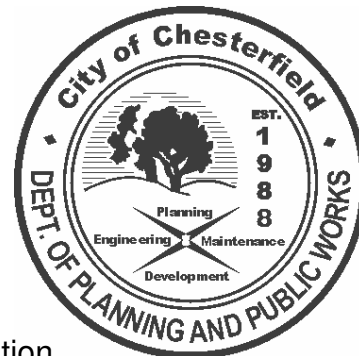


III.E.

Memorandum
Department of Planning & Public Works



To: Planning and Zoning Committee
From: Aimee Nassif, Senior Planner of Zoning Administration
Date: 9/17/2007
RE: **P.Z. 34-2007 Blue Ocean (Johnny Y Properties)**: A request for a change of zoning from "M3" Planned Industrial District to "PC" Planned Commercial District for 2.7 acre tracts of land located south of US Highway 40&61, east of Chesterfield Commons Drive (17T230123, 17T230112). Proposed Uses include: Restaurants, sit down.

Summary

Chris Kehr, on behalf of Johnny Y Properties., has submitted a request for a change in zoning from "M3" Planned Industrial District to "PC" Planned Commercial District for 2.7 acres of land located south of US Highway 40&61, east of Chesterfield Commons Drive. The public hearing for this project was held before the Planning Commission on July 9, 2007. At the September 10, 2007 City of Chesterfield Planning Commission meeting, a recommendation for approval of the above-referenced matter was approved by a vote of 7-0.

Attached please find a copy of Staff's report and the preliminary plan.

Respectfully submitted,

Aimee E. Nassif
Senior Planner of Zoning Administration

Cc: Michael G. Herring, City Administrator
Rob Heggie, City Attorney
Michael O. Geisel, Director of Planning and Public Works

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. Restaurants, sit down.

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 forty two (42) feet.
2. BUILDING REQUIREMENTS
 - a. A minimum of forty one percent (41%) openspace is required for this development.

C. SETBACKS

1. STRUCTURE SETBACKS
No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:
 - a. Forty five (45) feet from the right-of-way of Chesterfield Airport Road on the southern boundary of the "PC" District.
 - b. Fifteen (15) feet from the northern boundary of the "PC" District.
 - c. Three hundred and ten feet (310) from the eastern boundary of the "PC" District.

- d. Two hundred feet (200) feet from the western boundary of the "PC" District.

2. PARKING SETBACKS

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

- a. Twenty five (25) feet from the right-of-way of Chesterfield Airport Road.
- b. Fifteen (15) feet from the northern boundary of the "PC" District.
- c. Thirty five (35) feet from the western boundary of the "PC" District.
- d. Twenty five (25) feet from the eastern boundary of the "PC" District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
 - a. 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 Chesterfield Airport Road or Interstate 64 rights-of-way.
3. Parking lots shall not be used as streets.
4. Parking shall be prohibited along both sides of the main driveway. Parking lot aisles, where possible, should intersect the main and minor driveways at right angles and be logically located opposite

minor driveways and other parking lot aisles. The main and minor driveways shall not have speed bumps. Stop signs shall not be installed for traffic on the main driveway. Minor driveways shall not intersect the main driveway closer than one hundred fifty (150) feet from Chesterfield Airport Road right-of-ways. With regard to the eastern driveway, parking stalls should be located a minimum of eighty (80) feet from Chesterfield Airport Road right-of-ways.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. Landscape buffers for this development, shall be required as shown on the Landscape Plan submitted to the City of Chesterfield on August 6, 2007 and attached as an Exhibit A hereto.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.
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, for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

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

H. ARCHITECTURAL

1. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed

with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan. An opportunity for recycling will be provided.

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

I. ACCESS/ACCESS MANAGEMENT

1. Provide cross access easements and temporary slope construction licenses or other appropriate legal instruments or agreements guaranteeing permanent access between this site and the adjacent properties as directed by the Department of Public Works and the St. Louis County Department of Highways and Traffic.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road frontage of the site. The sidewalk shall connect to the sidewalk constructed with the adjacent development to the west. The sidewalk shall be privately maintained; therefore, no public easements shall be required.
2. Any improvements within MoDOT's right-of-way will require permit. The drainage design shall be in accordance with MoDOT standards.
3. All drainage detention storage facilities shall be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.
4. Improve Chesterfield Airport Road to one half of a one hundred (100) right-of-way and a sixty (60) foot pavement with ten (10) foot full depth shoulders including all storm drainage facilities as directed by the St. Louis County Department of Highways and Traffic.
5. Construct westbound right turn lanes two hundred (200) feet in length on Chesterfield Airport Road at each commercial entrance along with six (6) foot wide full depth shoulders with 10:1 inbound tapers as directed by St. Louis County Department of Highways and Traffic and the City of Chesterfield. Due to prevailing speeds on Chesterfield Airport Road, these right turn lanes are required for the safety of area motorists and their construction is required irrespective of any implied TGA limitations, as is the modification of

the traffic signal at the main entrance. These improvements are considered safety related and are not TGA reimbursable.

