

Memorandum

Planning & Development Services Division



To: Planning and Public Works Committee

From: Jessica Henry, Project Planner

Date: May 21, 2015

RE: **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. If approved, this new district would add an additional use and amend the development criteria within the existing “PC” Planned Commercial District.

A Public Hearing for this request was held on April 28, 2014. Issues were identified at that time and included, but were not limited to, Restrictions on requested use “Restaurant, fast food with drive-thru window, not located in free standing buildings”, the hours of operation, and the appropriateness of the addition of the drive-thru restaurant use within this development given the close proximity of the Four Seasons residential subdivision

At the request of the Petitioner, an Issues Meeting was held on October 27, 2014, during which the Planning Commission reaffirmed the outstanding issues.

Thereafter, the Petitioner continued to work with Staff and the neighboring residents regarding the provision of additional buffering and formulating restrictive language for the requested use “Restaurant, fast food with drive-thru window, not located in free standing buildings.” These restrictions on the number, location, hours of operation, and a more narrowly defined definition for this use have been incorporated into the Attachment “A”.

A vote meeting was held on April 27, 2015. The Planning Commission recommended approval of the requested zoning petition by a vote of 7-1, with the following amendment:

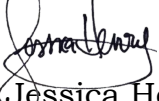
Hours of operation for the Fast-Casual type of Fast-Food restaurant permitted under Section A. 2, page 2, shall be 6:00 a.m. to 10:00 p.m.

Attached to this report is the Attachment "A" as recommended for approval by the Planning Commission.

Additionally, after the Vote Meeting it came to Staff's attention that the use "Restaurant, fast food with drive-thru window, not located in free standing buildings" as currently written in the Attachment "A" would preclude fast food users without a drive-thru to locate within the existing buildings. This use is currently permitted by the Ordinance and the Petitioner desires to preserve this use. As such, Staff is requesting that the Planning and Public Works Committee add the following language shown in red to this use on page 1 of the Attachment "A" via a Green Sheet Amendment:

- "Restaurant, fast food with **or without** drive-thru window, not located in free standing buildings"

Respectfully submitted,



Jessica Henry
Project Planner

Cc: Aimee Nassif, Planning and Development Services Director

Attachments

1. Attachment "A"
2. Preliminary Plan
3. Planning Commission Report

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. Animal hospitals, veterinary clinics and kennels;
 - b. Barber shops and beauty parlors;
 - c. Bookstores;
 - d. Broadcasting studios for radio and television;
 - e. Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications shall not be permitted except for the receiving and transmitting antennas installed on the roof of the Center as of the effective date of this Ordinance;
 - f. Cafeterias for employees and guests only;
 - g. Child care centers, nursery schools, and day nurseries;
 - h. Colleges and universities;
 - i. Dry cleaning drop-off and pick-up stations;
 - j. Film drop-off and pick-up stations;
 - k. Financial Institutions;
 - l. Medical and dental offices;
 - m. Office or office buildings;
 - n. Recreational facilities, indoor facilities, including swimming pools, tennis courts, gymnasiums, and indoor theaters;
 - o. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
 - p. Restaurants, fast food with drive-thru window, not located in free standing buildings;
 - q. Restaurants, sit down;

- r. Rental and leasing of new and used vehicles, including automobiles, as well as associated repairs and necessary outdoor storage of said vehicles;
 - s. Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training;
 - t. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises;
 - u. Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods;
 - v. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises except indoor sale of motor vehicles shall not include the sale of automobiles or trucks.
2. The above use "Restaurant, fast food with drive-thru window, not located in free standing buildings" shall:
- a. Be restricted to a single user at any given time; and
 - b. Be located in the area as shown on the attached Preliminary Plan marked as Attachment B; and
 - c. Be an establishment more narrowly defined as a Fast-Casual type of Fast-Food restaurant which:
 - i. utilizes non-disposable dishware and flatware for all dine-in orders; and
 - ii. the majority of menu items are custom prepared to order versus pre-prepared and "racked."
3. The following ancillary uses shall be permitted:
- a. Associated work and storage areas required by a business, firm, or service to carry on business operations;
 - b. Automatic vending facilities for:
 - i. Ice and solid carbon dioxide (dry ice);
 - ii. Beverages;
 - iii. Confections.

- 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.

4. Hours of Operation.

- a. Hours of operation for the bowling center shall be limited to 6:00 AM to 1:30 AM on Sunday through Friday morning, and from 6:00 AM to 2:30 AM on Friday through Sunday morning.
- b. Hours of operation for the Fast-Casual type of Fast-Food restaurant permitted under Section A. 2, page 2, shall be 6:00 a.m. to 10:00 p.m.

B. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles, fences, dumpster enclosures, or drive-thru elements including a menu board, canopy with speaker, preview board, clearance bar and directional signage, will be located within the following setbacks:

- a. Eighty (80) feet from the northernmost & westernmost boundaries of this "PC" Planned Commercial District.
- b. Fifty-seven (57) feet from the southern boundary of this "PC" Planned Commercial District with the following exceptions:
 - i. Ten (10) feet from the southern boundary of this "PC" Planned Commercial District for the trash enclosure and storage shed.
 - ii. Forty (40) feet from the southern boundary of this "PC" Planned Commercial District for the vendor access ramp.
- c. Sixty (60) feet from the eastern boundary of this "PC" Planned Commercial District.

2. Parking Setbacks

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

- a. Fourteen (14) feet from the northern boundary of this "PC" Planned Commercial District.
- b. Twelve (12) feet from the southern and western boundaries of this "PC" Planned Commercial District.
- c. Ten (10) feet from the eastern boundary of this "PC" Planned Commercial District.

C. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Parking lots shall not be used as streets.
3. No loading space shall be required for the bowling center.
4. The above required parking shall be reduced by twenty percent (20%) in this "PC" Planned Commercial District.
5. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.

D. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Landscape and Tree Preservation requirements of the City of Chesterfield Code.
2. A landscaped buffer strip of the following width shall be provided; ten (10) feet along both sides of the east service road and fifteen (15) feet along both sides of the western north-south access road as well as within the center dividing esplanade of such road. Such buffers strips shall include low growing shrubs and/or grasses and annual flowering plants.
3. The southern buffer strip shall contain a six (6) foot high sight proof wooden fence.

E. 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.

F. LIGHT REQUIREMENTS

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

G. ARCHITECTURAL

1. The developer shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: 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

H. ACCESS/ACCESS MANAGEMENT

1. Access to this development shall be as shown on the Preliminary Site Plan and limited to the existing commercial entrances from Olive Boulevard (Missouri 340).
2. Provide cross access easements as needed to provide the adjacent parcels to the east and to the west full access to Olive Boulevard.

I. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Any work within MoDOT's right-of-way will require a MoDOT permit.
2. All drainage detention storage facilities must be placed outside of the standard governmental agencies' planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.
3. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. Roads shall be kept clear of mud and debris at all times.

J. TRAFFIC STUDY

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

K. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

L. 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. The adequacy and condition of the existing downstream system(s) shall be verified and upgraded as necessary and as directed by the City of Chesterfield, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.
2. Storm water quantity management, channel protection, and water quality improvements shall be provided as required by the Metropolitan St. Louis Sewer District, Missouri Department of Transportation, and the City of Chesterfield. The location and types of storm water management facilities shall be identified on all Site Development and Improvement Plans.
3. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as approved by the City of Chesterfield.
4. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.
5. The lowest opening of all structures shall be set at least two (2) feet higher than the 100 year high water elevation in detention/retention facilities. All structures shall be set at least thirty (30) feet horizontally from the limits of the 100 year high water.
6. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield and the Metropolitan Saint Louis Sewer District.

M. SANITARY SEWER

Sanitary sewers shall be as approved by the Metropolitan St. Louis Sewer District and the City of Chesterfield.

N. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, the developer shall provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the City of Chesterfield. 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. 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.
3. 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 City of Chesterfield and Saint Louis County Department of Highways and Traffic or MoDOT. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

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 100 feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.

9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than two (2) feet, 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, Spirit of St. Louis Airport and the Missouri Department of Transportation.

22. Compliance with Sky Exposure Plane.

23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. 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.

VI. ENFORCEMENT

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



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Planning Commission Vote Report

Subject: Change of Zoning Vote Report

Meeting Date: April 27, 2015

From: Jessica Henry, Project Planner

Location: South side of Olive Blvd., west of its intersection with Woods Mill Rd.

Petition: P.Z. 06-2014 Four Seasons Plaza, Adjusted Lot 2 and Part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.)

Proposal 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. If approved, this new district would add an additional use and amend the development criteria within the existing “PC” Planned Commercial District. A Public Hearing for this request was held on April 28, 2014 and an Issues Meeting was held on October 27, 2014.

Site History

Adjusted Lot 1 of the subject site 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 concern 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.

