



IV. B.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Planning and Development Services Division Public Hearing Summary Report

P.Z. 06-2014 Four Seasons Plaza, Adjusted Lot 2 and Part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.): A request for a zoning map amendment from the “C-2” Shopping District and “PC” Planned Commercial District to create a new “PC” Planned Commercial District and to add an additional use and amend the development criteria within the existing “PC” Planned Commercial District for an 8.29 acre tract of land located on the south side of Olive Boulevard west of its intersection with Woods Mill Road (16Q220719, 16Q210763, and 16Q220690).

Summary

Doster Ullom, LLC, on behalf of Caplaco Seven, Inc. and Dierbergs Four Seasons, Inc., has submitted a request for a zoning map amendment from the “C-2” Shopping District and “PC” Planned Commercial District to create a new “PC” Planned Commercial District and to add an additional use and amend the development criteria within the existing “PC” Planned Commercial District. A previous request (P.Z. 18-2013) for an ordinance amendment to add “Restaurant, with drive-thru window” was withdrawn by the Petitioner in order to expand the request (now known as P.Z. 06-2014) to include a change of zoning for a 0.4 acre portion of the adjacent Adjusted Lot 1 and to amend certain development criteria contained within the current governing Ordinance 2492. Additionally, the request for the additional use of “Restaurant, with drive-thru window” was carried over to the current request. Each of these requests is detailed in the Staff Analysis portion on page three of this report. As required for all zoning map amendment requests, a Preliminary Plan and narrative prepared by the Petitioner detailing the request have been submitted.

Site History

Adjusted Lot 1 of the subject was zoned “C-2” Shopping District by St. Louis County in 1965. There is no site-specific ordinance for this site and no changes to the zoning have occurred in the decades since that time.

Adjusted Lot 2 of the subject site was originally zoned “C-8” Planned Commercial District by St. Louis County in 1975 under Ordinance 7836. In the decades since, the site-specific governing ordinance has been amended several times.

The most recent zoning amendment occurred in 2008, when the City of Chesterfield approved Ordinance 2492 which changed the zoning from the “C-8” Planned Commercial District to the “PC” Planned Commercial District. At that time, several modifications were made to the ordinance. As it pertains to this proposal, fast food restaurants were permitted; however, although included in the original request, after concern was expressed by the Planning Commission, drive-thru and free-standing fast food uses were specifically excluded during the zoning process. This was first raised at the Public Hearing on the request and the owner agreed to remove the drive-thru use from the request. As such, the entitlement for a drive-thru fast food facility has

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

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

Surrounding Land Use and Zoning

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

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



Comprehensive Plan Analysis

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

Staff Analysis

The request can be broken down into three components, as detailed below:

1. **A zoning map amendment for a portion of Adjusted Lot 1:** The property boundary line between Adjusted Lot 1 and Adjusted Lot 2 falls within the parking island adjacent to the parking area that is being proposed as the drive-thru location if this request is approved, as shown in the image below. As a result, certain components of the proposed drive-thru, such as the menu board and speaker, could potentially conflict with Municipal Code requirements if they were located on two separate parcels with two different zoning designations. In order to address this concern, the Petitioner is requesting a zoning map amendment for a portion of Adjusted Lot 1, which is currently zoned “C-2” Shopping District, to incorporate this small portion into the existing “PC” Planned Commercial District and form a new “PC” Planned Commercial District.

Additionally, the Petitioner has filed an application for a Boundary Adjustment Plat in order to adjust the boundary line in question to match the proposed zoning district boundaries.



2. **Amendments to the development criteria contained within site specific governing Ordinance 2492:** The ordinance contains structure and parking setbacks that conflict with the proposed drive-thru use. In order to accommodate various elements of the proposed drive-thru use as well as ensure that the development as it currently exists conforms to all required setbacks, multiple revisions must be made to the setbacks as currently written in Ordinance 2492. Specific setback requests will be included on the revised Preliminary Plan and in the draft Attachment "A" submitted for a future Planning Commission agenda.

Additionally, the Petitioner is requested to modify certain landscaping requirements contained within Ordinance 2492. Rather than the deciduous trees required along the western north-south access road, the applicant is proposing to plant landscape beds with flowering plants, shrubs, and grasses.