6. Access to this development from Chesterfield Airport Road shall be restricted to two (2) commercial entrances, located to provide required sight distance and constructed to Saint Louis County standards as directed by the St. Louis Department of Highways and Traffic. The western access driveway shall be located opposite the signalized Chesterfield Commons East driveway. All pavement improvements to the existing commercial entrance at this location and necessary modifications to the signals shall be the responsibility of the developer. Details regarding this approach such as width, lane alignment and channelizations shall be determined in the plan review process. The eastern driveway serving this site will be located and constructed as determined during the site plan review process and may be limited to rights in and out depending on its distance from the eastern Chesterfield Commons East access drive on the south side of Chesterfield Airport Road.
7. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the Departments of Planning and Highways and Traffic.
8. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be may be required to provide adequate sight distance as directed by the St. Louis County Department of Highways and Traffic.
9. As portions of these roadway improvements may require the acquisition of additional right-of-way and easements from private property, the normal sequence of design, right-of-way acquisition and construction shall commence immediately upon approval of the requested rezoning. If the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owners involved, St. Louis County will acquire it through eminent domain proceedings. The cost of appraisals, negotiations, administrations, court proceedings and all associated costs incurred by County proceedings shall be paid by the developer.

J. POWER OF REVIEW

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site 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 plan. The City Council will then take appropriate action relative to the proposal.

K. SANITARY SEWER

1. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, in accordance with the Metropolitan St. Louis Sewer District Conceptual Sewer Master Plan for Chesterfield Valley. The current building may continue to utilize the existing septic tank until such time as any new buildings are constructed or the septic tank fails.
2. Certification will be required from the City of Chesterfield that stormwater will be controlled as required by the Chesterfield Valley Master Facility Plan.
3. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750.00 per acre.

L. GEOTECHNICAL REPORT.

Provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of 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.

M. MISCELLANEOUS

1. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
2. The developer is advised that utility companies will require compensation for relocation of their facilities with public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contribution. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

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 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 one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.

19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.

V. TRUST FUND CONTRIBUTION

- A. The developer shall be required to contribute to the Chesterfield Valley Trust Fund. 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.

Roads

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed based on the following:

<u>Type of Development</u>	<u>Required Contribution</u>
Commercial	\$2.07/sq.ft. of building space
Office	\$1.44/sq.ft. of building space
Industrial	\$4,986.59/acre

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

If types of development differ from those listed, St. Louis County Department of Highways and Traffic will provide rates.

Credits for roadway improvements required will be awarded as directed by St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund. Credits for

roadway improvements will be as approved by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic.

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

If this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development will be retained in the appropriate trust fund.

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$654.66 per acre for that total area as approved on the Site Development Plan to be used solely to help defray the cost of construction the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan by St. Louis County Highways and Traffic. Funds shall be payable to the "Treasurer, Saint Louis County".

Stormwater

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by Saint Louis County and MSD. The amount of storm water contribution will be computed based on \$2,077.15 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with the Saint Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (SUP) by Saint Louis County Department of Highways and Traffic. Funds shall be payable to the "Treasure, Saint Louis County."

Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek Impact Fee. The sanitary sewer contribution within Chesterfield Valley area shall be deposited with MSD as required by the District.

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2008 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.

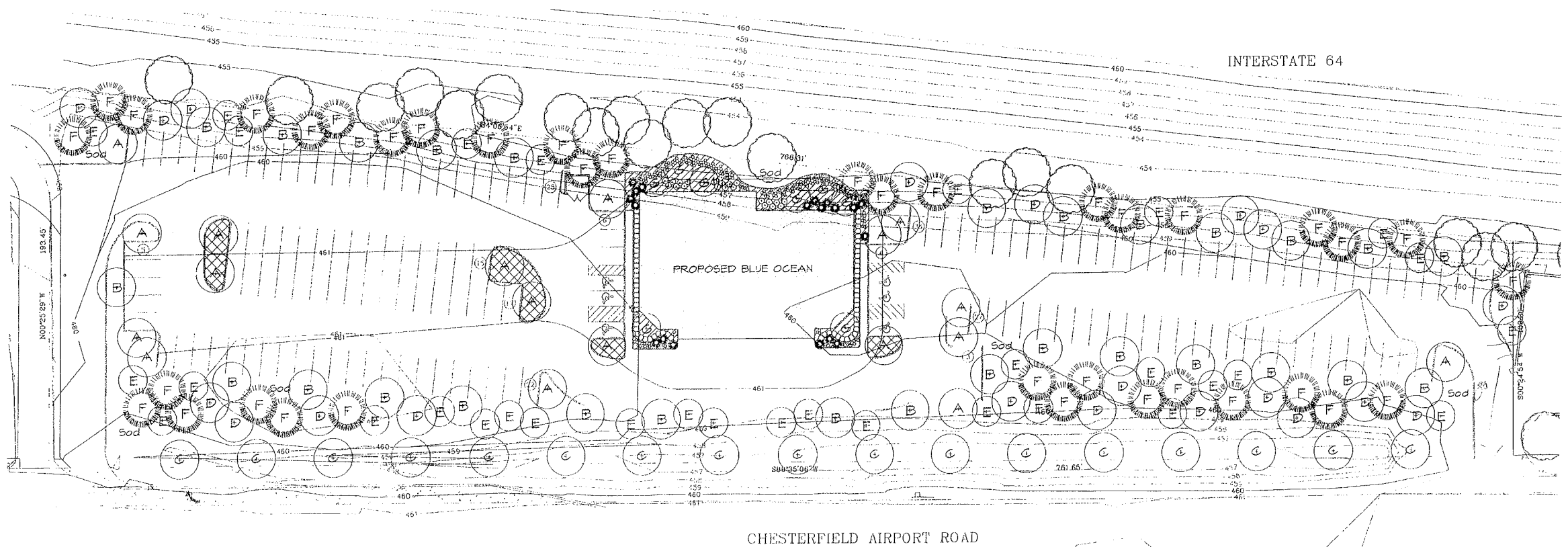
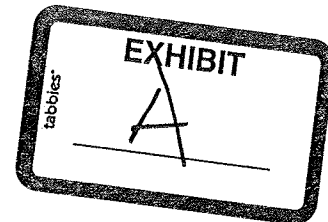
Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

