



IX. A.

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Planning Commission Staff Report

Meeting Date: May 12, 2008

From: Annissa McCaskill-Clay, AICP
Assistant Director of Planning

Subject: Rezoning Vote Report

Location: 14730 Conway Road (19R530232)

Petition: P.Z. 01-2008 Kraus Farm Office Center (Opus Northwest)

Proposal Summary

Opus Northwest has submitted an application for a change of zoning from “NU” Non-Urban District to a “PC” Planned Commercial District per the regulations of the City of Chesterfield Zoning Ordinance Section 1003.140. The location of this site is the western intersection of Timberlake Manor Parkway and North Outer Road.

Staff Recommendation

The Attachment A for this request meets all of the development requirements of the City of Chesterfield and therefore, Staff requests action on the change of zoning from “NU” Non-Urban District to a “PC” Planned Commercial District.

Zoning Analysis

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

Surrounding Land Use and Zoning

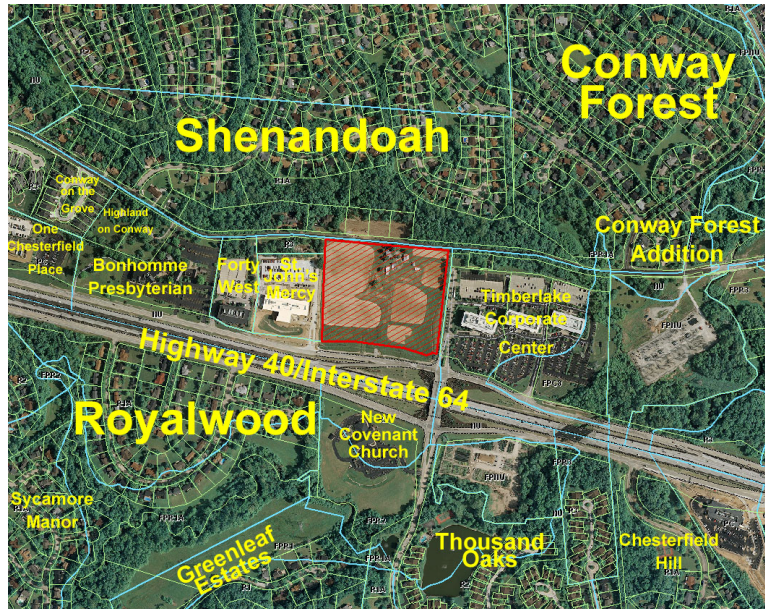
The land use and zoning for the properties surrounding this parcel are as follows:

North: To the north of the subject property is Conway Road.

South: To the south of the subject property is North Outer Forty Road.

East: To the east of the subject property is Timberlake Office Park, which is zoned “PC” Planned Commercial District..

West: To the west of the subject property is St. John’s Mercy Rehabilitative Hospital, which is also zoned “PC” Planned Commercial District.



VIEW STANDING ON NORTH OUTER FORTY ROAD LOOKING ACROSS SUBJECT SITE



VIEW STANDING ON CONWAY ROAD LOOKING SOUTH AT SUBJECT SITE.

Comprehensive Plan Analysis

The subject site is located within Ward 2 of the City of Chesterfield. The Comprehensive Plan designation for the tract is "Office." This subject site is not located in any sub-area identified by the Comprehensive Plan; therefore there are no additional development guidelines for this site.

Site Area History

The subject tract was zoned "NU" Non-Urban District by St. Louis County prior to incorporation of the City of Chesterfield.

Issues

A public hearing was held on this request on March 24, 2008 and an issues meeting was held on April 28, 2008. At both meetings, several issues were identified. The Petitioner's response to open issues and new issues are attached. There are no additional outstanding issues at this time.

Request

Staff has reviewed the change of zoning request from "NU" to "PC" and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield. Staff requests action on P.Z. 01-2008 Kraus Farm Office Center.

Respectfully submitted,

A handwritten signature in black ink that reads "Annissa McCaskill-Clay". The signature is written in a cursive, flowing style.