Finally, as required by Ordinance 2492, a six (6) foot high sight proof wooden fence exists along the the southern property line. However, the ordinance mandates that the fence be located "three (3) feet north of the southern property line with evergreen trees located along both sides of the fence." As it currently exists, the fence varies in distance from the southern property line, ranging from zero (0) feet to approximately six and a quarter (6.25) feet from the property line. Although a landscape buffer of mature evergreens exists between the Four Seasons Plaza commercial development and the Four Seasons residential subdivision, the varying distance precludes the location of evergreen trees on both sides of the fence as required by Ordinance 2492. Therefore, the Petitioner is seeking a revision to the ordinance language to accommodate the existing fence conditions.

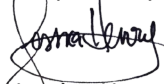
3. **Request for an additional use:** The Petitioner is requesting that "Restaurant, with drive-thru window" be added as a permitted use within the "PC" Planned Commercial District. As stated on page one of the Petitioner's narrative statement, the purpose of the request is to allow the Panera Bread restaurant that currently operates on Adjusted Lot 1 to relocate to the end-cap tenant space currently occupied by the Mongolian BBQ restaurant on Adjusted Lot 2. This relocation would entail renovations to suit the tenant's requirements, including the addition of a drive-thru. Staff's analysis of this request is detailed below.
- When the property owner was granted a change of zoning to the "PC" Planned Commercial District in 2008, the drive-thru use was specifically excluded. Prior to the change to "PC", the site did allow for a drive-thru bank; however, fast food restaurants were not permitted. During the May 2008 Public Hearing on the request, concerns were expressed regarding the use, the history of the project, and the proximity to the existing residential properties (approximately 60 feet from building to property line), and the owner agreed to remove the drive-thru use from the request. As such, the entitlement for a drive-thru fast food facility has never existed on this site and has specifically been excluded to ensure this use (as well as a free-standing fast food facility) would not be permitted on the site.
 - The current ordinance has restrictions on the hours of operation (Sunday – Friday morning 6:00 AM to 1:30 AM and Friday – Sunday morning 6:00 AM until 2:30 AM). In the attached narrative, the Petitioner proposes hours of operation from 6:00 AM to 10:00 PM for a fast food drive thru restaurant. If the request is approved, Staff would recommend that the Planning Commission consider restricting the hours for any drive thru fast food restaurant even further and include such

language in the planned district ordinance. As indicated on page one of the Petitioner's Narrative, the Petitioner is amendable to this restriction.

- If the request is approved, Staff would recommend that the drive-thru use be restricted by ordinance to a single drive-thru of any type at any given time for the subject property. As previously mentioned, a drive-thru bank was permitted prior to the change to the "PC" Planned Commercial District in 2008; however, this use was specifically excluded along with the restaurant drive-thru use by the Planning Commission at that time. As indicated on page one of the Petitioner's Narrative, the Petitioner is amendable to this restriction.
- Staff would advise both the Petitioner and the Planning Commission that if this request is approved, any construction to this site to accommodate a drive thru will be required to meet all parking, landscaping, access, and other City Code requirements. If this request is not approved, this is a non-issue as this project will not reach the site plan review phase of the development process.

A public hearing further addressing the request will be held at the April 28, 2014, City of Chesterfield Planning Commission meeting. Attached, please find a copy of the Public Hearing Notice. Please note that this item is not on the agenda for vote.

Respectfully submitted,



Jessica Henry
Project Planner

Attachments

1. Public Hearing Notice
2. Petitioner's Narrative
3. Preliminary Plan

cc: Aimee Nassif, Planning and Development Services Director

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

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Chesterfield will hold a Public Hearing on April 28, 2014 at 7:00 p.m. in the City Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said Hearing will be as follows:

P.Z. 06-2014 Four Seasons Plaza, Adjusted Lot 2 and Part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.): A request for a zoning map amendment from the “C-2” Shopping District and “PC” Planned Commercial District to create a new “PC” Planned Commercial District and to add an additional use and amend the development criteria within the existing “PC” Planned Commercial District for a 8.29 acre tract of land located on the south side of Olive Boulevard west of its intersection with Woods Mill Road (16Q220719, 16Q210763, and 16Q220690).