VII. RECORDING

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

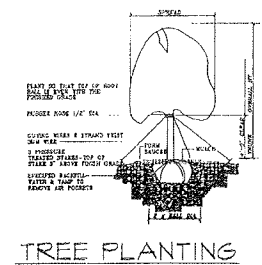
VIII. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the 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.

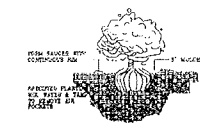


LANDSCAPE PLAN
0 30' 60' 90'

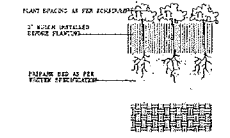
Total Site = 2.65 Acres
115,316 SF
Green Space = 47,941 SF
Green Space = 41.6%



TREE PLANTING



SHRUB PLANTING



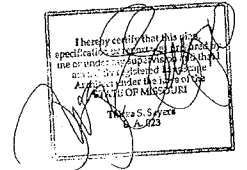
GROUND COVER PLANTING

GENERAL NOTES

- SEE PLANTING SCHEDULES FOR PLANT SIZE, TYPE, METHOD AND SPACING- QUANTITIES SHOWN ARE APPROXIMATE ONLY-CONTRACTOR TO FIELD VERIFY ALL QUANTITIES AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE LANDSCAPE ARCHITECT
- UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS AND THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. IT IS POSSIBLE THERE MAY BE OTHERS, THE EXISTENCE OF WHICH IS PRESENTLY NOT KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATION AND TO AVOID DAMAGE THERETO
- CONTRACTOR TO VERIFY EXISTENCE OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION AND MAKE REPAIRS TO ANY UTILITIES TO CONSTRUCTION WORK.
- ALL DISTURBED LAWN AREAS TO BE SEED OR SOD PER SPECIFICATIONS UNLESS OTHERWISE INDICATED.
- ALL LANDSCAPED AREAS TO BE AUTOMATICALLY IRRIGATED BY AN UNDERGROUND SPRINKLER SYSTEM.

EXTERIOR PLANTING SCHEDULE

SYMBOL	QUANTITY	SCIENTIFIC NAME	COMMON NAME	PLANTING SIZE	METHOD	SPACING	COMMENTS	MATURE HEIGHT
A	16	CARPINUS BETULUS 'PASTISIATA'	COLUMBIAN HORNBREAM	25' GAL	B&B	AS SHOWN	MATCHED, FULL, HIGH BRANCHED, STRAIGHT TRUNK	35'-40'
B	26	FRAXINUS AMERICANA 'AUTUMN PURPLE'	'AUTUMN PURPLE' ASH	25' GAL	B&B	AS SHOWN	MATCHED, FULL HEAD, STRAIGHT TRUNK	45'-55'
C	11	TILIA CORDATA 'GREEN SPIRE'	'GREEN SPIRE' LITTLE LEAF LINDEN	3' GAL	B&B	40' OC	MATCHED, FULL HEAD, STRAIGHT TRUNK	45'-55'
D	20	ACER SACCHARINUM 'GREEN MOUNTAIN'	'GREEN MOUNTAIN' SUGAR MAPLE	25' GAL	B&B	AS SHOWN	MATCHED, FULL, STRAIGHT TRUNK	45'-55'
E	31	PRUNUS CERASIFERA	PURPLE LEAF PLUM	25' GAL	B&B	AS SHOWN	MATCHED, FULL HEAD, STRAIGHT TRUNK	15'-25'
F	37	PINUS STROBUS	WHITE PINE	8' HT	B&B	AS SHOWN	MATCHED, FULL, SINGLE LEADER	40'-50'
G	5	ILEX x ATTENUATA 'FOSTER'	'FOSTER' HOLLY	10' HT	B&B	AS SHOWN	MATCHED, FULL, STRAIGHT TRUNK	
G	160	JANIPERUS SABINA 'BROADMOOR'	'BROADMOOR' JUNIPER	24"	B&B	36" OC	MATCHED, FULL	
G	21	RHOODODENDRON 'PJM'	'PJM' RHOODODENDRON	24"	B&B	30" OC	MATCHED, FULL	
G	19	MISCANTHUS SINENSIS 'GRACILLIMUS'	'MAIDEN GRASS	5 GC	CONT	AS SHOWN	MATCHED, FULL	
G	3250	BEDUM KAMTSCHATICUM	'PACHYANDRA' BEDUM	2" POT	POT	12" OC	MATCHED, FULL	
G	204	HEMEROCALLIS 'STELLA D'ORO'	'STELLA D'ORO' DAY LILY	1 GC	CONT	15" OC	MATCHED, FULL	
G	66	BUXUS MICROPHYLLA 'WINTER GEM'	'WINTER GEM' BOXWOOD	24"	B&B	30" OC	MATCHED, FULL	
G	40 CY	SHREDDED BARK MULCH	PACHYANDRA	2" POT	POT	12" OC	MATCHED, FULL	
G	4,765 SY	SOD LAWN						



