



VIII.A.

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Planning Commission Issues Report

Subject: Rezoning Issues Report

Meeting Date: June 28, 2010

From: Mara M. Perry, AICP, Senior Planner

Location: Southeast corner of the intersection of South Outer 40 Road and Timberlake Manor Parkway. (19R540055)

Petition: **P.Z. 03-2010 Suburbia Gardens (40-Timberlake SE, LLC)**

Proposal Summary

Stock and Associates, on behalf of 40-Timberlake SE, LLC, is requesting a change of zoning from “FPNU” Flood Plain Non-Urban District to a “PC” Planned Commercial District for an 8.7 acre tract of land located on the southeast corner of the intersection of South Outer 40 Road and Timberlake Manor Parkway.

The City’s Comprehensive Land Use Plan designates this area as residential. It should be noted the requested change of zoning to a Planned Commercial District is inconsistent with the Land Use Plan.

Site Area History

The subject tract was zoned prior to the incorporation of the City of Chesterfield to the “NU” and “FPNU” Non-Urban and Flood Plain Non-Urban Districts by St. Louis County. An existing plant nursery center, Suburbia Gardens, was the former owner and occupant of the site. St. Louis County records show the existing structure on the site was built in 1969.

Zoning Analysis

The surrounding properties to the south and east of the subject site are residential. A religious institution which is also zoned residential is located to the west of the subject site. The south side of the highway was primarily developed over the 1970s and 1980s with mainly residential uses.

Two developments further to the east along South Outer 40 Road are zoned Planned Commercial and contain office and medical office buildings. Developments across the highway facing North Outer 40 Road are primarily commercially zoned with some existing “non-urban” zoning. Over the years, there has been some precedent for office and nursing home type uses facing Interstate 64-Highway 40 on the north side of the highway.

Surrounding Land Use and Zoning

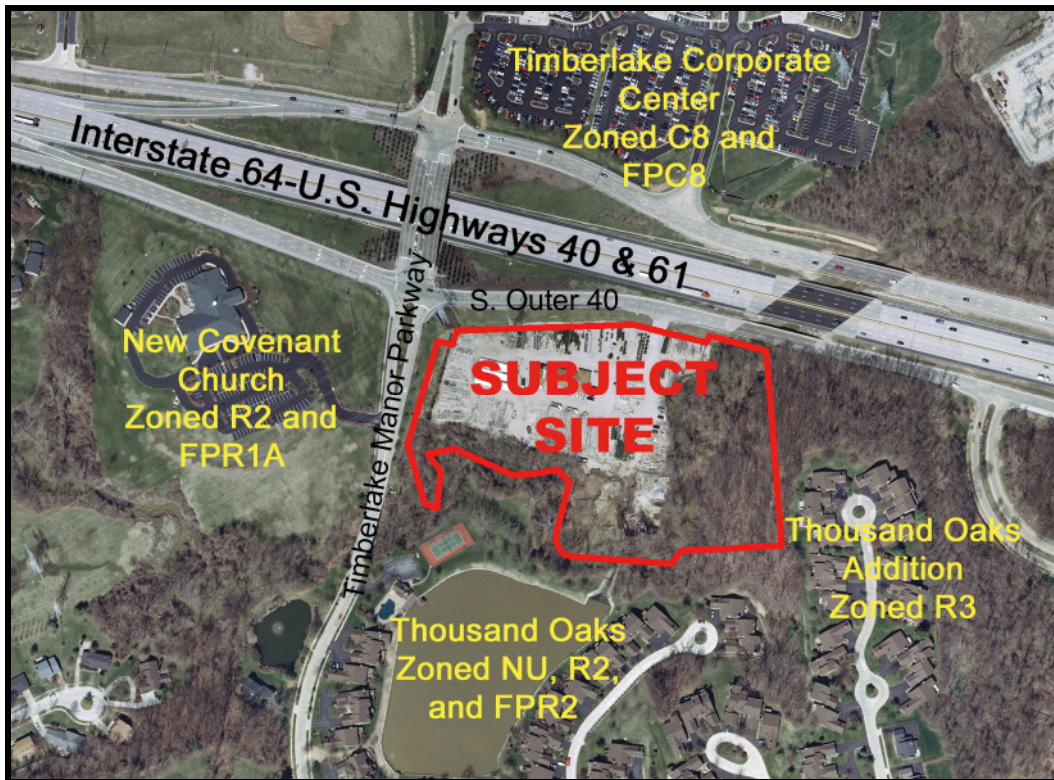
The land use and zoning for the properties surrounding this parcel are as follows:

North: The property to the north across Interstate 64-U.S. Highways 40 & 61 is Timberlake Corporate Center zoned "C8" and "FPC8" Planned Commercial District and Flood Plain Planned Commercial District.

South: The property to the south is Thousand Oaks zoned "NU" Non-Urban District, "R2" Residence District, and "FPR2" Flood Plain Residence District.

East: The property to the east is Thousand Oaks Addition zoned "R3" Residence District.

West: The property to the west is New Covenant Church zoned "R2" Residence District and "FPR2" Flood Plain Residence District.



View looking north down Timberlake Manor Parkway. View looking into the site from Timberlake Manor Parkway