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

CITY OF CHESTERFIELD
Mike Watson, Chair
Chesterfield Planning Commission

PROPERTY DESCRIPTION

A tract of land being Adjusted Lot 2 and part of Adjusted Lot 1 of "Boundary Adjustment of Lots 1 and 2 of Four Seasons Plat 6", a Boundary Adjustment according to the plat thereof, recorded in Plat Book 341, Page 58 of the St. Louis County Records, situated within Lot 2 of Share 1, Lot 3 of Share 2 and Lot 5 of Share 3 of the Missouri Stevens Estate, in U.S. Survey 207, Township 46 North, Range 5 East, in the City of Chesterfield, St. Louis County, Missouri.



RECEIVED
City of Chesterfield

APR 22 2014

Department of Public Services

NARRATIVE STATEMENT

Dierbergs Four Seasons Adjusted Lot 2

Caplaco Seven, Inc. and Dierberg's Four Seasons, Inc. (collectively, "Owner") are requesting a zoning map amendment to create a new "PC" Planned Commercial District from a small portion of Adjusted Lot 1 and Adjusted Lot 2 of the Dierbergs Four Seasons Shopping Center (the "Shopping Center"). The zoning change will add an additional use, modify the development criteria within the "PC" Planned Commercial District and add a small portion of Adjusted Lot 1 to Adjusted Lot 2. Adjusted Lot 2 is currently zoned as a "PC" Planned Commercial District pursuant to Ordinance No. 2492.

Owner is seeking the zoning change in connection with the relocation and new lease of the St. Louis Bread Company Restaurant at the Shopping Center. St. Louis Bread Company would like to relocate its existing restaurant to a new location in order to upgrade to a more modern store which will include a drive through. Owner and St. Louis Bread Company have identified a new location within the Shopping Center to accommodate St. Louis Bread Company's request.

Proposed restrictions on the drive through would be as follows:

1. The drive through would be permitted only for fast food restaurants.
2. Hours of operation for the drive through would be restricted to between 6:00 a.m. and 10:00 p.m.
3. Only one (1) drive through would be permitted for the Shopping Center.
4. The only permitted location for the drive through would be in the area generally as shown on the preliminary plan.

Additionally, in order to accommodate the drive through and the St. Louis Bread Company Restaurant, Owner is requesting the following additional modifications:

1. Revision to the structure setback from the southern property line to accommodate trash enclosures and a loading platform for the building in the location generally as shown on the preliminary plan. Setback modification for the loading platform would be forty (40) feet. Setback modification for the trash enclosures would be ten (10) feet.
2. Revision to the structure setback from the northern and eastern property line to accommodate various "structural" elements of the drive through which are the menu board, canopy/ speaker, preview board, clearance bar and directional signage. Setback adjustment would be to zero feet for these drive through elements only.

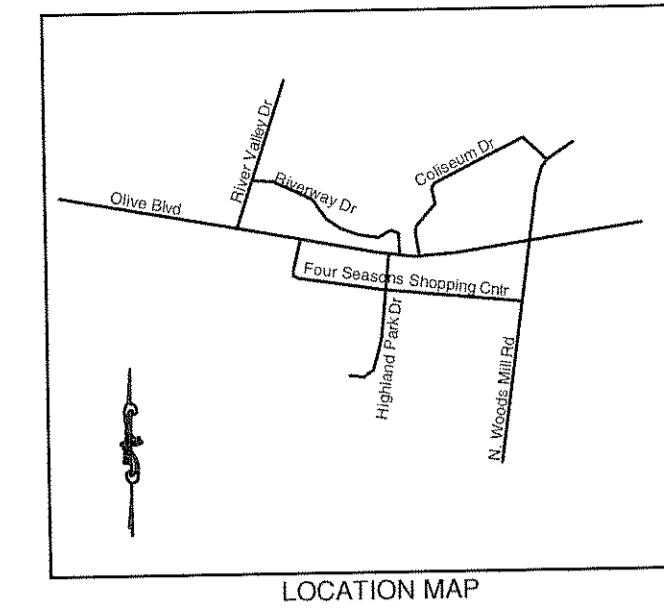
3. Revision to the parking setback from the eastern and northern property line to accommodate the drive through lane. Setback adjustment would be zero feet for this drive through lane only in accordance with the preliminary plan.
4. Minor adjustment to a portion of the eastern boundary of the property line and the zoning district to provide for sufficient space within the property's boundaries to accommodate the proposed drive through location. A boundary adjustment plat has also been filed to address the shift to this property line.
5. Modification to the requirements for the landscape buffer strip along the eastern service road and the western north-south access road and within the center dividing esplanade of such road. The modification would be to replace deciduous and evergreen trees with low growing shrubs or grasses and with beds of annual flowering plants for such area (or such landscaping as otherwise complies with city requirements).
6. To reflect existing conditions at the Shopping Center, Owner will also request modifications of parking setbacks, structure setbacks and requirements regarding the location of the six (6) foot high sight proof wooden fence along the southern property line.