Landscape Plan For:
Blue Ocean
Chesterfield, Missouri



T. Susan Sayers
President
12412 Powerscourt - Suite 275
St. Louis, Missouri 63131
Office: 314-271-7326 Fax: 314-833-1009

Job No. 07-099

L 1

Date: 8-06-07



VIII.D.

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

Planning Commission Staff Report

Meeting Date: August 30, 2007

From: Aimee Nassif, Senior Planner of Zoning Administration

Subject: Rezoning Vote Report

Location: 16861 Chesterfield Airport Road

Petition: P.Z. 34-2007 Blue Ocean (Johnny Y Properties)

Proposal Summary

Chris Kehr has submitted an application for a change of zoning from “M3” Planned Industrial District to “PC” Planned Commercial District per the regulations of the City of Chesterfield Zoning Ordinance Section 1003.140.

Staff Recommendation

The Attachment A for this request meets all of the development requirements of the City of Chesterfield and therefore, Staff recommends approval of the change of zoning from “M3” Planned Industrial District to “PC” Planned Commercial District.

Zoning Analysis

A preliminary plan accompanies all rezoning requests when the change of zoning is to a Planned District. When a vote is taken on a rezoning request, the vote is to approve the change of zoning with an Attachment A written by Staff.

The vote is not to approve the accompanying preliminary plan which is provided for informational purposes only.

While preparing the Attachment A for this development, Staff reviewed the conditions established in the Comprehensive Plan and Zoning Ordinance. The Attachment A requires that this development will adhere to the requirements of both. As indicated previously, the Petitioner did submit for a variance to the landscape buffer requirement of the City of Chesterfield’s Tree Manual. This request was approved by the Director of Planning and Public Works on August 13, 2007. The buffer established for this development site is as shown on the landscape plan marked as Exhibit A and made part of the Attachment A.

Surrounding Land Use and Zoning

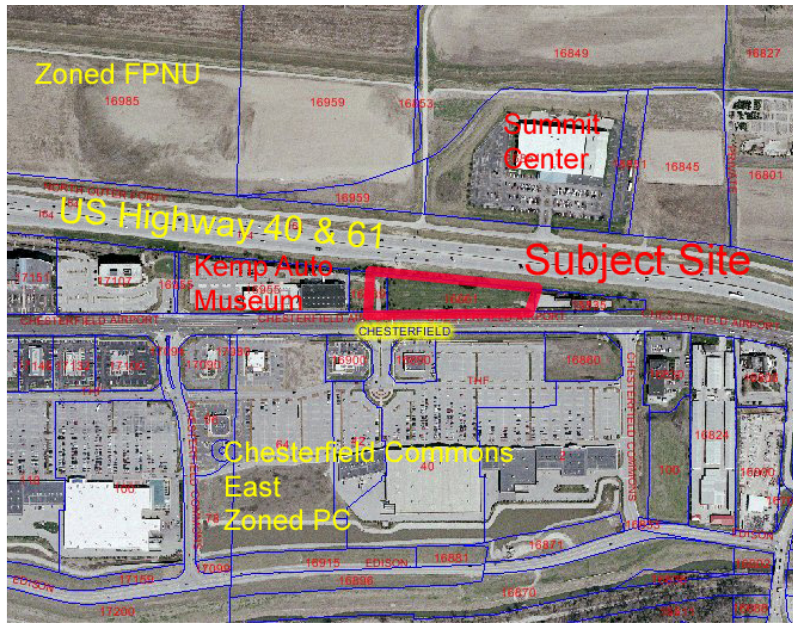
The land use and zoning for the properties surrounding this parcel are as follows:

North: The property to the north is Summit Center and is zoned "PC" Planned Commercial District.

South: The property to the south is the Chesterfield Commons East and is zoned "PC" Planned Commercial District.

East: The property to the east is the Sach's Maintenance Facility and zoned "M-3" Planned Industrial District.