View looking west along S. Outer 40 Road

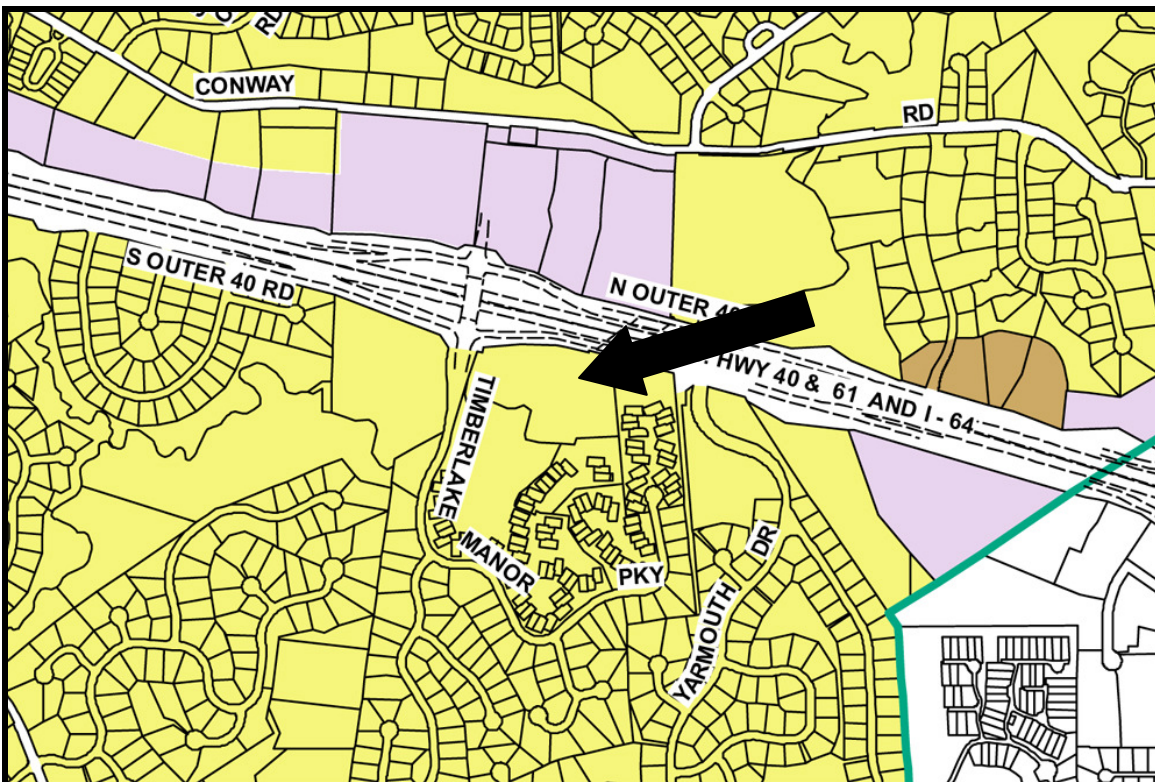


View from the entrance to the site looking east along South Outer 40 Road

Comprehensive Plan Analysis

The City of Chesterfield Comprehensive Plan Land Use Map delineates the subject site within the Residential Single Family use designation. The proposed Planned Commercial District zoning is inconsistent with the Comprehensive Plan.

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.



Issues

A Public Hearing was held on April 26, 2010 and there were ten speakers on this matter in addition to the Petitioner. At that time several issues were identified. Those issues along with the Petitioner's responses to the issues are attached for your review.

Below are the issues that Staff was asked to respond to:

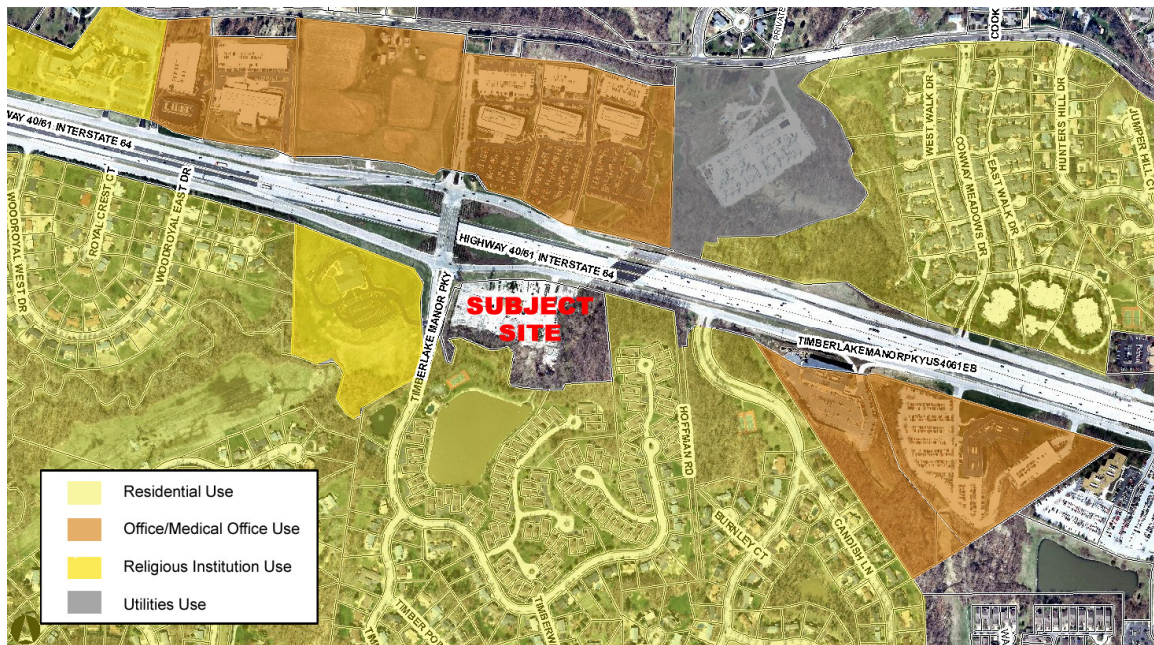
Comprehensive Plan

The subject site is shown to be Residential Single-Family on the Land Use Map of the Comprehensive Plan. In reviewing properties to both the east and west of this site along South Outer 40 Road, the developments are primarily residential with two developments being planned commercial districts. Properties to the east of the site include both residential, medical office and office uses. The developments to the west of the site include a religious institution and residential uses.

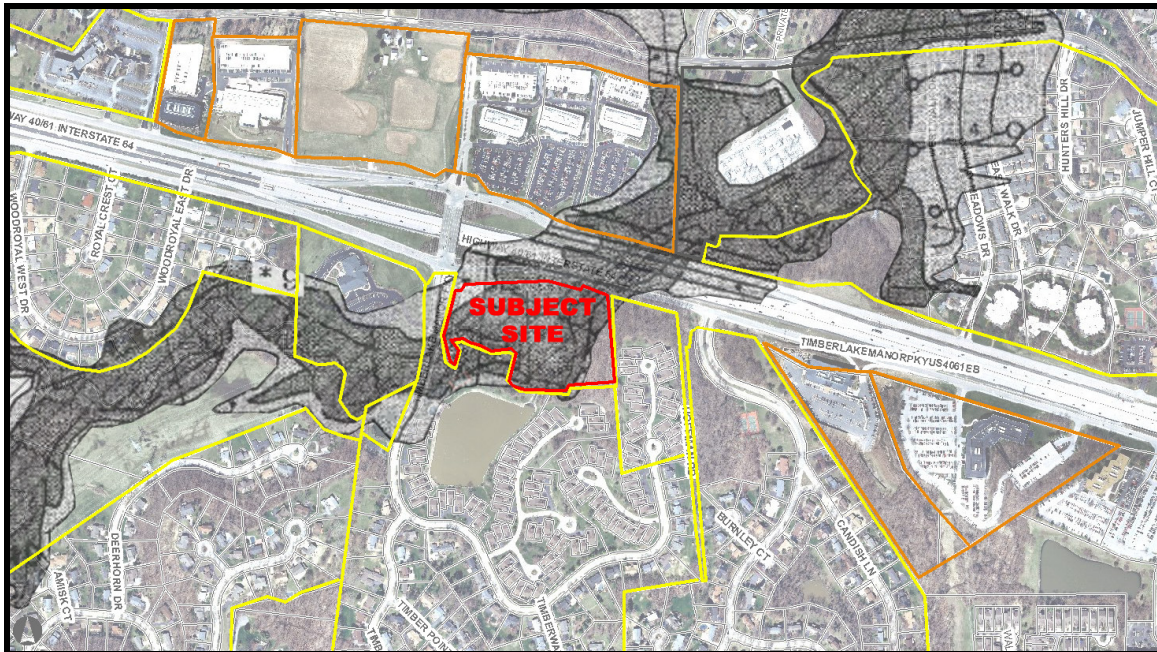
Please see the chart below that identifies the zoning and the year zoned for the surrounding developments along South Outer 40 Road.