The applicants are not seeking any other changes other than as described herein.

PRELIMINARY PLAN

DIERBERGS FOUR SEASONS - READJUSTED LOT 2

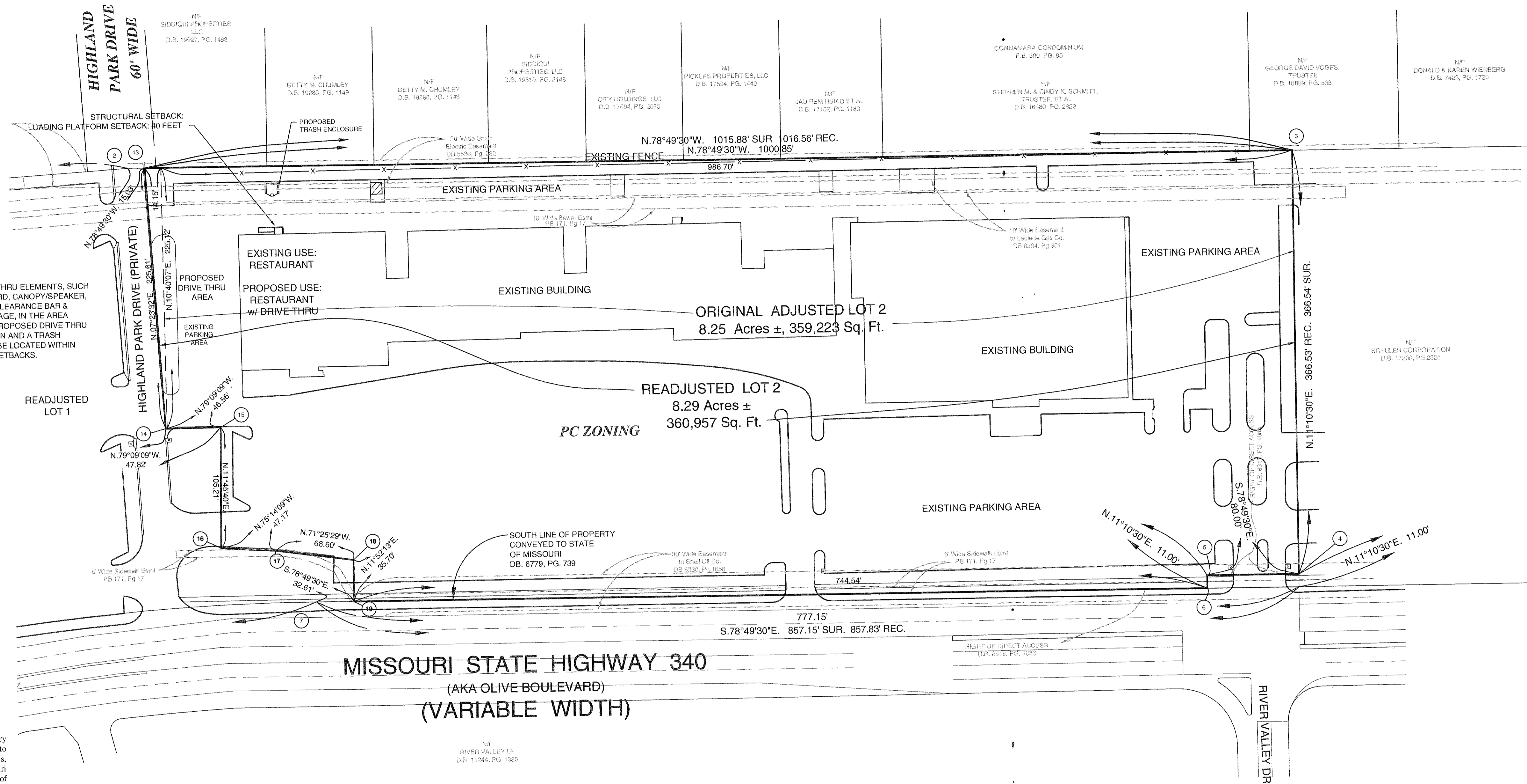
A tract of land being Adjusted Lot 2 and part of Adjusted Lot 1 of "Boundary Adjustment of Lots 1 and 2 of Four Seasons Plat 6", a Boundary Adjustment according to the plat thereof, recorded in Plat Book 341, Page 58 of the St. Louis County Records, situated within Lot 2 of Share 1, Lot 3 of Share 2 and Lot 5 of Share 3 of the Missouri Stevens Estate, in U.S. Survey 207, Township 46 North, Range 5 East, in the City of Chesterfield, St. Louis County, Missouri