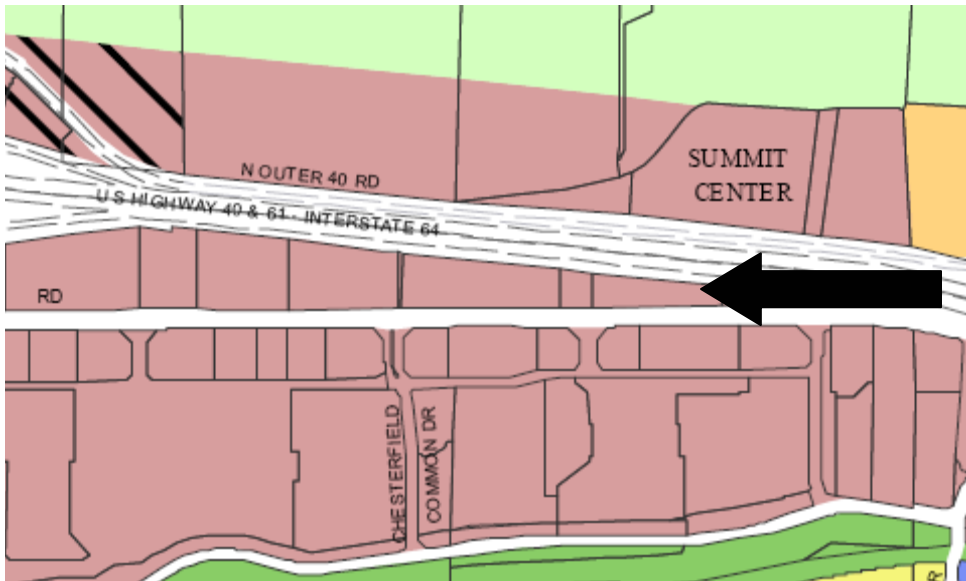
West: The property to the west is the Kemp Auto Museum and is zoned "PC" Planned Commercial District.



Looking north, across subject site.

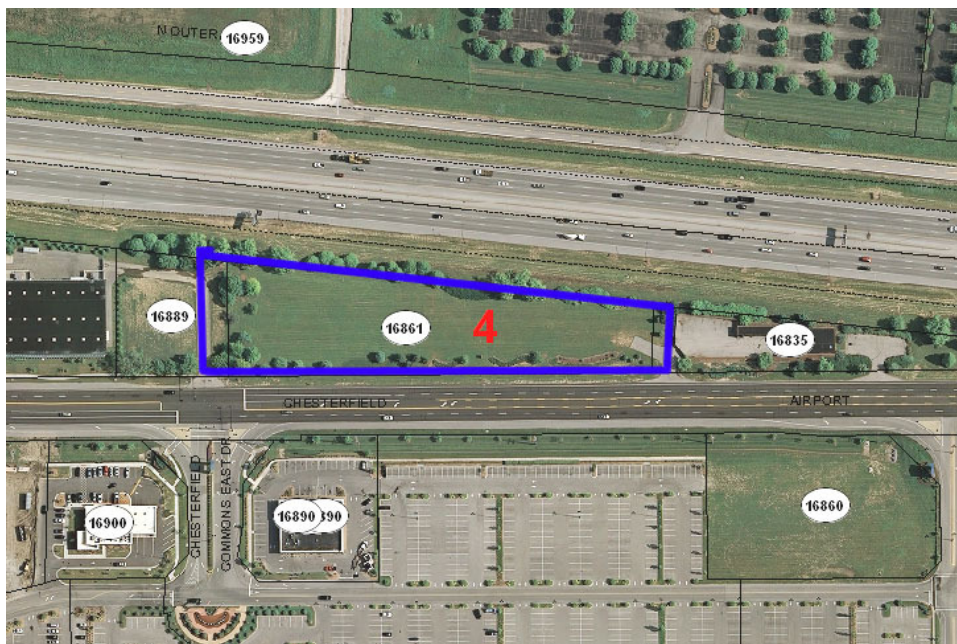
Comprehensive Plan Analysis

The subject site is located within Ward 4 of the City of Chesterfield. The Comprehensive Plan designates this area as being Mixed Commercial Use.



Site Area History

The site is currently zoned "M3" Planned Industrial District. The site is approximately 2.7 acres and is located east of the Kemp Auto Museum. In July, the City of Chesterfield approved a boundary adjustment plat which adjusted the lot line between the subject site and the property immediately west. The resulting boundary adjustment shifted the property line approximately 35 feet to the west. The rendering below shows the resulting property line for this development and the shared access with the Blue Ocean site and Kemp Auto Museum.

