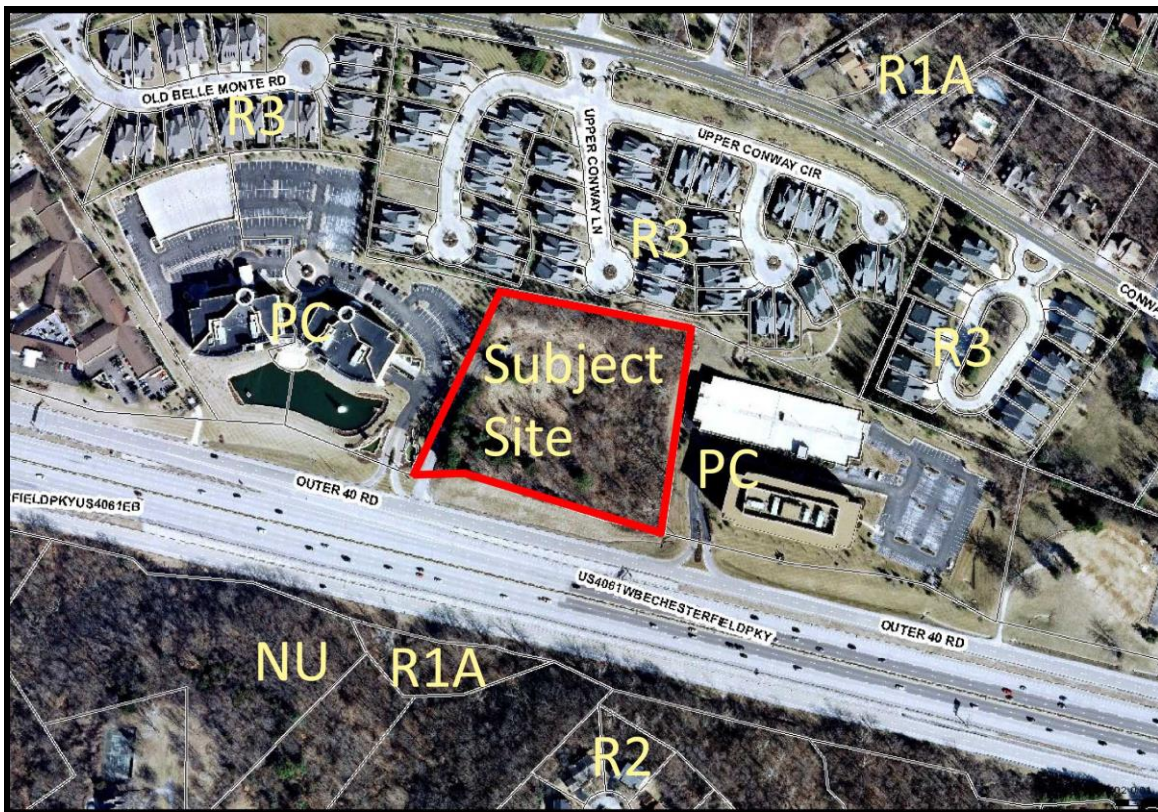


Figure 1: Aerial Photo

SUBMITTAL INFORMATION

City of Chesterfield Ordinance 2651 has the standard requirement for a Site Development Plan or Site Development Concept Plan to be submitted within 18 months of the date of approval of the change of zoning by the City. However, where due cause is shown by the developer, the time interval may be extended by the Planning Commission. Failure to comply with the established time limits will result with expiration of the preliminary plan and a new Public Hearing will have to be held. A letter from the applicant is attached to this report and provides details for this request.

On October 8, 2012, the Planning Commission granted an eighteen (18) month extension to submit a Site Development Plan. With the current extension coming due on April 8, 2014, Staff contacted the property owner via letter on February 24, 2014 concerning this ordinance requirement. In response, the Petitioner has requested an additional eighteen (18) month extension of the requirement of the submission of a Site Development Plan from the date of approval. The request cites current economic conditions as a basis for their request.

DEPARTMENTAL INPUT

Staff has reviewed the request for an extension of time to file a Site Development Plan and the conditions for development contained within the Attachment A of the City of Chesterfield Ordinance 2651. Based on this review, Staff has no concerns with an eighteen (18) month extension for the submittal of a Site Development Plan as requested by the applicant and recommends approval of the request. If approved, the time extension would be valid until October 08, 2015.