Annissa McCaskill-Clay, AICP
Assistant Director of Planning

Attachments

1. Attachment A
2. Preliminary Plan

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. Financial Institutions
 - b. Medical and Dental Offices
 - c. Office or Office Buildings
2. Ancillary uses in this "PC" Planned Commercial District shall be:
 - a. Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - b. Cafeterias for employees and guests only.
 - c. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
 - d. Permitted signs (See Section 1003.168 "Sign Regulations").
 - e. Recreational facilities, including swimming pools and gymnasiums, provided such uses shall be ancillary to the major office and medical uses and shall not have separate exterior entrances or exterior signage.
 - f. Restaurants, fast food and sitdown, provided such uses shall be ancillary to the major office and medical uses and shall not have separate exterior entrances or exterior signage.
 - g. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises, provided such uses shall be ancillary to the major office and medical uses and shall not have separate exterior entrances or exterior signage.
 - h. Vehicle washing facilities for automobiles.

3. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. Associated work and storage areas required by business, firm or service to carry on business operations shall not include any outdoor storage.
 - b. Financial institutions shall not include retail banking
 - c. Vehicle washing facilities for automobiles shall be located in the parking garage and the use of these facilities shall be restricted to the tenants of the building.
4. 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. FLOOR AREA

Total building floor area shall not exceed 345,330 square feet.

2. HEIGHT

- a. The maximum height of the buildings, exclusive of roof screening and parapet, shall not exceed 641 feet.
- b. The maximum height for the parking structure, exclusive of elevator penthouse and stairwell, shall not exceed 590 feet above mean sea level.

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. One hundred thirty (130) feet from the existing right-of-way of North Outer Forty Road on the southern boundary of the "PC" Planned Commercial District.
- b. One hundred twenty (120) feet from the existing right-of-way of Conway Road.
- c. Fifty (50) feet from the western boundary of the "PC" Planned Commercial District.

- d. Fifty (50) feet from the eastern boundary of the "PC" Planned Commercial 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. One hundred forty (140) feet from the existing right-of-way of North Outer Forty Road on the southern boundary of the "PC" Planned Commercial District.
- b. One hundred twenty (120) feet from the existing right-of-way of Conway Road.
- c. Ten (10) feet from the western boundary of the "PC" Planned Commercial District.
- d. Thirty (30) feet from the eastern boundary of the "PC" Planned Commercial 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. Construction Parking
 - a. No construction related parking shall be permitted within the Conway Road or North Outer Forty Road right of way.
 - b. 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.
 - c. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. In addition to the requirement above, the developer shall provide, with the exclusion of areas dedicated for use by the Fire Protection District, a 120 foot buffer from the existing right-of-way of Conway Road with materials to be approved upon review of the Site Development Plan.

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, and/or the Missouri Department of Transportation.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. All light standards, other than those for security purposes, shall be turned off by 9:00 p.m., seven days a week.

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, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.

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

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development shall be via Timberlake Manor Parkway Extension.
2. No permanent direct access shall be allowed to Conway Road or North Outer Forty Road.
3. Provide cross access easements and temporary slope construction licenses or other appropriate legal instruments or agreements guaranteeing permanent access between this site and adjacent properties as directed by the Department of Planning and Public Works, the St. Louis County Department of Highways and Traffic and the Missouri Department of Transportation.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a 5 foot wide sidewalk, conforming to ADA standards, adjacent to Conway Road or provide the finish grading therefore and required cash escrow, as directed by the St. Louis County Department of Highways and Traffic.
2. Pedestrian access between this development and the developments to the east and west shall be provided for (i.e. sidewalks, crosswalks) as directed by the Department of Planning and Public Works.
3. The site shall be designed to accommodate a roadway, which will connect the subject property and the two parcels to the west to Timberlake Manor Parkway Extension. The roadway shall connect the existing east/west drives on the adjoining sites as directed by the Department of Planning and Public Works. No parking shall be allowed along or directly off this roadway within the site as directed by the Department of Planning and Public Works.
4. Improve Timberlake Manor Parkway Extension, from its connection to North Outer Forty Road to its full designed section including curb, required tapers, turn lanes and storm drainage facilities, as directed by the Department of Planning and Public Works. The required improvements are to be located within a private road easement. Also, a 10 foot wide roadway, maintenance and utility easement is to be provided outside of the private road easement. The private road easement and the adjacent 10' wide easement shall be utilized to define a reserve strip. Said reserve strip shall be dedicated to the City of Chesterfield upon demand at no cost to the City.