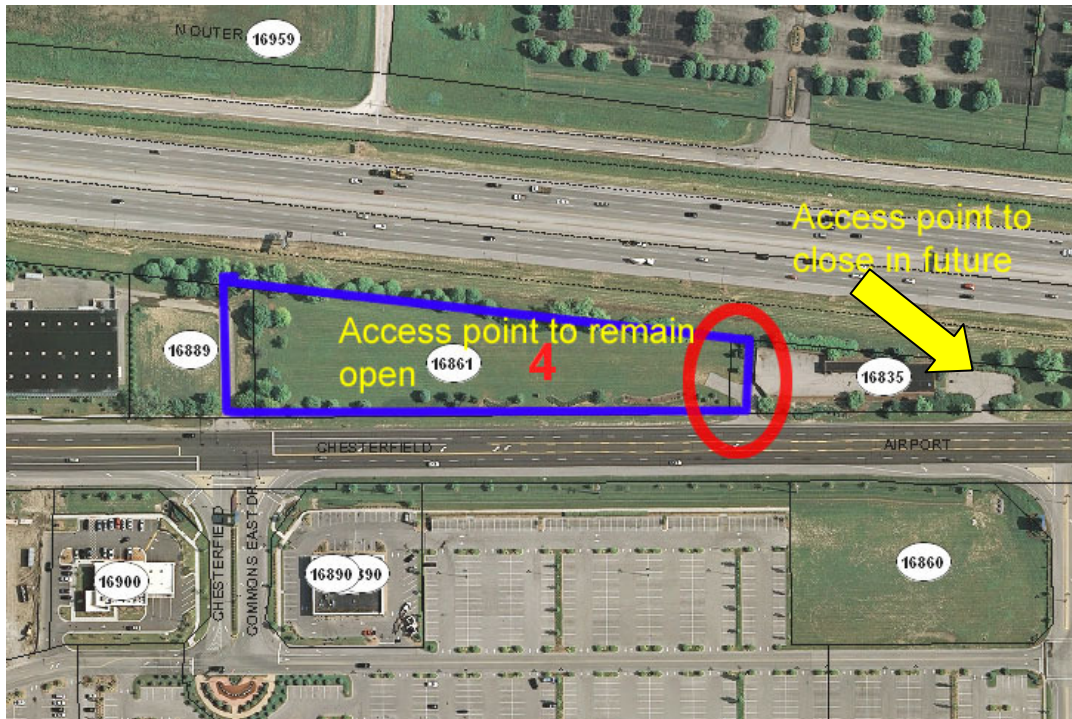


Issues

A public hearing was held on this request on July 9, 2007 and there were no speakers. At the last meeting, there were several issues in regards to access for the site and internal circulation. Attached please find Petitioner's response to these items.

Internal circulation for this site will be reviewed in depth during site development plan review. The petitioner will have to adhere to the conditions in the Attachment A, the City Code, as well as the City of Chesterfield's Access Management Guidelines. While the Preliminary Plan is submitted during a rezoning for informational purposes only, Staff has advised the Petitioner and their engineer that concerns exist regarding the circulation for both pedestrian and vehicular traffic as shown on the preliminary plan.

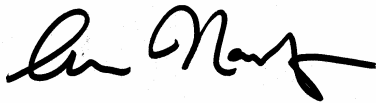
An issue was raised regarding the access to the site from Chesterfield Airport Road; specifically the access on the easternmost end of the site. Below is a rendering which depicts that existing access which is shared with the Sach's Maintenance Facility (and is circled in red). The Department of Planning and Public Works has communicated to the Petitioner that if at such time the Sach's Maintenance Facility site comes in to develop, the City will request that the access point on the east side of the Facility building be eliminated. Petitioner has agreed with to eliminate this easternmost access point when the site comes in to be developed.



Request

Staff has reviewed the change of zoning request from "M3" Planned Industrial District to "PC" Planned Commercial District and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield. Staff requests action on P.Z. 34-2007 Blue Ocean (Johnny Y Properties).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Aimee Nassif". The signature is fluid and cursive, with a long horizontal stroke at the end.

Aimee Nassif
Senior Planner of Zoning Administration

Attachments

1. Attachment A
2. Letter from Petitioner
3. Preliminary Plan

Kent Kehr & Associates, P C Inc.

Attorneys at Law
911 South 13th Street
St. Louis, MO 63103
(314) 241-6014
Fax (314) 621-8749
E-mail: ckehr@kdkpc.com

August 14, 2007

Ms. Aimee Nassiff
Senior Planner of Zoning Administration
City of Chesterfield
690 Chesterfield Parkway W
Chesterfield, MO 63017-0760

RE: **P.Z. 34-2007 Blue Ocean (Johnny Y Properties)**

Dear Aimee:

Below is the Petitioner's response to your comments:

1. There is concern regarding the vehicular and pedestrian circulation throughout the site.
Response: Petitioner has made the changes to the site plan requested by Monarch Fire to meet their minimum turning radii. Petitioner believes the revised site plan, submitted herewith, otherwise complies with the requirements of the City of Chesterfield and provides adequate, safe and appropriate circulation for both vehicular and pedestrian traffic.
2. Address the concern regarding both of the access points for this development. Specifically, concern regarding the access point on the eastern end of the development site.
Response: The access proposed on the west side is a shared access for both the subject site and the Kemp Museum property to the west and is centered across from the existing access on the south side of Airport Road. The access, as proposed, meets St. Louis County Traffic's requirements and Chesterfield's requirements, as well as Monarch's requirements in all respects. The access proposed for the east side of the subject property is an existing access, and provides access to the subject site as well as the existing site to the East. As Mike Geisel indicated, Petitioner would agree to the elimination of the existing second access on the east side of the adjacent parcel, if and when that property is redeveloped, and use the proposed access as shown on the site plan for access to both parcels. Elimination of the current proposed east-shared access would result in significant loss of parking, making the proposed use economically unfeasible.

3. Parking spaces on the east side of the site should not be situated so that cars will back into the entrance drive.

Response: The revised site plan eliminates the parking stalls that create the conflict.