Subdivision	Existing Zoning	Year Zoned	Existing Uses	Notes
Corporate Plaza	"C8"	1986	Office Buildings	Zoned prior to incorporation of the City
Stoneridge Office Building	"PC"	2005	Medical Office Building	Resolution of Litigation to zone to PC from R5
Chesterfield Hill	"R1A"	1972	Single Family Residential	Zoned prior to incorporation of the City
Thousand Oaks Addition	"R3"	1985	Single Family Residential	Zoned prior to incorporation of the City
SUBJECT SITE	"NU" & "FPNU"	1965	Plant Nursery	Zoned prior to incorporation of the City
New Covenant Church	"R2" & "FPR2"	1965	Religious Institution	Church built in 1998
Royalwood	"R1A"	1977	Single Family Residential	Zoned prior to incorporation of the City
Westchester Place	"R2" & "R1A"	1983	Single Family Residential	Zoned prior to incorporation of the City

The map below shows the actual uses of the properties on both North and South Outer 40 Roads.



The limitations for site development for items such as the location of floodplain or floodway were not reviewed in detail on a site by site basis when the comprehensive land use map was developed. Below is a map with an overlay showing the approximate limits of the Floodplain FIRM map from 1995. It identifies the Flood Zones including the floodway. The dark grey area is Flood Zone AE and the additional cross hatching over the dark grey is the floodway within Zone AE. The lighter grey area is the Flood Zone X which is the 500 year flood plain limits.



The subject site is shown on the map with an overlay of both floodplain and floodway through almost the entire site. Areas of floodplain and floodway impact the way that many of the developments were planned and built in this area. Some of the residential setbacks and locations of residential lots appear to have been tied to the location of the floodplain. The residential lots were planned to avoid both the floodplain and floodway locations. Structures cannot be built within a floodway. Within a floodplain, there is a required flood elevation upon which a structure can be built. The subject site is limited due to the extensive location of floodway within its boundary. **Only 3.87 acres are available for development outside the floodway.**

Floodplain

The Petitioner has submitted a Floodplain study to the City for review prior to it being submitted to FEMA. City staff is currently reviewing the submitted floodplain study and continues to work with the Petitioner to make sure the study is correct before submittal to FEMA. The submittal will be reviewed to determine that there is no adverse impact on the surrounding developments. The review of this document is a separate process from the rezoning and the Attachment A. The City Code has requirements for an approved Floodplain study prior to development of any site.

The Petitioner was asked whether they had any information from the Metropolitan Sewer District in regards to past flooding or backups on adjacent properties. MSD has verified that there have been backups on adjacent properties but it does not regularly provide detailed reports on adjacent property issues. Our standards prohibit the creation of any adverse impact on adjacent properties. Staff believes that this issue would need to be addressed during the flood plain review. Therefore this will be addressed in detail during

our floodplain study review with City Staff and the Metropolitan St. Louis Sewer District prior to any approvals.

Traffic and Access Management

There were a number of issues in regard to how the development was going to address traffic and access management for the site. The first question was whether an acceleration lane should be required along South Outer 40 exiting the development. At this time, Staff does not believe it is appropriate to identify specific improvements until a traffic study is completed. Language has been included in the Attachment A, on page five, which requires a traffic study as directed by the Missouri Department of Transportation and the City of Chesterfield. Also language has been added that addresses providing additional right of way or improvements to South Outer 40 as required by the Missouri Department of Transportation and the City of Chesterfield.

The second issue pertained to pedestrian and bicycle circulation along Timberlake Manor Parkway and South Outer 40 Road. The City of Chesterfield recently adopted a Citywide Bikeable Walkable Community Master Plan under City Council Resolution 302. Language has been included in the Attachment A for this development related to this Community Master Plan.

The third issue involved whether additional traffic generated by the development could cause people to turn around in the residential development to the south where the streets are not through streets. As with many developments without through streets turn-around traffic can be an issue. Staff believes that the location of the building to the northwest corner of the site and the addition of proper signage will help to direct traffic to the proposed entrance off South Outer 40 Road. Should additional signage be required that is not within the City of Chesterfield Code, the Attachment A has language allowing the Petitioner to propose a sign package for the development.

Landscape and Tree Protection

The Petitioner is proposing to retain tree canopy along the southern and eastern edges of the property. These areas of trees currently buffer the surrounding residential from the property. The Tree Stand Delineation provided shows 2.43 acres of existing tree canopy on the site. Per the City of Chesterfield Tree Preservation and Landscape Requirements, they are required to save 30% of the existing tree canopy. The Petitioner is proposing to save 2.04 acres which is approximately 83% of the existing canopy.

Uses and Hours of Operation

A question regarding noise coming from ambulances to the site was raised during the public hearing on April 26, 2010. A hospital use has not been requested nor is it permitted for this property. Ambulances, fire trucks, or other emergency response providers would only be coming on an emergency basis as they would to any other commercial or residential property. Staff does not feel that any other restrictions need to be placed on the uses restricting ambulances from the site.

Staff had concern with the site lighting during the evening hours based on the close proximity to the residential dwellings. Restrictions have been placed on similar types of developments along North and South Outer 40 Road. Staff worked with the Petitioner and the Petitioner has agreed to match the language in those ordinances which provided the hours when site lighting, other than emergency lighting, should be turned off. Restrictions to evening lighting for the parking areas have been included in the Attachment A on page four.