The following list of metric coordinates are referenced to the Missouri Coordinate System NAD 1983 (COORS 96) 2401 East Zone by a real time kinematic survey traverse with a Trimble 5800 Receiver to Station MOSI of the Missouri Department of Transportation (MoDOT) GNS5 Network. The average site Grid Factor = 0.9999258.

POINT	NORTHING (Meters)	EASTING (Meters)
1	315724.811	250028.146
2	315752.950	249788.742
3	315809.302	249484.295
4	315919.148	249504.627
5	315914.711	249528.602
6	315918.007	249529.212
7	315874.897	249762.116
8	315870.259	249950.513
9	316462.243	249870.832
10	315876.538	249997.165
11	315848.053	250001.760
12	315854.887	250044.125
13	315822.073	249792.264
14	315753.784	249784.237
15	315824.844	249777.918
16	315856.114	249784.077
17	315859.611	249770.131
18	315866.033	249750.233
19	315876.707	249752.343

PROPOSED DRIVE THRU ELEMENTS, SUCH AS THE MENU BOARD, CANOPY/SPEAKER, PREVIEW BOARD, CLEARANCE BAR & DIRECTIONAL SIGNAGE, IN THE AREA DESIGNATED AS "PROPOSED DRIVE THRU AREA" ON THIS PLAN AND A TRASH ENCLOSURE WILL BE LOCATED WITHIN THE STRUCTURE SETBACKS.



MISSOURI STATE HIGHWAY 340
(AKA OLIVE BOULEVARD)
(VARIABLE WIDTH)

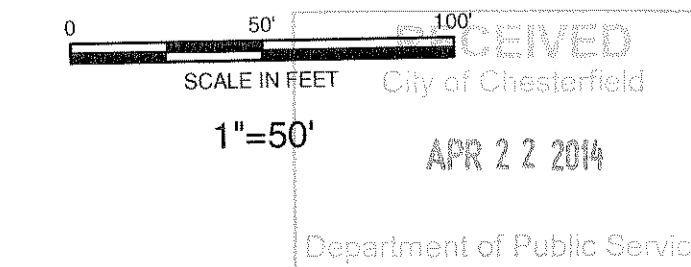
PROPERTY DESCRIPTION
(Readjusted Lot 2)

A tract of land being Adjusted Lot 2 and part of Adjusted Lot 1 of "Boundary Adjustment of Lots 1 and 2 of Four Seasons Plat 6", a Boundary Adjustment according to the plat thereof, recorded in Plat Book 341, Page 58 of the St. Louis County Records, situated within Lot 2 of Share 1, Lot 3 of Share 2 and Lot 5 of Share 3 of the Missouri Stevens Estate, in U.S. Survey 207, Township 46 North, Range 5 East, in the City of Chesterfield, St. Louis County, Missouri, being more particularly described as follows:

Commencing at a point on the Western right of way line of Missouri State Highway 141 (also known as Woods Mill Road, variable width) at the Southeastern corner of said Adjusted Lot 1; thence Northwest, along the Southern line of said Adjusted Lot 1, North 82 degrees 36 minutes 28 seconds West, 790.91 feet; thence North 78 degrees 49 minutes 30 seconds West, 15.03 feet to the Point of Beginning of the tract of land hereon described; thence Northwest, continuing along the Southern line of said Adjusted Lot 1 and the Southern line of Adjusted Lot 2 thereof, North 78 degrees 49 minutes 30 seconds West, 1000.85 feet to the Southeastern corner of Lot 3 of "Four Seasons Plat 6", a Subdivision according to the plat thereof, recorded in Plat Book 171, Page 17 of the St. Louis County Records; thence Northeasterly, along the Eastern line of said Lot 3, North 11 degrees 10 minutes 30 seconds East, 366.54 feet to a point on the Southern Line of a tract of land conveyed to the State of Missouri for the widening of Missouri State Highway 340, also known as Olive Street Road, variable width, by deed recorded in Deed Book 6919, Page 1088 of the St. Louis County Records; thence along the Southern line of said tract, South 78 degrees 49 minutes 30 seconds East, 80.00 feet to the Southeastern corner thereof; thence along the Eastern line of said tract, North 11 degrees 10 minutes 30 seconds East, 11.00 feet to a point on the Southern line of a tract of land conveyed to the State of Missouri, for the widening of said Missouri State Highway 340, by deed recorded in Deed Book 6779, Page 739 of the St. Louis County Records; thence Southeast, along said Southern line, South 78 degrees 49 minutes 30 seconds East, 744.54 feet to the Northwestern corner of Adjusted Lot 1, as aforementioned; thence Southwest, along the Western line of said Adjusted Lot 1, South 11 degrees 52 minutes 13 seconds West, 35.70 feet; thence South 71 degrees 25 minutes 29 seconds East, 68.60 feet; thence South 75 degrees 14 minutes 09 seconds East, 47.17 feet; thence South 11 degrees 45 minutes 40 seconds West 105.21 feet; thence Southeast, continuing along the Western line of said Adjusted Lot 1 and its Southeast, prolongation, South 79 degrees 09 minutes 09 seconds East, 47.82 feet to a point; thence South 07 degrees 23 minutes 32 seconds West, 225.61 feet to the point of beginning, containing 8.29 acres, more or less (360,957 square feet).

PROPERTY OWNER OF RECORD: DIERBERGS FOUR SEASONS, INC.
 PROPERTY ADDRESS: 100 FOUR SEASONS SHOPPING CENTER, CHESTERFIELD, MO 63017
 PROPERTY AREA: 8.29 Ac.
 LOCATOR NUMBER: 16Q220719
 FIRE DISTRICT: MONARCH
 SCHOOL DISTRICT: PARKWAY
 UTILITIES: MSD, MISSOURI AMERICAN WATER, LACLEDE GAS, AMEREN MO, CHARTER COMMUNICATIONS, AT&T
 CURRENT ZONING: ADJUSTED LOT 1 - C2, ADJUSTED LOT 2 - PC PURSUANT TO ORD. NO. 2492
 PROPOSED ZONING: READJUSTED LOT 2 - PC (8.29 AC)
 PARKING: PER ZONING CODE REGULATIONS

GRADING WILL BE PER CITY OF CHESTERFIELD STANDARDS.
 GRADING & DRAINAGE SHALL BE PER CITY OF CHESTERFIELD & MSD STANDARDS.
 SLOPES SHALL NOT EXCEED 3:1 SLOPE UNLESS SUPPORTED BY GEOTECHNICAL INVESTIGATION.
 STORMWATER SHALL BE DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT. SINKHOLES ARE NOT ADEQUATE NATURAL DISCHARGE POINTS.
 IMPERVIOUS AREA WILL BE DECREASED FROM EXISTING CONDITIONS.



Copyright 2014
Clayton Engineering Co.
All Rights Reserved

the clayton engineering company, inc.
ENGINEERS • SURVEYORS • PLANNERS
11920 WESTLINE INDUSTRIAL DRIVE
ST. LOUIS, MISSOURI 63146
(314) 991-8900
M.O. Corp. of Engineers, Surveyors & Planners, Inc.
11920 Westline Industrial Drive
St. Louis, Missouri 63146
L.L. Dept. Financial & Prof. Reg. Design & Engineering, Inc. #184,000879

REVISIONS

FILE: 699-2008082254_455CONPLAN-04-2014-0101.DWG BY: GMS
 PLOTTED: 4/20/2014 10:01 AM

CAPITOL LAND COMPANY
 11850 Studt Avenue
 St. Louis, Missouri 63141
 (314) 991-8900

PRELIMINARY PLAN
 FOUR SEASONS - READJUSTED LOT 2

Prepared for: Greg Michael Staley
 Greg Michael Staley
 Professional Engineer (E-58996)
 Missouri State Board of Professional Engineers
 License No. E-58996
 Exp. 10/2014

Designed: GMS
 Drawn: GMS
 Checked: GMS
 Date: 4/10/2014

Project Number: 95128.6
 Sheet Number: 1 of 1