4. Provide comments/approval from the Monarch Fire Protection District.

Response: Petitioner has met with David Nichols of Monarch Fire Protection District, who reviewed and agreed on the necessary changes to the internal drive radii. The revised site plan modifies the turning radii in a manner to meet their requirements. A copy of Monarch's specifications and requirements are attached. The revised site plan has been provided to Mr. Nichols, and he has agreed to make every effort to respond to the revised site plan before the next meeting of the Commission, but could not provide a response today. We hope that the attached specifications will allow staff to confirm that the revised site plan does meet Monarch's requirements and address their previous comments.

Very truly yours,

Christopher M. Kehr

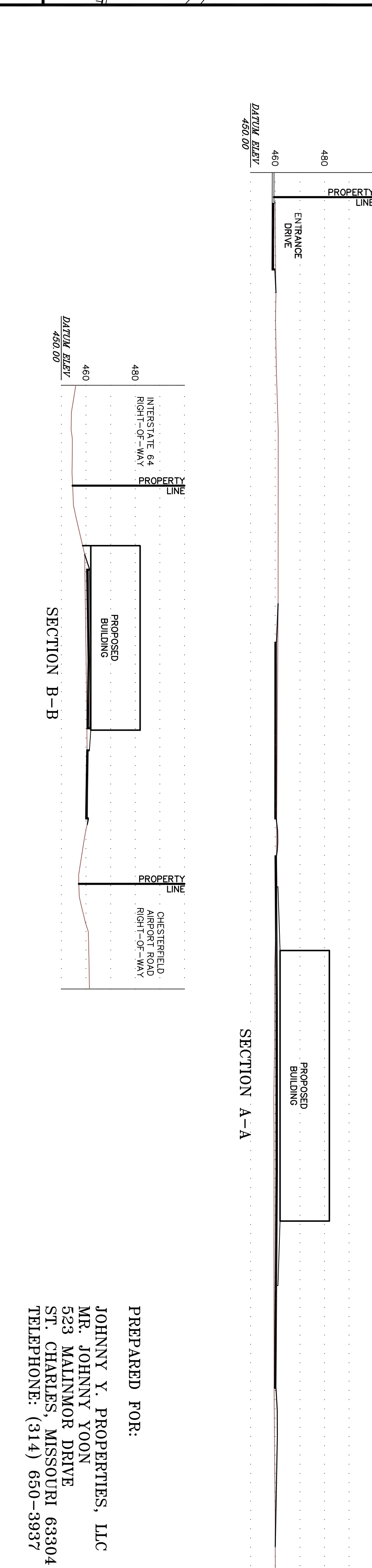
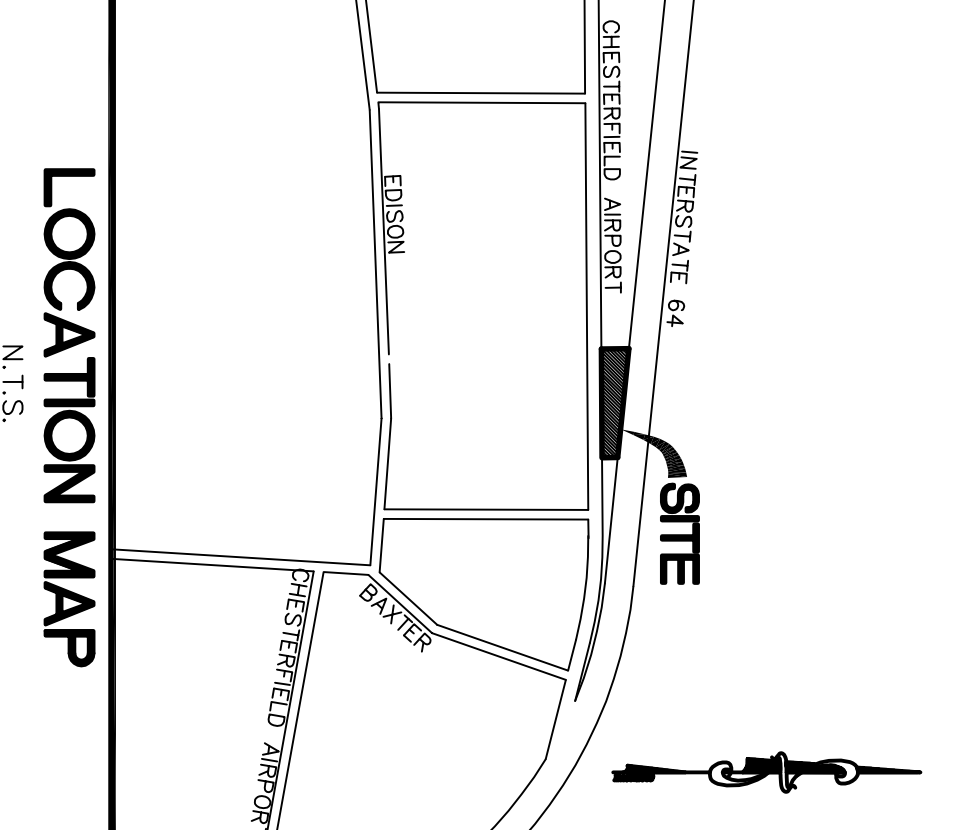
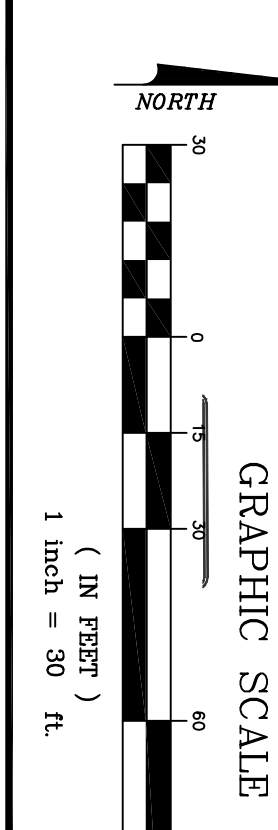
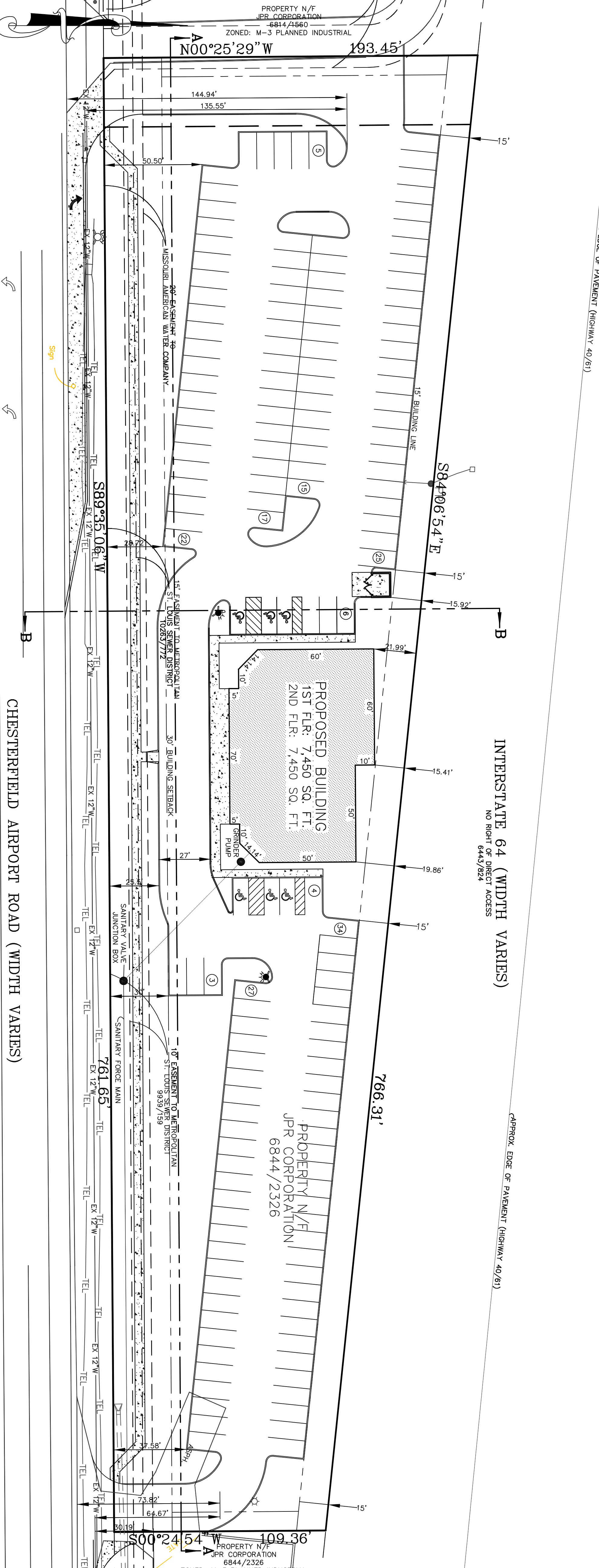
cc: Johnny Yoon
Jim Reisch
J.R. Smith