Hours of operation are now included in the Attachment A for all new developments. The Petitioner has proposed hours of operation for two of the uses. They have asked that there be no limit to the hours of operation for the "nursing home" use as it would be open 24 hours a day seven days a week. In reviewing the proposed hours, Staff has determined that uses that are categorized as office type uses should be restricted but other proposed uses should remain unrestricted. The Attachment A, on page two, includes the language and restrictions on the hours of operation based on use.

Additional Uses

A second Public Hearing is being held on June 28, 2010 to add two additional uses to the list of requested uses. These uses are being added to allow for the existing nursery to remain on the site until such time as the developer commences construction and redevelops the site. Staff has included language in the Draft Attachment A, on page two, which restricts the new use request. It should be noted that use "r" is defined in the City of Chesterfield Code as "Retail shops and stores (excluding autos, boats, machinery, groceries, etc.) such as apparel, books, hardware, jewelry, paint, sporting goods, and electronics having 4,000 square feet or less of floor space." Therefore, no additional restrictions regarding building size are necessary.

Request

Staff has no additional issues relative to this change of zoning petition at this time. A list of issues addressed by the petitioner is attached for your review. Staff is requesting that any additional issues be identified at this time for this rezoning request

Respectfully submitted,



Mara M. Perry, AICP
Senior Planner

Attachments

1. Draft Attachment A
2. Issues Letter
3. Issues response letter from the Petitioner dated 5/19/2010
4. Preliminary Plan
5. Tree Stand Delineation

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. Administrative office for educational or religious facility
 - b. Cafeterias for employees and guests only
 - c. Church and other place of worship
 - d. Coffee shop
 - e. Day care center, adult
 - f. Day care center, child
 - g. Educational facility - vocational school
 - h. Educational facility – college/university
 - i. Financial institution
 - j. Nursing home
 - k. Office, dental
 - l. Office, general
 - m. Office, medical
 - n. Park
 - o. Parking area, including garage, for automobiles
 - p. Professional and technical service facility
 - q. Research facility

- r. Retail Sales Establishment – Neighborhood
 - s. Retail Sales, Outdoor
2. The above uses in the “PC” Planned Commercial District shall be restricted as follows:
- a. Use “r” above shall be limited to a plant nursery.
 - b. Use “s” above shall be limited to plants and landscaping supplies.
3. Hours of Operation.
- a. Uses “d”, “i”, “k”, “l”, “m”, “p” and “q” listed above will be subject to hours of operation from 6:00 AM to 8:00 PM Monday through Friday and 8:00 AM to 3:00 PM Saturday.
 - b. Uses “r” and “s” listed above will be subject to hours of operation from 7:00 AM to 6:00 PM Monday through Saturday and 8:00 AM to 5:00 PM Sunday.
 - c. All other uses shall have unrestricted hours of operation.

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

1. Height
- a. The maximum height of the building, exclusive of roof screening, shall not exceed sixty (60) feet from the required flood elevation.
2. Building Requirements
- a. The site shall be limited to a single structure and a one level parking structure.
 - b. A minimum of sixty-three percent (63%) openspace is required for this development.
 - c. This development shall have a maximum F.A.R. of 0.17.

C. SETBACKS

1. Structure Setbacks
- No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:
- a. Thirty (30) feet from the right-of-way of South Outer 40 Road.

- b. Thirty (30) feet from the western boundary of the "PC" Planned Commercial District.
 - c. Ten (10) feet from the fifty (50) foot Stream Buffer setback on the southern and western side of the development as shown on the attached preliminary plan.
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. Thirty (30) feet from the right-of-way of South Outer 40 Road.
- b. Thirty (30) feet from the western boundary of the "PC" Planned Commercial District.
- c. Ten (10) feet from the fifty (50) foot Stream Buffer setback on the southern and western side of the development as shown on the attached preliminary plan.

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. 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.
 - b. 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.
 - c. No construction related parking shall be permitted within the South Outer Forty or the Timberlake Manor Parkway right of way.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

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

F. SIGN REQUIREMENTS

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

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. All light standards located in the parking lot or on the parking structure, other than those for security purposes, will be turned off by 9:00 PM, seven (7) days a week.

H. 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.

I. ACCESS/ACCESS MANAGEMENT

1. Access to South Outer Forty shall be limited to one drive approach. Location of the entrance shall be as directed by the Department of Planning and Public Works and the Missouri Department of Transportation. No direct access to Timberlake Manor Parkway will be permitted.
2. Ingress and egress must conform to Missouri Department of Transportation's (MoDOT) Access Management Guidelines and must be reviewed and approved by MoDOT. Any changes to the entrance geometrics and drainage design shall be in accordance with the MoDOT standards and shall be reviewed and approved by MoDOT.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide any additional right-of-way and construct any improvements to Timberlake Manor Parkway, as required by the Missouri Department of Transportation and the City of Chesterfield.
2. Any work within MoDOT's right of way will require a MoDOT permit.
3. The proposed development will likely increase the need for improvements to Timberlake Manor Parkway and Highway 64/40. In accordance with Ordinance No. 1652, the developer shall make contributions to the Highway 40 Road Trust Fund.
4. Provide any additional right-of-way and construct any improvements to South Outer Forty, as required by the Missouri Department of Transportation and the City of Chesterfield.
5. The City of Chesterfield has adopted a citywide Bikeable Walkable Community Master Plan that was approved by City Council on 3/15/2010 by Resolution 302. Easements and Sidewalk/Trail improvements may be required at the time of development, as directed by the City of Chesterfield.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or Missouri Department of Transportation. The scope of the study shall include internal and external circulation and site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required. Due to the density being greater than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

Depending on the magnitude of the development a comprehensive traffic impact study could be required to assess the impacts of the proposed development on the access points to the State highway system. Prior to the traffic study the Missouri Department of Transportation Permit Specialist needs to be contacted to set up a scoping meeting. Roadway improvements may be required to support the proposed development.

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. Wetland mitigation will not be allowable within the detention basin.
2. Detention/retention and channel protection measures are to be provided in each watershed such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24 hour storm event as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty percent (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan(s).
3. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right of way.
4. MoDOT request that all drainage detention storage facilities be placed outside of the Structure and Parking setbacks, or fifteen (15) feet from the new or existing right of way line, whichever is greater.
5. All detention design must be in accordance with City of Chesterfield criteria and the site shall be considered undeveloped.
6. Treatment for water quality and channel protection, in accordance with MSD regulations dated February 2006, shall be required.
7. A flood plain study will be required. The Metropolitan Sewer District will not approve the flood plain study until a conditional letter of map revision (CLOMR) is provided by FEMA to the municipality.
8. Formal plan submittal and approval will be required by the Metropolitan Sewer District prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

N. SANITARY SEWER

1. An identified MSD design project "Creve Coeur Creek Trunk Sewer Sanitary Relief (Phase IV 2003063D)" is proposed within the immediate vicinity. Onsite easements will be required as part of the Metropolitan Sewer District's formal plan review. Encroachments over easements will not be allowed.