5. Improve the intersection of Timberlake Manor Parkway Extension and North Outer Forty Road to provide a southbound right-turn lane and a westbound right-turn lane as directed by the Department of Planning and Public Works and the Missouri Department of Transportation.
6. Improve Conway Road to one half of a seventy (70) foot right of way and a twenty-four (24) foot pavement with eight (8) foot shoulders, and including all storm drainage facilities as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
7. Based on the preliminary plan, improvements to Conway Road must commence prior to issuance of the building permits. As noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
8. All roadway and related improvements in development shall be constructed prior to issuance of building permits exceeding 70% for the development. Delays due to utility relocation and/or adjustment, for which the developer is responsible monetarily, shall not constitute a cause to issue permits in excess of 70% as directed by the City of Chesterfield.
9. All proposed work in Missouri Department of Transportation right-of-way must comply with Missouri Department of Transportation standards, specifications, and conform to Missouri Department of Transportation's Access Management Guidelines with detailed construction plans being received and approved by Missouri Department of Transportation. Said work will also require a permit.
10. Consideration must be given to flattening the right of way slope to 3:5:1 or flatter. The existing 3:1 slope is eroding and every effort must be made to reduce the potential for erosion and to improve future maintenance of this slope. Adjustment of all Missouri Department of Transportation underground facilities to the proper depth/elevation must be noted.
11. The developer is advised that utility companies will require compensation for relocation of their facilities with 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.
12. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development

phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the Saint Louis County Department of Highways and Traffic. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

K. TRAFFIC STUDY

1. Prior to Improvement Plan approval, provide a traffic study, as required by the City of Chesterfield, including, but not limited to internal and external circulation, for review and approval.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield. 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 Missouri Department of Transportation.

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 connected to an adequate piped system.
2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas. The location and types of storm water management facilities shall be identified on the Site Development Plan(s).
3. Detention may be required for the entire project site such that the allowable release rates will not be exceeded for the post developed peakflow of the two (2)-year and one hundred (100)-year, 24 hour storm event. Stormwater must be discharged at an adequate natural discharge point. Wetland mitigation will not be allowable within the detention basins.

4. Treatment may be required for water quality and channel protection in accordance with Metropolitan St. Louis Sewer District regulations dated February 2006.

N. SANITARY SEWER

1. Internal parking garage floor drains shall discharge via sand/oil separator and sampling tee to a sanitary sewer.
2. Stormwater BMP's including pretreatment forebays and wet lake detention shall meet all the requirements of 2000 Maryland Stormwater Design Manual Vol. 1 Chapter 3 and current MSD rules and regulations and should be located within the property boundaries.
3. The developer's engineer shall demonstrate an adequate watershed budget to keep the water quality/detention lakes wet. Generally, 10 acres is required.

O. 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.

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, Missouri Code shall be required where applicable.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site

Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.

- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA

A. Site Development Concept Plan.

1. Any site development concept plan shall show all information required on a preliminary plat as required in the City of Chesterfield Code.
2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial and collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation.

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 parking spaces.
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 a separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.

15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.

B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS

The Site Development Section 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. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.

6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs
10. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.
12. 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.
13. 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.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. 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.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
18. 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.
19. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation

20. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

- A. The developer shall be required to contribute a Traffic Generation Assessment (TGA) to the Highway Route 40 (Interstate 64) (No. 553) Corridor Trust Fund.

<u>Type of Development</u>	<u>Required Contribution</u>
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General Office	\$556.13
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(Parking Space as required by the site-specific ordinance or by section 1003.165 of the Saint Louis County Zoning Ordinance.)

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

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

As this development is located within a trust fund area established by 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.

The amount of the required contribution/improvements, if not approved for construction by January 1, 2009, 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.

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.

The roadway improvement contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance any a Special Use Permit (SUP) by St. Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, St. Louis

County.” 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.

The amount of these required contributions/improvements, if not submitted by January 1, 2009 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

VII. 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.

VIII. 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.



DOSTERGUIN
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May 6, 2008

VIA E-MAIL AND HAND DELIVERY

Ms. Annessa G. McCaskill-Clay
Assistant Director of Planning
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

RE: P.Z. 01-2008 Kraus Farm Office Center (Opus Northwest, LLC)

Dear Annessa:

In response to the issues identified at the April 28 "Issues" meeting for the above-mentioned petition and specified in your letters dated April 29, 2008 and April 30, 2008 Petitioner offers the following responses:

- 1. The Attachment A, as written, places no restriction for hours of operation. The Commission requested that the Petitioner review hours of operation for requested uses other than "office" and "medical office."**

Response: Petitioner will agree to delete the following permitted uses from Attachment A: "(a) Colleges and Universities" and "(e) Schools for business, professional or technical training but not including outdoor areas for driving or heavy equipment training." In addition, Petitioner would request a modification to (b) Financial Institutions to read as follows, "(b) Financial Institutions provided such use shall not have a separate exterior building entrance and shall not utilize any drive through in connection with operations."

