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Planning Commission Staff Report

Meeting Date: June 25, 2007

From: Jennifer Yackley, Project Planner

Subject: Conditional Use Permit Vote Report

Location: 940 South Woods Mill Road

Petition: P.Z. 23-2007 Wood Lake Section 3 (Children's Discovery Learning Center)

Proposal Summary

Karen Kanyuck of P&K Kanyuck Investment LLC has submitted an application for a Conditional Use Permit to allow a child care center within an "R3" Residence District located at 940 South Woods Mill Road.

Staff Recommendation

The Conditional Use Permit for this request meets all of the development requirements of the City of Chesterfield and therefore, Staff recommends approval of the Conditional Use Permit to allow a child care center within an "R3" Residence District.

Zoning Analysis

The procedure for review/approval of a conditional use permit is set forth in Section 1003.181 of the Zoning Ordinance as follows:

- A public hearing is held at which time, unless further discussion is deemed necessary by the Commission, a vote is taken on the requested conditional use.
- If the Planning Commission votes to approve a conditional use, the Commission may impose conditions related to the requested conditional use as necessary.
- The Planning Commission, via Staff, files a report with the City Council granting or denying the application and stating the reasons therefore.
- Unless the City Council exercises its power of review or a protest is duly filed with the City Clerk, the Conditional Use Permit (C.U.P.) will become effective

after 15 days of the City Council's receipt of the Planning Commission's report granting the application.

- If the Commission votes to deny a conditional use, the City Council may still exercise its power of review or the applicant may file an appeal within 15 days of the Planning Commission decision.

A preliminary plan accompanies all conditional use permit requests. When a vote is taken on the conditional use request, the vote is to approve the use(s), not to approve the accompanying preliminary plan which is provided for informational purposes only.

Surrounding Land Use and Zoning

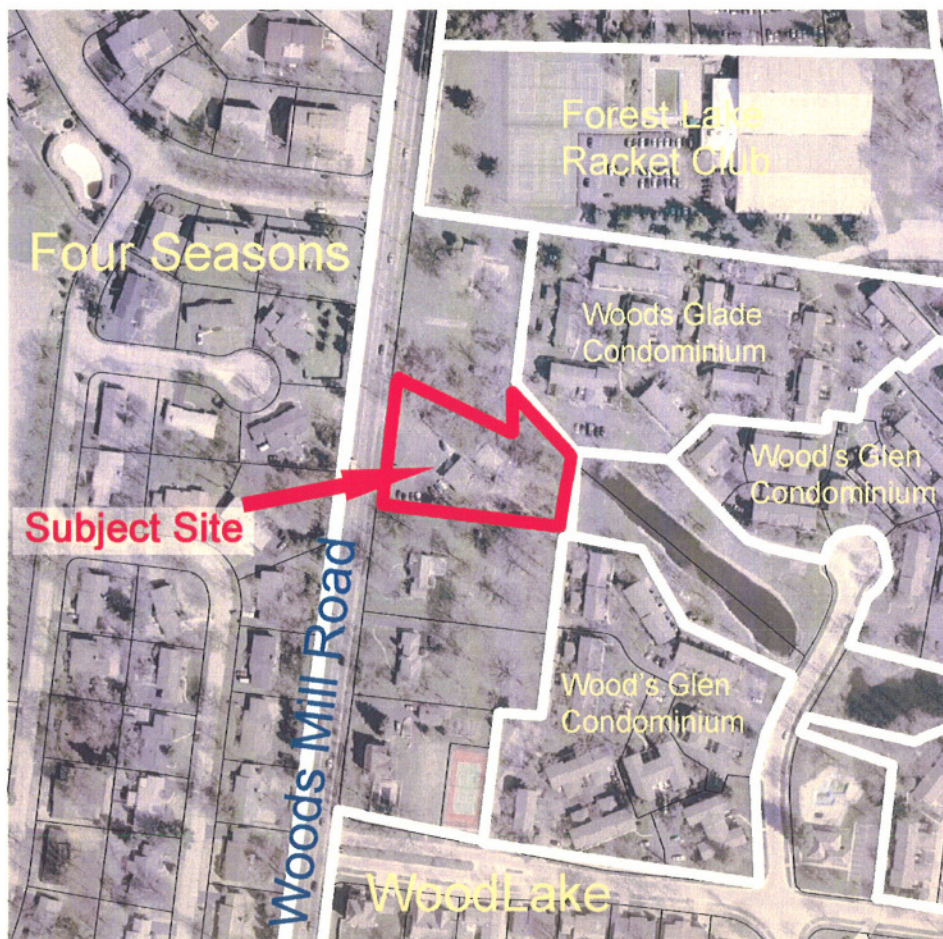
The land use and zoning for the properties surrounding this parcel are as follows:

North: The property to the north is zoned "R3" Residence District.

South: The property to the south is zoned "R3" Residence District.

East: Woods Glade and Woods Glen Condominiums are located to the east and is zoned "R3" Residence District.

West: The property across Woods Mill Road is zoned "R3" Residence District.





View of the subject site.