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 PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide openspace percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.

12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than 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. TRUST FUND CONTRIBUTION

- A. The developer shall be required to contribute to the Route 40 (I-64) Corridor Trust Fund (No. 533). Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. 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.

This contribution shall not exceed an amount established by multiplying the required number of parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
TGA Category	Contribution
General Office	\$ 583.66
General Retail	\$1,751.08
Loading Space	\$2,865.42

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

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

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

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

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.

Traffic generation assessment contributions shall be deposited with Saint Louis County prior to the issuance of building permits. 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. Funds shall be payable to Treasurer, Saint Louis County.

The amount of these required contributions if not submitted by January 1, 2011, 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.

VI. RECORDING

Within 60 days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

VII. ENFORCEMENT

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



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May 5, 2010

Mr. George Stock
Stock & Associates Consulting Engineers
257 Chesterfield Business Parkway
Chesterfield, MO 63005

RE: **P.Z. 03-2010 Suburbia Gardens (40-Timberlake SE, LLC)**

Dear Mr. Stock:

A Public Hearing was held for the project referenced above on April 26, 2010. At that time, several issues were raised by the Planning Commission for review. Those issues, as well as those raised by Staff, the public and any site specific ordinance requirements are listed below. Please be advised that additional ordinance requirements will be added upon request of various agencies and that a draft of the governing ordinance will be made available to you prior to the Planning Commission Issues Meeting on this project.

1. This area is identified in the Comprehensive Plan on the Land Use map as Residential Single Family. Your request is to zone to a Planned Commercial District. Please explain.
2. The subject site is surrounded by residential uses and a church. How is your request going to be compatible with the surrounding uses?
3. Address the concern that there should be an acceleration lane on South Outer 40 Road exiting the development.
4. How are improvements on the site going to address pedestrian and bicycle traffic on Timberlake Manor Parkway and South Outer 40 Road?
5. Address the concern of people turning around in the development to the south due to the site only having one access point.
6. Address the concern that there is flooding from this site onto adjacent properties as well as backups into adjacent properties.
7. How is the development going to impact the flooding on the site once the area is raised to meet the required flood elevation?
8. Does the petitioner have any information from MSD in regards to past flooding on adjacent properties?

9. Address how the proposed landscaping or canopy to be retained on the site is going to provide screening for the existing residential developments to the east and south.
10. How much of the existing tree canopy is proposed to be retained?
11. Can the use be restricted to limit noises such as ambulances coming to the site on a regular basis?
12. How is the site going to address security lighting and timing of lighting in the evening hours?
13. What are the proposed hours of operation?
14. Preliminary Plan Issues:
 - a. Due to the relatively small depth to the site, is the entrance throat length going to meet Access Management Standards?
 - b. How is circulation on the site going to be addressed for the Fire Protection District due to the potential height of the building?
 - c. Remove the Flood Plain Study Cross Sectional Lines from the Preliminary Plan.
 - d. Please clarify the location of the required fifty (50) foot stream buffer on the Preliminary Plan. There are notes and arrows that do not appear to point to any line that indicates the stream buffer location.
 - e. The Preliminary Plan currently shows proposed parking within the required thirty foot landscape buffer location along South Outer 40 Road. Please amend the plan.

Please be advised that staff has not completed review of the Traffic Assessment or Flood Plain Study that have been submitted and additional comments/ issues could be generated during that review.

The following conditions related to site specific issues shall be applied to the petition:

Height

1. Maximum building height shall be forty-seven (47) feet from the required flood elevation exclusive of mechanical equipment.

Building Requirements

1. The site will be limited to a single structure and a one level parking structure.
2. A minimum of sixty-three percent (63%) open space is required for this development.
3. This development shall have a maximum F.A.R. of 0.17.

Setbacks

1. No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:
 - a. Thirty (30) feet from the right-of-way of South Outer 40 Road.

- b. Thirty (30) feet from Western Boundary of the "PC" Planned Commercial District.
 - c. Twenty (20) feet from the Fifty (50) foot Stream Buffer setback on the southern and western sides of the development as shown on the attached preliminary plan.
2. No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:
 - a. Thirty (30) feet from the right-of-way of South Outer 40 Road.
 - b. Thirty (30) feet from the Western Boundary of the "PC" Planned Commercial District.
 - c. Ten (10) feet from the Fifty (50) foot Stream Buffer setback on the southern and western sides of the development as shown on the attached preliminary plan.

Access

1. Access to South Outer Forty shall be limited to one drive approach. Location of the entrance shall be as directed by the Department of Planning and Public Works and the Missouri Department of Transportation. No direct access to Timberlake Manor Parkway will be permitted.

Road Improvements

1. Provide any additional right-of-way and construct any improvements to Timberlake Manor Parkway, as required by the Missouri Department of Transportation and the City of Chesterfield.
2. The proposed development will likely increase the need for improvements to Timberlake Manor Parkway and Highway 64/40. In accordance with Ordinance No. 1652, the developer shall make contributions to the Highway 40 Road Trust Fund.
3. Provide any additional right-of-way and construct any improvements to South Outer Forty, as required by the Missouri Department of Transportation and the City of Chesterfield.

Pedestrian Circulation

1. Be advised that the City of Chesterfield has adopted a City wide Bikeable Walkable Community Master Plan that was approved by City Council on 3/15/2010 by Resolution 302. Easements and Sidewalk/Trail improvements may be required at the time of development, as directed by the City of Chesterfield.

Parking

1. No construction related parking shall be permitted within the South Outer Forty or the Timberlake Manor Parkway right of way.

Traffic Studies

1. Provide 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.

Furthermore, the Department of Planning and Public Works recommends the following standard general conditions be applied to the petition; no other general conditions apply. Please note, any modification to the standard wording of these general conditions is set in bold font to facilitate identification.

Storm water

- G-2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system.
- G-3. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty percent (60%) of the approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on all Site Development Plans.

Geotechnical Report

- G-4. 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.

Site Development Section Plan Submittal Requirements

- G-5. Depict existing and proposed contours, at intervals of not more than **two (2) feet**.

Finally, the petitioner should be advised of the following items which may impact the project during the later stages of the development process.