MOTION

The following options are provided to the Planning Commission for consideration relative to this application:

- 1) "I move to approve (or deny) the request for an eighteen (18) month extension of time to submit a Site Development Plan for P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC)."
- 2) "I move to approve the request for an eighteen (18) month extension of time to submit a Site Development Plan for P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC) with the following conditions..." (Conditions may be added, eliminated, altered or modified)

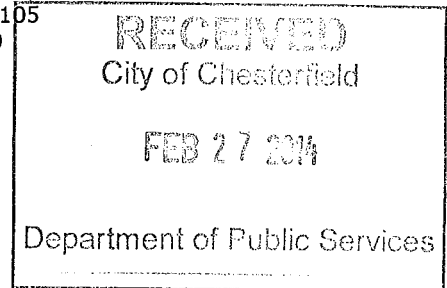
Cc: Aimee Nassif, Planning and Development Services Director

Attachments: Letter from Lathrop & Gage, LLP
Ordinance #2651

LATHROP & GAGE_{LLP}

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February 26, 2014

Mike Watson, Chairman Planning Commission
Attention: Purvi Patel
690 Chesterfield Parkway W
Chesterfield, MO 63017-0760

Dear Chairman Watson:

I represent Delmar Gardens at Conway Ridge III, LLC ("Delmar") who were granted an eighteen (18) month extension on October 8, 2012 to April 8, 2014. Because the office market is still rather weak Delmar needs to request another eighteen (18) month extension. Delmar would like to proceed with a new office building but at this time it would be financially impossible to do so.

Thank you.

Very truly yours,

LATHROP & GAGE LLP

By: _____



John P. King

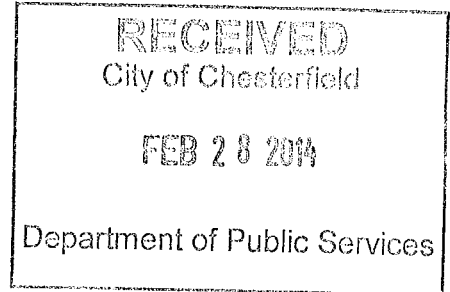
JPK/mh

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February 27, 2014



Mike Watson, Chairman Planning Commission
Attention: Purvi Patel
690 Chesterfield Parkway W
Chesterfield, MO 63017-0760

Dear Chairman Watson:

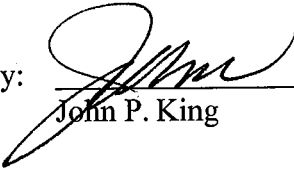
In my previous request for a continuance I failed to mention that the property is on the market to lease space in a new office building. We have had several inquiries but to date none have come to fruition. The real estate agent has been actively marketing the property and will continue to do so. If you need any further information, please let me know.

Thank you.

Very truly yours,

LATHROP & GAGE LLP

By: _____


John P. King

JPK/mh

CALIFORNIA

COLORADO

ILLINOIS

KANSAS

MASSACHUSETTS

MISSOURI

NEW YORK

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 1870 BY CHANGING THE ZONING OF A "PC" PLANNED COMMERCIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT OF 5.2909 ACRES IN SIZE LOCATED ON THE NORTH SIDE OF US HIGHWAY 40/INTERSTATE 64 EAST OF ITS INTERSECTION WITH CHESTERFIELD PARKWAY AND WEST OF ITS INTERSECTION WITH TIMBERLAKE PARKWAY (P.Z. 15-2010 Highland on Conway {Delmar Gardens at Conway Ridge III, LLC}).

WHEREAS, Delmar Gardens on Conway Ridge III, LLC has requested a zoning map amendment from a "PC" Planned Commercial District to a "PC" Planned Commercial District of 5.2909 acres in size located on the north side of US Highway 40/Interstate 64 east of its intersection with Chesterfield Parkway and west of its intersection of Timberlake Parkway; and,

WHEREAS, a Public Hearing was held before the Planning Commission on February 14, 2011; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the Zoning Map Amendment; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the Zoning Map Amendment; and,

WHEREAS, the City Council, having considered said request, voted to approve the Zoning Map Amendment request.

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

Section 1. City of Chesterfield Ordinance 1870 is hereby repealed and replaced with a new ordinance the conditions of which are established in the Attachment A. The area for which this new ordinance applies is as follows:

A tract of land being part of Lot 21 of "Highland on Conway Plat No. 2", a subdivision according to the plat thereof recorded in Plat Book 83, Page 39 of the St. Louis County Records and part of the right-of-way of Interstate 64 and U.S. Highway 40-61, being also part of original Lot 21 of said subdivision of "Highland on Conway Plat No. 2", in U.S. Survey 370, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the East line of Lot 20 of said "Highland on Conway Plat No. 2", with the South line of Lot 14 of said "Highland on Conway Plat No. 2"; thence Eastwardly along the South line of Lots 14 and 13 of said "Highland on Conway Plat No. 2", south 77 degrees 22 minutes 00 seconds East, 400 feet to the Northwest corner of Lot 8 of the "Highland on

Conway Plat No. 1", a subdivision according to the plat thereof recorded in Plat Book 83, Page 23 of the St. Louis County Records; thence Southwardly along the West lone of said Lot 8, South 06 degrees 56 minutes 00 seconds West, 482.05 feet to a point; thence North 76 degrees 15 minutes 00 seconds West, 571.49 feet to a point on the West lone of Lot 21 of said "Highland on Conway Plat No. 2"; thence Northwardly along said West lone, North 27 degrees 24 minutes 00 seconds East, 484.52 feet to the point of beginning and containing 5.2909 acres (230,472 square feet).