Comprehensive Plan Analysis

The subject site is located within Ward 1 of the City of Chesterfield. The Comprehensive Plan calls for this area to be residential. 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 site was zoned "R3" Residence District by St. Louis County prior to the City's incorporation. There is an existing child care center on the site which has been in operation since before the City's incorporation. The previous owners did not obtain a Conditional Use Permit from St. Louis County to operate the child care center. The current owner is seeking the Conditional Use Permit from the City to come into compliance with City of Chesterfield Code.

Issues

A public hearing was held on this request on May 30, 2007. At that time there was one other speaker, speaking in favor, on this matter other than the petitioners. At the hearing, several issues were identified. Those issues along with the Petitioner's responses are attached.

Request

Staff recommends approval of City of Chesterfield Conditional Use Permit Number 26 for a child care center in an "R3" Residence District.

Planning Commission
June 25, 2007

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Respectfully submitted,



Jennifer Yackley
Project Planner

Respectfully submitted,



Aimee Nassif
Senior Planner of Zoning
Administration

Attachments

1. Conditional Use Permit
2. Petitioner's Response
3. Preliminary Plan

CONDITIONAL USE PERMIT # 26

Petition: P.Z. 23-2007 Wood Lake Section 3 (Children's Discovery Learning Center)

Public Hearing Date: May 30, 2007

Site Location: 940 South Woods Mill Road

Acreage for CUP: 1.00

Underlying Zoning District: "R-3" Residence District

The following Conditional Uses shall be allowed in this development:

1. Child Care Centers.

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified below:

1. 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. Front yard: Twenty (20) feet from the right of way of Woods Mill Road.
- b. Side yard: Eight (8) feet from any side property line.
 - i. The existing structure as it is built on the effective date of this Conditional Use Permit, shall have a side yard setback of seven (7) from the southern property line.
 - ii. The existing structure as it is built on the effective date of this Conditional Use Permit shall be permitted a two (2) foot roof overhang into the side yard setback on the southern property line.
- c. Rear yard: Fifteen (15) feet from any rear property line.

2. Pedestrian Circulation

- a. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along Woods Mill Road. The sidewalk may be located within State right of way, if

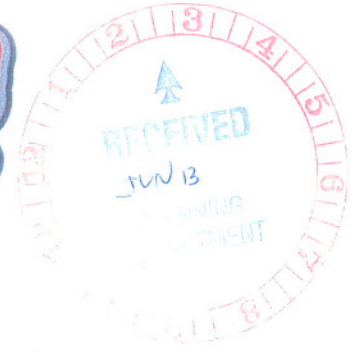
permitted by the Missouri Department of Transportation, or within a six (6) foot wide sidewalk, maintenance and utility easement.

3. Site Plan Requirements

- a. The existing parking lot encroaches on a sidewalk easement and appears to extend into the right of way for Woods Mill Road. Any encroachment shall be resolved prior to Site Plan approval.
- b. Provide comments/approvals from the appropriate Fire District, Spirit of St. Louis Airport and the Missouri Department of Transportation.

Legal Description

A tract of land being all of Lot 1 of "Wood Lake Section Three" a subdivision according to the Plat thereof recorded in Plat Book 129 Page 83 of the St. Louis County Records, in U.S. Survey 367 Township 45 North Range 5 East of the Fifth Principal Meridian, St. Louis County, Missouri.



Date: June 13, 2007

To: Planning Commission

From: Paul & Karen Kanyuck

This is a response to each issue brought forth for the Conditional Use Permit Application for Children's Discovery Learning Center located at 940 N. Woodsmill Road.

1.

The existing parking lot encroaches on a sidewalk easement and appears to extend into the right of way for Woods Mill Road. The parking area will need to be relocated so that it does not encroach on right of way or sidewalk easement. As an alternative, the developer could petition the Missouri Department of Transportation to vacate a portion of the right of way and dedicate a new easement for a sidewalk.

We will place in escrow funds to allow removal of the asphalt and placement of the sidewalk for when the time comes to complete this project and at this time we will relocate the parking area for the sidewalk.

2. The proposed monument sign is within the Woods Mill Road right of way.

We plan to relocate the monument sign off the right of way.

3. Be advised the southern corner of the existing building does not meet the eight (8) foot side yard structure setback.

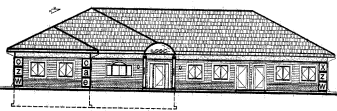
We would like a stipulation for the setback to allow for the existing structure and 2 foot overhand for the new roof plan. We understand if any construction is done on the southern corner of the building it must meet the 8 foot side line setback condition.

Thank you for your time in this matter.