- The site is located in the floodplain. Consult Chapter 14 of the City Code for specific requirements. A certification of the actual elevation of the constructed floor will be required prior to occupancy of the building.
- Access management principals to be applied to this development can be found in Chapter 26 of the City Code.
- This development is located with the Highway 40 Trust Fund area and will be required to contribute to the Fund as outlined in the ordinance.

Before submitting your written response to these issues, please set up an issues meeting with the Department of Planning and Public Works. A written response to each

issue listed in this letter should be submitted along with three copies of the plan, if any revisions are made.

This project will not be placed on the Planning Commission agenda for an Issues meeting until all items are addressed in writing. Please do not hesitate to contact me at 636-537-4744 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mara M. Perry". The signature is fluid and cursive, with the first name "Mara" being the most prominent.

Mara M. Perry, AICP
Senior Planner

Cc: Aimee Nassif, Planning and Development Services Director
Kimberly McMahan, Civil Engineer
Project File

STOCK & ASSOCIATES
Consulting Engineers, Inc.

May 19, 2010

City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Attention: Ms. Mara Perry, AICP, Senior Planner

RE: P.Z. 03-2010 Suburbia Gardens (40-Timberlake SE, LLC)
(Stock Project No. 209-4481)

Dear Mara:

Pursuant to your Departmental "Issues" Letter dated May 5, 2010, and our subsequent meeting on May 7, 2010, we are pleased to offer the following responses:

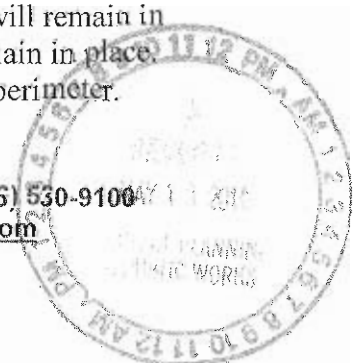
- 1.) We believe that our request to rezone this property to a "Planned Commercial District" is appropriate relative to the City's Comprehensive Plan – Land Use Map.

The Comprehensive Plan does designate this property as "residential single family (attached/detached). However, conditions exist with this specific property that "are not" consistent with residential development. The property is immediately contiguous to a Federal Highway. It is the S.E. Quadrant of I-64 and Timberlake Manor Parkway Interchange. Secondly, the entire site is located within the 100-year floodplain of Creve Coeur Creek. Thirdly, AmerenUE has a major transmission easement (275 ft. wide) bisecting the property, along with two (2) transmission towers located on the property.

We believe that this site requires a unique development, which minimizes the impact to the creek and floodplain. In addition, it preserves the creek and existing tree mass to the east and south, buffering Thousand Oaks from the I-64 Interstate. The development "area" will be limited to about 3.0 acres at the property's Northwest Corner closest to transmission lines and Interstate 64.

A residential development could not achieve these objectives on this site and be feasible.

- 2.) As described in Response #1, the creek along the south and east property will remain in place. All vegetation within the creek, south and east of the creek will remain in place. Development within the site will provide additional landscaping along its perimeter.



The separation between existing homes and the development limits range between 418 feet to 544 feet.

“See attached Sheet 2 of 2 – “Preliminary Plan Sections” dated 5/19/10.

- 3.) We received a Conceptual Approval Letter from MoDOT dated 2/8/10 (see attached). There was no recommendation for an acceleration lane. The recommendations within the MoDOT letter will be incorporated into the project. We did engage the services of CBB to perform a “Traffic Assessment”. They recommended a right-turn lane into the main entrance from South Outer 40, but not an acceleration lane. We will incorporate the right-turn lane into the project.

We will continue to work with the City, MoDOT and the project’s traffic consultant, but do not feel an acceleration lane is warranted or feasible due to constraints with the existing bridge over Creve Coeur Creek, east of the main entrance.

- 4.) At such time as a specific Site Development Plan is designed/prepared and filed with the City, that plan will comply with City’s Resolution #302 regarding pedestrian and bicycle traffic. Attached are two (2) pages from Resolution #302.
- 5.) CBB, within their “Traffic Assessment” dated 4/22/10, states the following:

“General / Medical Office Uses typically do not have a large percentage of misguided vehicles that would mistakenly assume that there is a connection to Timberlake Manor (South of South Outer Forty), and make u-turn movements in the adjacent residential subdivision.”

- 6.) The Metropolitan St. Louis Sewer District issued a letter to us on February 3, 2010. This letter references that a new sanitary relief sewer will be installed within the next five (5) years. (Attached is the MSD letter.)

We have contacted MSD to verify if any documented basement back-ups have occurred within The Thousand Oaks Subdivision. We will forward this information once we receive from The MSD.

- 7.) We have performed a detailed floodplain study, utilizing HEC-RAS Software, and reviewing against FEMA’s Model. We propose to remove the overbank obstructions which exist on the Suburbia Gardens property, and improve flow thru the creek. The study, which has been submitted to the City and MSD, demonstrates “no” adverse impact. The development will provide Stormwater Retention / Detention in accordance with City and MSD Guidelines. The Development may include a combination of aboveground and underground facilities to control Stormwater Discharge and meet “Water Quality” requirements.
- 8.) Not at this time. We have requested The MSD to provide us with any documented complaints regarding flooding of adjoining properties.

- 9.) Please see attached Sheet 2 of 2 with sections cut thru proposed development from residential properties.
- 10.) 2.04 Acres of the existing tree canopy will be retained with this development.
- 11.) Yes, the "uses" we have requested are not conducive to have ambulances arrive, other than an emergency.
- 12.) Parking lot lighting shall be shielded and recessed fixtures. In addition, parking lot lighting will be turned off at 9:00 p.m., seven (7) days a week, other than those for security purposes.

This language is consistent with Stone Ridge Office, Ordinance No. 2410 and St. John's Rehabilitation Hospital, Ordinance No. 2251, attached.

- 13.) Typical proposed hours of operation for General Office and Medical Office are:
6:00 a.m. to 8:00 p.m. – Monday thru Friday
8:00 a.m. to 3:00 p.m. – Saturday
Nursing Homes are typically open seven (7) days a week.
- 14.) See Revised Preliminary Plan.

Sight Specific Issues:

Height:

- 1.) Maximum Building Height shall be sixty feet (60') from the required flood elevation, exclusive of mechanical equipment.

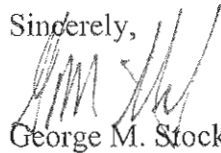
Setbacks:

- 1.c.) Ten feet (10') from the fifty feet (50') stream buffer setback on the southern and western sides of the development, as shown on the attached Preliminary Plan.

Should you have any questions or comments regarding the above responses, please feel free to call.