- 2. Provide square footage for and parking space information for the following addresses:**
 - (a) 14561 N. Outer 40 Road (St. John's Mercy Medical)**
 - (b) 14567 N. Outer 40 Road (Opus Northwest/ Solomon I)**

Response:

	Building Square Feet	Acres	Parking
St. John's	110,649	6.049	326 spaces
One Chesterfield Place	142,500	6.44	571 spaces
Forty West I (Solomon I)	109,650	3.625	428 spaces

3. Placement of Lighting on North Outer Forty Road

Response: Petitioner will continue to investigate placement of lighting along North Outer 40 Road and will address during Site Plan phase. Petitioner will seek TGA credits for installation of any required lighting.

4. Ensuring the Site Development Plan(s) addresses pedestrian safety relative to the cross access drives.

Response: Petitioner acknowledges this issue and will address concerns during the Site Plan phase.

5. The location/ necessity of turn lanes; specifically the westbound turn lane.

Response: Petitioner will continue to study the issue and will work with the City, MoDot, the property owner to the east and utility companies on appropriate and feasible solutions as directed by the City.

6. The Commission requested staff to review adding language to the Attachment A requiring the protective measures mentioned on page 4, #3 "Protection of the existing monarch trees" of the Petitioner's response.

Response: Petitioner will comply with the requirements of the City's Tree Ordinance.

Regarding City's responses to our comments to the "General Conditions" noted in the April 30 letter:

Item #2: No permanent direct access shall be allowed to Conway Road or North Outer Forty Road

Response: Petitioner requests the phrase, "with the exception of construction or maintenance access for existing or approved utility work" be revised to read as follows, "with the exception of construction or maintenance access for existing or approved utility work or other construction."

Item #6: Improve Timberlake Manor Parkway Extension, from its connection to the North Outer Forty road to Conway Road to its full designed section.

Response: Petitioner agrees with staff's response to delete all references in Attachment A to permanent connections to Conway Road.

Item #7: Improve the intersection of Timberlake Manor Parkway Extension and North Outer Forty Road to provide a southbound right turn lane and westbound right turn lane as directed by the Department of Planning and Public Works and the Missouri Department of Transportation.

Response: Petitioner agrees with staff's proposed restatement of this condition provided the provision is modified to clarify that any traffic assessment will be conducted as directed by the City of Chesterfield.

In addition to the items noted above, Petitioner requests the following changes to Attachment A:

1. Please revise Section B.2.a. to read as follows, "The maximum height of the buildings, exclusive of roof top equipment and parapet, shall not exceed 641 feet above mean sea level.
2. Please revise Section B.2.b. to read as follows, "The maximum height of the top floor of the parking structure shall not exceed 590 feet above mean sea level, exclusive of stairwell and elevator penthouses."
3. In Section C.1.d. and Section C.2.b., the setback should be 120 feet from the "existing" right of way of Conway Road.
4. In Section E.2. the buffer should be 120 feet from the "existing right of way of Conway Road." Also, please add language permitting the fire access road within the buffer.
5. Please insert the following at the end of the Section J.1, "and as directed by the City of Chesterfield."
6. Please insert the following at the end of Section J.3 (and delete the duplicative comment set forth as Section J.7), "and as directed by the City of Chesterfield."
7. In Section J.5, please delete the phrase, "to Conway Road."
8. Please add the following to the last sentence of Section J.6 as revised pursuant to your April 30 letter, "and as directed by the City of Chesterfield."
9. Regarding Section J.8, J.9 and J.13., please provide further clarification as to County requirements on these points and add language to these sections which states that conditions for issuance of permits will be as further directed by the City of Chesterfield. Please advise when you receive further information from St. Louis County so we can complete our evaluation of this provision and advise of further comments, if any.

May 6, 2008

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10. Please revise Section K.1. to read as follows, "Traffic Study: Prior to Improvement Plan approval, provide a traffic study, as required by the City of Chesterfield Department of Planning and Public Works, including internal and external circulation, for review and approval." This change should also address issues raised in your April 29 letter to us.
11. In Section V.A., please add language providing that allowable credits for required roadway improvements will be awarded as directed by the City of Chesterfield.

Please call if you have any questions.