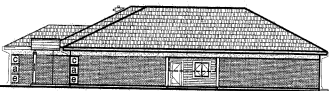
Sincerely,

Paul & Karen Kanyuck

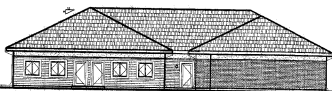
940 N. Woodsmill Road, Chesterfield, Missouri 63017 Phone: 314-275-8800



WEST ELEVATION
SCALE: 1/16" = 1'-0"



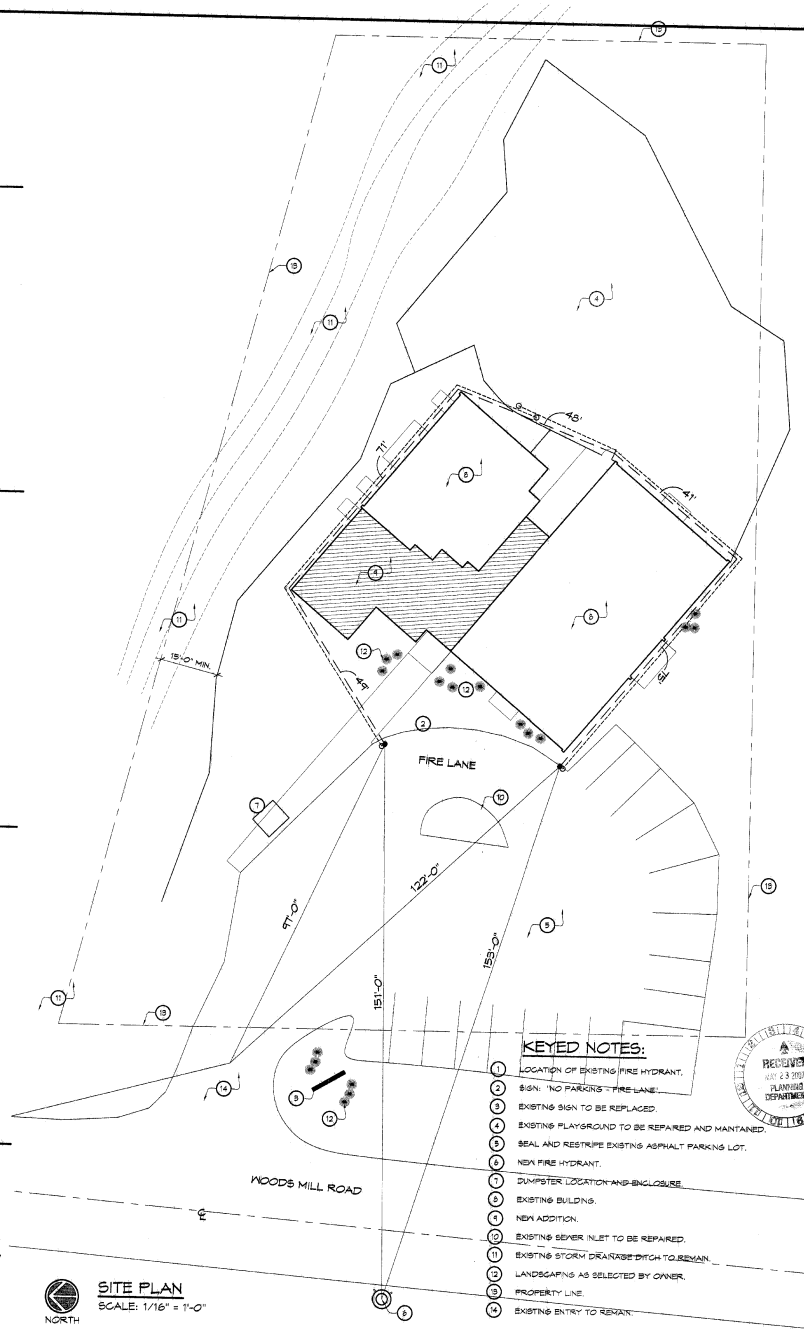
SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



EAST ELEVATION
SCALE: 1/16" = 1'-0"



NORTH ELEVATION
SCALE: 1/16" = 1'-0"



LEGEND
 --- APPARATUS ACCESS ROUTE
 150 FEET

SITE PLAN
SCALE: 1/16" = 1'-0"

KEYED NOTES:

- 1 LOCATION OF EXISTING FIRE HYDRANT.
- 2 SIGN: "NO PARKING - FIRE LANE."
- 3 EXISTING SIGN TO BE REPLACED.
- 4 EXISTING PLAYGROUND TO BE REPAIRED AND MAINTAINED.
- 5 SEAL AND RESTRIPE EXISTING ASPHALT PARKING LOT.
- 6 NEW FIRE HYDRANT.
- 7 DUMPSTER LOCATION AND ENCLOSURE.
- 8 EXISTING BUILDING.
- 9 NEW ADDITION.
- 10 EXISTING SEWER INLET TO BE REPAIRED.
- 11 EXISTING STORM DRAINAGE DITCH TO BE MAINTAINED.
- 12 LANDSCAPING AS SELECTED BY OWNER.
- 13 PROPERTY LINE.
- 14 EXISTING ENTRY TO REPAIR.



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CDL 0701

CHILDREN'S DISCOVERY LEARNING CENTER
 940 N. WOODS MILL ROAD ST. LOUIS, MO 63071
 PROJECT TITLE: SITE PLAN, AND KEYED NOTES

21 MAY 07

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