Your assistance and continued support in this matter is greatly appreciated.

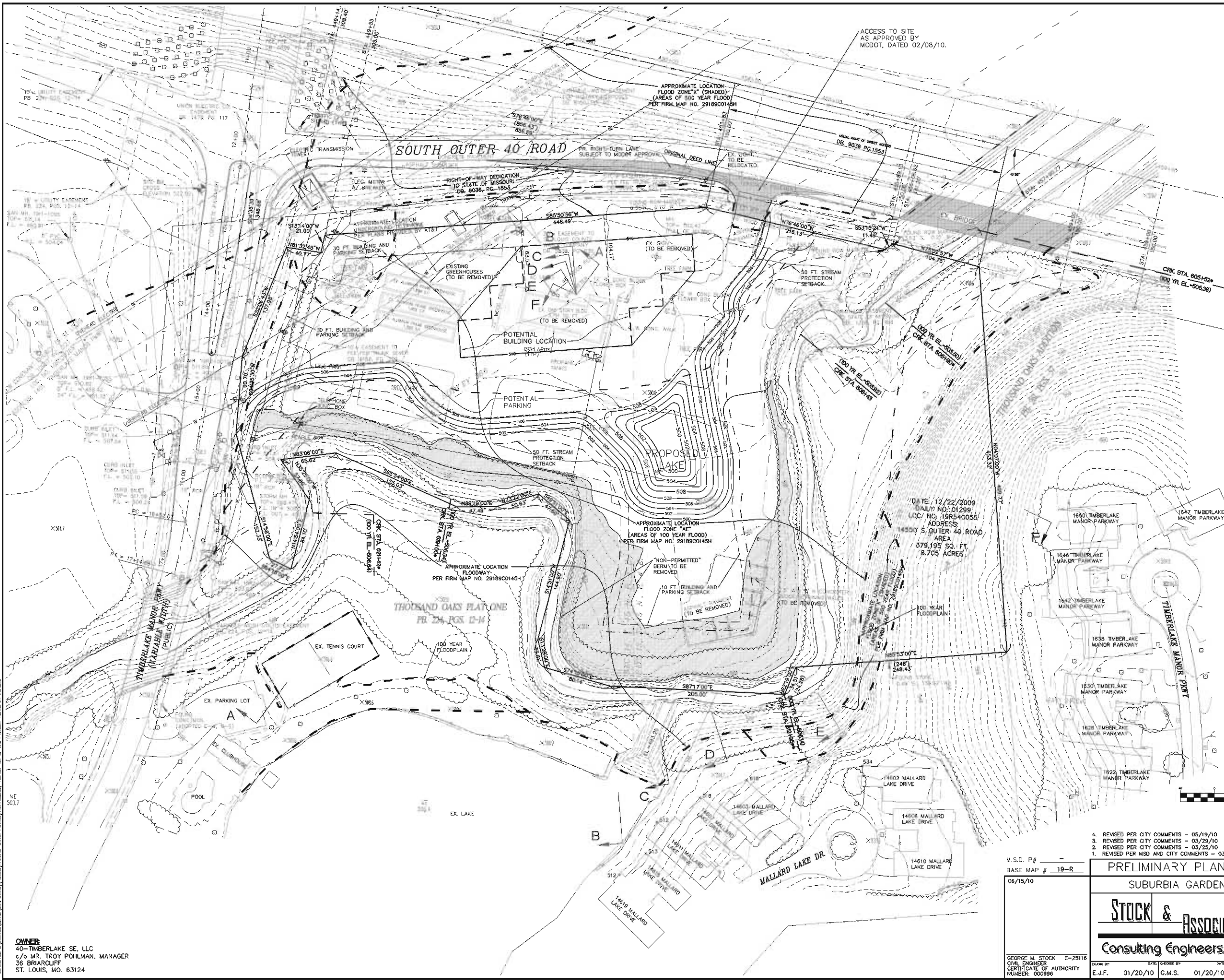
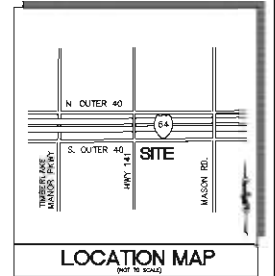
Sincerely,



George M. Stock, P.E., President

Enclosures

CC: Mr. Troy Pohlman (40-Timberlake SE, LLC)
Mr. Doug Bruns, P.E., Vice President-Engineering
Mr. Eric Fischer, P.E., Project Engineer



ACCESS TO SITE AS APPROVED BY MODOT, DATED 02/08/10.

DATE: 12/22/2009
 DAILY NO: 01299
 LOC NO: 19R540055
 ADDRESS:
 4500 S. OUTER 40 ROAD
 AREA:
 579,195 SQ. FT.
 8.705 ACRES

OWNER:
 40-TIMBERLAKE SE, LLC
 c/o MR. TROY POHLMAN, MANAGER
 38 BRIARCLIFF
 ST. LOUIS, MO. 63124

- 4. REVISED PER CITY COMMENTS - 05/19/10
- 3. REVISED PER CITY COMMENTS - 03/29/10
- 2. REVISED PER CITY COMMENTS - 03/25/10
- 1. REVISED PER MSD AND CITY COMMENTS - 03/05/10