An application for a Boundary Adjustment Plat was filed in conjunction with this zoning petition and was subsequently approved by the City Council on March 16, 2015. The purpose of the Boundary Adjustment Plat was to align the property line between Adjusted Lot 1 and Adjusted Lot 2 to correspond with the limits of the requested change of zoning for the small portion of Adjusted Lot 1. Upon approval of the Boundary Adjustment Plat, the area covered by this zoning petition is now known as Readjusted Lot 2, as shown on the Preliminary Plan.

Surrounding Land Use and Zoning

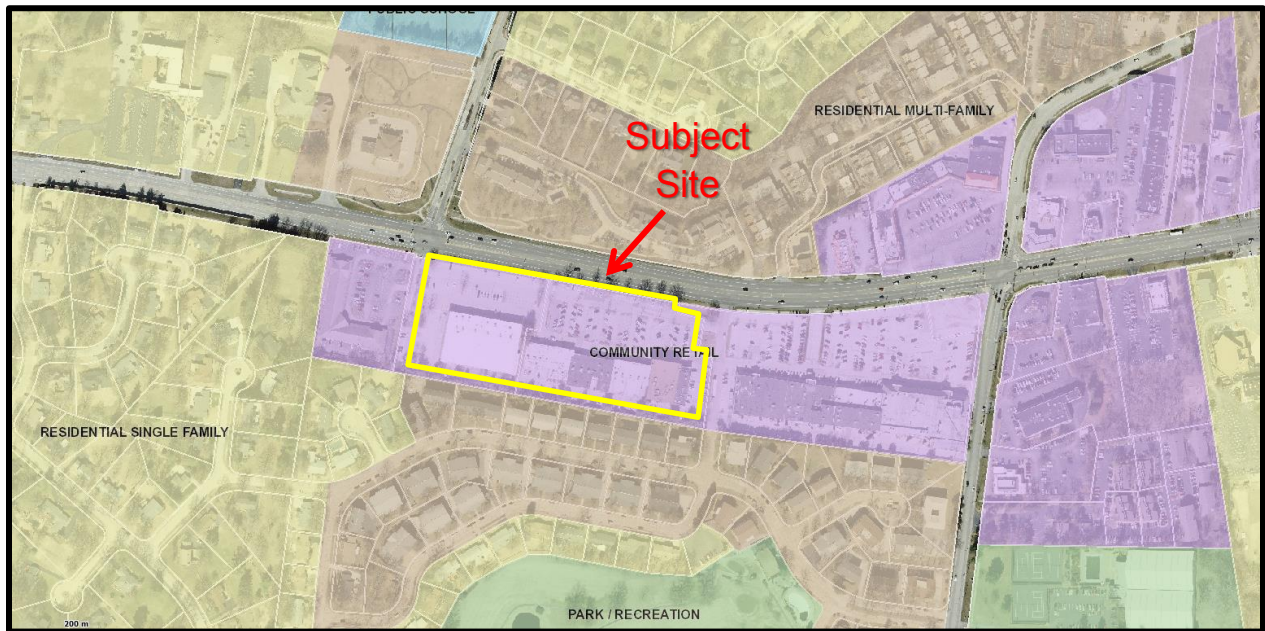
The land use and zoning for the properties surrounding this parcel are shown in the aerial image below and are as follows:

- 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 Plaza West commercial development and is zoned “C-8” Planned Commercial District.



Comprehensive Plan Analysis

The subject site is located within the Community Retail designation, as shown on in the graphic on the following page. 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.”



Comprehensive Plan Excerpt

Staff Analysis and Issues

This request can be broken down into three components, described below.

- 1. A zoning map amendment for a portion of Adjusted Lot 1:** When this petition was originally filed, the property boundary line between Adjusted Lot 1 and Adjusted Lot 2 fell within the parking island adjacent to the parking area that is being proposed as the drive-thru location if this request is approved. In order to contain all physical elements of the request within the boundaries of a single zoning designation, 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. As discussed in the site history section of this report, a Boundary Adjustment Plat was approved at the March 16, 2015 City Council meeting. Approval of the Boundary Adjustment Plat was a completely separate project and does not require or suggest approval of this zoning request. The graphic on the following shows an approximate location of the Lot 2 property lines before and after approval of the Boundary Adjustment Plat.



2. **Amendments to the development criteria contained within site specific governing Ordinance 2492:** The existing ordinance for the development 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 current structure and parking setbacks contained in Ordinance 2492.

Additionally, the Petitioner is requesting 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 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 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, 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 development plan phase of the review process.