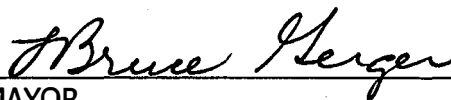
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and, made a part of.

Section 3. The City Council, pursuant to the petition filed by Delmar Gardens at Conway Ridge III, LLC, in P.Z. 15-2010, requesting the zoning map amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 14th day of February, 2011, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 16th day of May, 2011.


MAYOR

ATTEST:


CITY CLERK

FIRST READING HELD: 05/02/2011

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. Office, dental.
 - b. Office, general.
 - c. Office, medical
2. Hours of Operation.
 - a. Hours of operation for all uses shall not be restricted.

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

The following requirements shall apply to the permitted land uses:

1. Floor Area
 - a. Total office building floor area shall not exceed 126,760 square feet.
2. Height:
 - a. The maximum height of the office building, exclusive of roof screening, shall not exceed seventy (70) feet from grade and five (5) stories in height.
 - b. The maximum height of the parking structure shall not exceed five-hundred and eighty-five (585) feet above sea level and four (4) levels in height.
3. Building Requirements
 - a. A minimum open space of thirty-five percent (35%) shall be required for this development.
 - b. This development shall have a maximum F.A.R. of 0.55.

C. SETBACKS

1. Structure Setbacks

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

- a. Sixty-five (65) feet from the right-of-way of North Outer 40 Road.
- b. Thirty-five (35) feet from the western boundary of this "PC" District.
- c. Thirty (30) feet from the northern boundary of this "PC" District.
- d. Forty-five (45) feet from the eastern boundary of this "PC" District.

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. Sixty-five (65) feet from the right-of-way of North Outer 40 Road.
- b. Zero (0) feet from the western boundary of this "PC" District.
- c. Thirty (30) feet from the northern boundary of this "PC" District.
- d. Forty-five (45) feet from the eastern boundary of this "PC" District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Handicapped parking and access requirements should comply with Section 512.4 of the St. Louis County Building Code.
3. The street 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.
4. Provide adequate off-street 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 and debris from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. LANDSCAPE AND TREE REQUIREMENTS

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

F. SIGN REQUIREMENTS

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

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

I. ACCESS/ACCESS MANAGEMENT

1. No direct access will be allowed to North Outer 40 Road. The drives and cross access easements on the adjacent parcels to the east and to the west shall be utilized for ingress and egress. Ordinance Number 1660 and Ordinance Number 1806 shall be referenced for the requirements of the shared entrances and internal drive locations on the adjacent properties.
2. Access management principals to be applied to this development can be found in Chapter 26 of the City Code.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING SIDEWALKS

1. The property covered by this ordinance is located within the City of Chesterfield's Highway 40 Road Trust Fund as created by Ordinance No. 1652. The developer shall be required to make a contribution to the Trust Fund in accordance with Ordinance No. 1652 and as directed by the City of Chesterfield.
2. Prior to Site Development Plan approval, the petitioner may be requested to provide a traffic study by the City of Chesterfield or the Missouri Department of Transportation.

K. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield. 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.

L. POWER OF REVIEW

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.

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 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 developments or issuance of building permits exceeding sixty (60%) of the 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 all Site Development Plans.

N. 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 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. GRADING AND IMPROVEMENT PLANS

1. A clearing/grading permit or improvement plan approval is required prior to any clearing or grading on the site. Be advised, the Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and grading permit.
2. Interim storm water drainage control in the form of siltation control and/or siltation basins is required. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Planning and Public Works, prior to any clearing, grading, and/or improvement plan approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.
3. Temporary settlement basins, as required by the City of Chesterfield Department of Planning and Public Works shall be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
4. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic

wetting or other means, may be required by the Director of Public Works/City Engineer.

5. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
6. Prior to issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Department of Planning, Public Works, and Parks in cases of undue hardship because of unfavorable ground conditions
7. Prior to improvement plan approval, provide comments/approvals from the Metropolitan St. Louis Sewer District and the appropriate Fire District.
8. Prior to improvement plan approval, copies of recorded easements/right-of-way dedications for off-site work, including book and page information, shall be provided.

P. 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 of Chesterfield 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, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, and Spirit of St. Louis Airport.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. TRUST FUND CONTRIBUTION

1. The developer shall contribute a Traffic Generation Assessment (TGA) to the Route 40 (I-64) Corridor Trust Fund (553). This contribution shall not exceed an amount established by multiplying the ordinance-required parking space by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Medical Office	\$ 1,819.37/Parking Space

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

If types of development differ from those listed, St. Louis County Department of Highways and Traffic will provide rates.

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

Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

2. As this development is located within a trust fund area established by Saint Louis County any portion of the traffic generation assessment contribution, which remains, following completion of road improvements required by the development, should be retained in the appropriate trust fund.
3. The amount of the required contribution, if not approved for construction by January 1, 2012, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

VI. 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.

VII. ENFORCEMENT

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