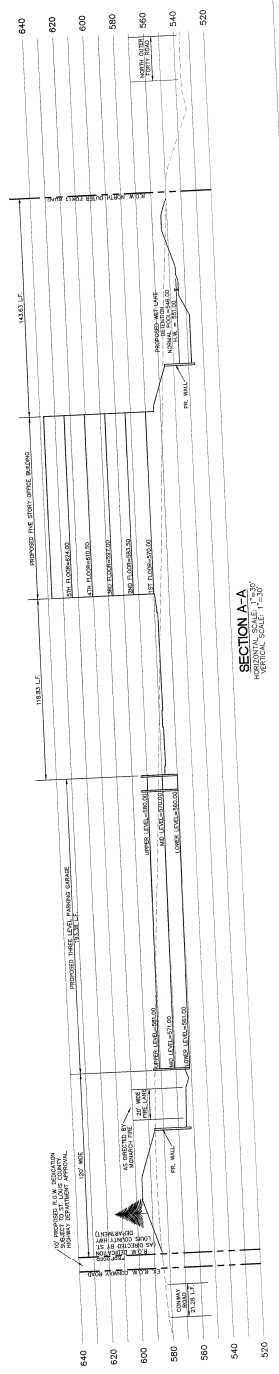
Very truly yours,

Doster, Guin, James, Ullom, Benson & Mundorf,
LLC

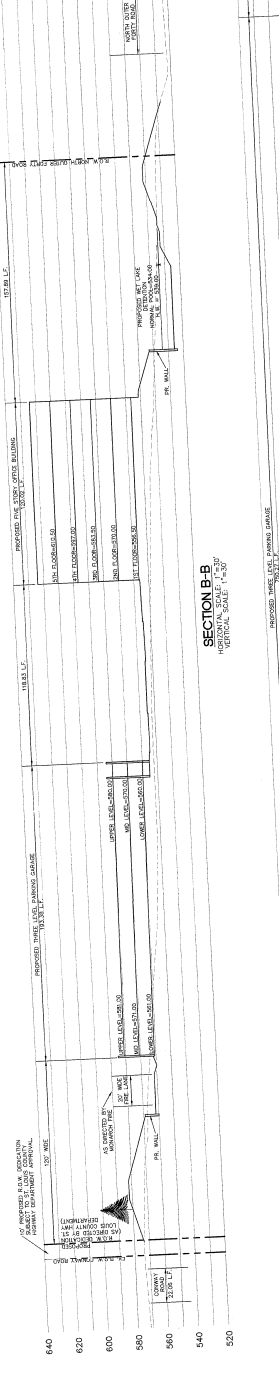
By: 

William B. Remis

Cc: John Langa
Mike Doster



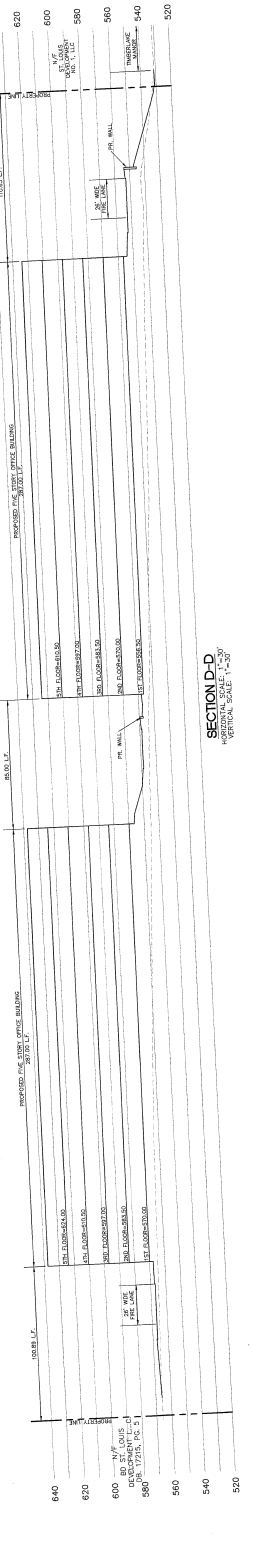
SECTION A-A
VERTICAL SCALE 1"=30'



SECTION B-B
VERTICAL SCALE 1"=30'



SECTION C-C
VERTICAL SCALE 1"=30'



SECTION D-D
VERTICAL SCALE 1"=30'

2. REVISED PER OWNER COMMENTS 02/22/08

KRAUS FARM OFFICE CENTER
SITE SECTIONS

M.S.D. # 10-1-10
BASE MAP # 10-1-10



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DATE: 01/23/08
E.D.P.: 01/23/08
C.A.M.S.: 01/23/08
207-4220
PAGE: 2 OF 3

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