Attached to this packet are two letters of opposition received shortly after the Public Hearing was held in April of 2014. Additionally, a letter of support was received on April 8, 2015 and is also attached.

Issues

The Planning Commission identified several issues at the April 28, 2014 Public Hearing on this petition. The Petitioner has submitted a formal response to each of these items which is attached to the Planning Commission packet for review. Additional information from Staff on this request is also provided below.

- **Clarification regarding the requested parking and structure setbacks, including identification of the various structures included in the request and setback requirements for said structures**

The Petitioner has requested a revision to the southern structure setback in order to accommodate the building as currently constructed. The current Ordinance requires a 60 foot structure setback and the Petitioner is proposing a 57 foot structure setback, which is where the existing building stands in relation to the southern property line. Additionally, the Petitioner is requesting setback exceptions to this southern structure setback for the trash enclosure and storage shed as well as a vendor access ramp.

The Petitioner has also requested that certain drive-thru elements, including a menu board, canopy with speaker, preview board, clearance bar and directional signage be excepted from the structure setback requirements along with the more typical exceptions, which include items such as freestanding signs, retaining walls, light standards, and flags.

Finally, the Petitioner has requested minor revisions to the southern, northern, and western parking setbacks to accommodate the existing parking layout.

- **Hours of Operation**

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) for the bowling center. In the attached narrative, the Petitioner is proposing hours of operation be restricted for the fast food restaurant from 6:00 AM to 10:00 PM. The Planning Commission may accept this language or be more restrictive if so desired.

- **Restrictions on requested use “Restaurant, fast food with drive-thru window”**

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 not to be located within a free standing building and that the drive-thru location be restricted to an area designated on the Preliminary Plan. Additionally, Staff recommends adding the following language: *“The above use “Restaurant, fast food with drive-thru window, not located in free standing buildings” shall: Be an establishment more narrowly defined as a Fast-Casual type of Fast-Food restaurant which (1) utilizes non-disposable dishware and flatware for all dine-in orders; and (2) the majority of menu items are custom prepared to order versus pre-prepared and “racked.”*

As indicated on page two of the Petitioner’s issues response letter, the Petitioner is amenable to these restrictions.

- **Landscape Requests**

The current Ordinance includes the requirement for a six foot high sight proof wooden fence located three feet north of the southern property line with evergreens planted along both sides of this fence. However, due to the alignment of the fence at the time of construction, there is not sufficient space available for the Petitioner to plant the required evergreens. In lieu of this, the Petitioner has worked with the Trustees of the adjacent Four Seasons residential subdivision and is proposing to reconstruct the section of the fence adjacent to the drive-thru and to add additional landscaping in this area, as shown on the drive-thru exhibit included in the meeting packet.

- **The appropriateness of the addition of the drive-thru restaurant use within this development given the close proximity of the Four Seasons residential subdivision**

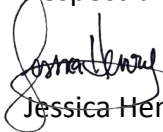
When the property owner was granted a change of zoning to the “PC” Planned Commercial District in 2008, the drive-thru use was specifically excluded. Prior to the change to “PC”, the site did allow for a drive-thru bank; however, fast food restaurants were not permitted. During the May 2008 Public Hearing 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.

However, with this current request, the Petitioner has worked closely with the Trustees of the adjacent residential subdivision and, in an effort to mitigate any adverse effects of the proposed drive-thru, is proposing to add a fence between the drive-thru area and the adjacent residential properties in addition to fortifying the existing boundary fence and landscape buffer in this area. The Petitioner has included illustrative exhibits of these measures in the Planning Commission packet. Further, the Petitioner has also agreed to grant the Four Seasons subdivisions an access easement over Highland Park Drive to ensure that the residents of the subdivisions do not lose an important access point.

Request

Staff has reviewed the request for an ordinance amendment by Doster Ullom & Boyle, LLC for the Four Seasons Plaza development, Adjusted Lot 2 and part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.) development and has found that all of the requests are compliant with the City of Chesterfield Code. Staff has prepared an Attachment A reflecting this request for consideration by the Planning Commission. Staff requests action on P.Z. 06-2014 Four Seasons Plaza, Adjusted Lot 2 and Part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.).

Respectfully submitted,



Jessica Henry
Project Planner

Attachments

1. Response to Issues Letter
2. Drive Thru Exhibit
3. Proposed Landscaping Exhibit
4. Petitioner's Narrative
5. Letters of Support/Opposition
6. Attachment "A"
7. Preliminary Plan

cc: Aimee Nassif, Planning and Development Services Director