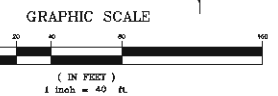
M.S.D. P# -
 BASE MAP # 19-R
 06/15/10

PRELIMINARY PLAN W/ FLOOD STUDY
 SUBURBIA GARDENS REDEVELOPMENT

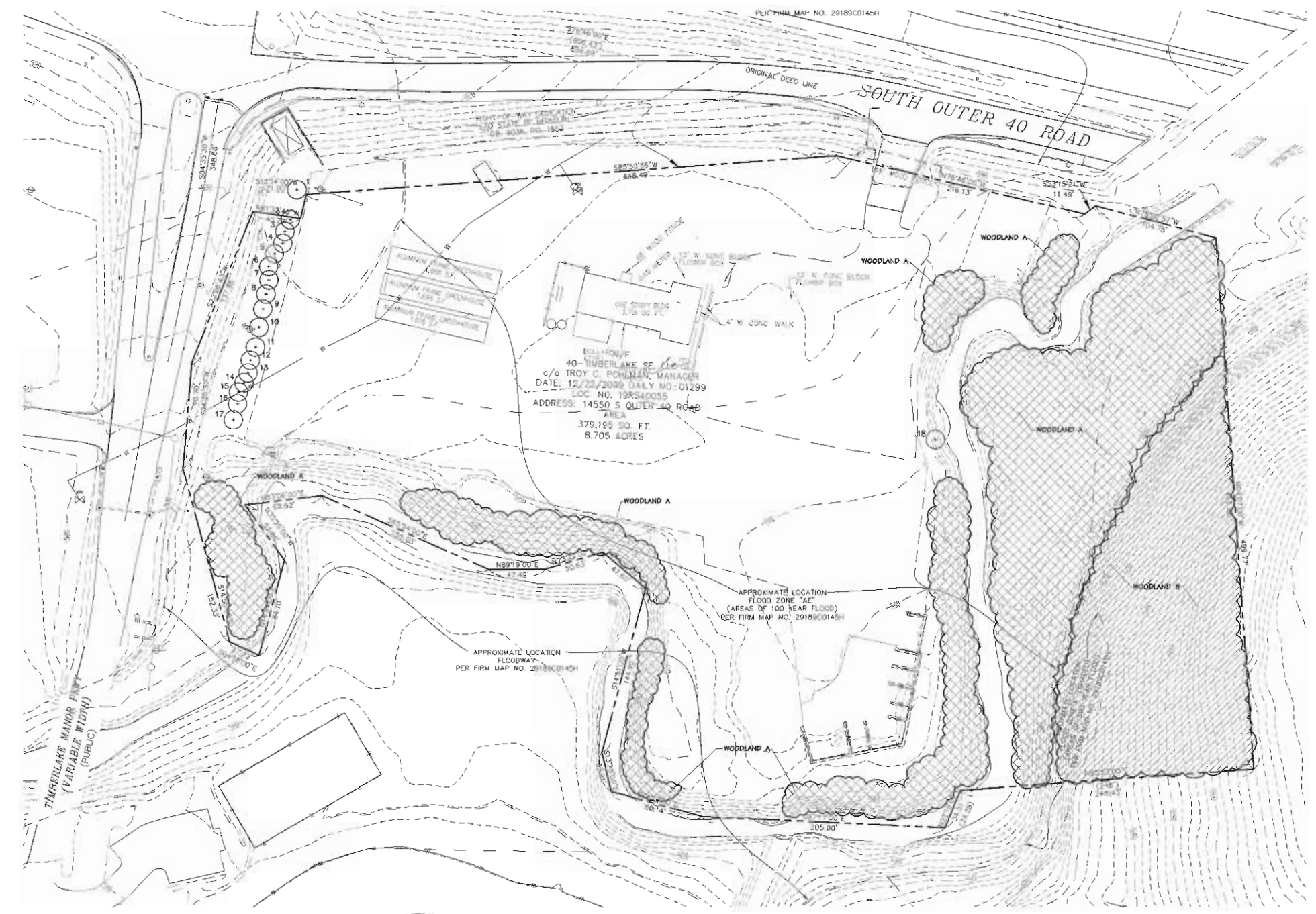
STOCK & ASSOCIATES
Consulting Engineers, Inc.

257 Chesterfield Business Parkway
 St. Louis, MO 63005
 PH (636) 530-3100
 FAX (636) 530-3130
 e-mail: general@stockassoc.com
 Web: www.stockassoc.com


Drawn by: E.J.F. DATE DESIGNED BY: G.M.S. DATE FOR NUMBER: 01/20/10 206-4481 1 of 2



**FORMER SUBURBIA GARDENS
STOCK AND ASSOCIATES**
 CHESTERFIELD, MISSOURI



TREE STAND DELINEATION
SCALE 1"=40'

TREE LEGEND
 Existing Individual Tree  Reference Number
 Location/ Canopy Size

Existing Tree List					
1	Type	Size	Condition	Area-S.F.	Adtl. Comments
1	Spruce	4"	Fair		
2	Austrian Pine	6"	Fair	113	Off Property
3	Red Maple	3"	Poor	30	
4	Arborvitae	3"	Fair	20	Deer damage to trunk
5	Spruce	4"	Fair	30	
6	Arborvitae	2"	Poor	18	
7	Colorado Spruce	4"	Poor	28	
8	Austrian Pine	6"	Poor	90	
9	Colorado Spruce	3"	Poor	28	
10	Austrian Pine	6"	Poor	90	
11	Austrian Pine	6"	Poor	90	
12	Austrian Pine	4"	Poor	39	
13	Austrian Pine	6"	Poor	90	
14	Austrian Pine	6"	Poor	100	
15	Austrian Pine	6"	Poor	113	
16	Box Elder	10"	Fair	120	
17	Austrian Pine	6"	Poor	113	
18	Silver Maple	18"	Fair	260	
			Total	1369	

Tree Stand Delineation Narrative
Mar. 16, 2010

Woodland A: Located along creek at south end of property and along the East side and in flood plain of creek. The dominate species includes the following: Silver Maple, Box Elder, and Sycamore. The overstory canopy are widely spaced tree trunk callipers ranging from 10-40" DBH. The understory is primarily Bush Honeysuckle. While a few trees in this woodland meet the size requirement to be considered a Monarch, there are none that meet the overall standards for Monarch trees.

Woodland B: Located on the East side of the creek on a west facing slope above the 506 contour. The overstory trees include: White Oak, Green Ash, Red Oak, and Black Cherry. The average diameter of the overstory trees are 10" DBH. The understory trees are: Sugar Maple, Redbud, and Bush Honeysuckle. The density of trees is 100/trees per acre. This woodland area will not be disturbed with any proposed construction.

There are no State Champion or Rare Trees on this site.

Douglas A. DeLong - Certified Arborist MW-4826A
 DeLong Landscape Architecture
 7620 West Bruno
 St. Louis, MO 63117
 (314) 346-4856

WOODLAND A = 1.74 Ac. (75,963 sq. ft.)
 WOODLAND B = 0.90 Ac. (39,416 sq. ft.)
 INDIVIDUAL TREES = .03 Ac (1,369 sq. ft.)

Total Existing Canopy 2.43 Ac (106,581 sq. ft.)

Tree Stand Delineation Plan Prepared under direction of: Douglas DeLong Certified Arborist MW- 4826A

Base Map Provided by: Stock and Associates Inc.

Revisions:

Date	Description	No.

Drawn: JJ
 Checked: RG

Ioomis Associates
 landscape architects/planners
 10000 South Brentwood Blvd.
 Suite 100
 St. Louis, MO 63126
 (314) 346-4856
 Missouri State Certificate of Authority # LAC #002019

Sheet Title: TREE STAND DELINEATION
 Sheet No: TSD
 Date: 03/16/10
 Job #: 813.017