A PRELIMINARY DEVELOPMENT PLAN OF BLUE OCEAN

A TRACT OF LAND BEING PART OF THE
LOTS C 802 THRU C 803 OF
KEMP AUTOMOBILE MUSEUM SUBDIVISION
PLAT BOOK 754, PAGES 824-825,
TOWNSHIP 45 NORTH, RANGE 4 EAST,
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

General Notes

1. Area of Site: 2.65 Acres.
2. Existing Zoning: M-3 Planned Industrial
3. Proposed Zoning: PC - Planned Commercial
4. Proposed Building Use: Restaurant
5. This Site is served by the following utilities:
Water: Missouri American Water Company;
Sanitary Sewer: Metropolitan St. Louis Sewer District;
Electric: AmerenUE;
Telephone: SBC Telecommunications Company
6. This Site is located in the following service areas:
Fire Protection: Manoch Fire Protection District
7. The following Height and Area Requirements pertain to this Site:
Minimum Building Setback from Chesterfield Airport Road: 30 feet
Minimum Building Setback from Interstate 64: 15 feet
Minimum Parking Setback from Interstate 64: 12 feet
The required number of off-street parking spaces for this site is 155, calculated as follows:
353 seats (1 p.s./3 seats) = 121 p.s.
50 employees (2 p.s./3 employees) = 34 p.s.
- 8.
9. The number of off-street parking spaces provided for this site is 155 spaces, including 8 HIC spaces.
10. Open Space Calculation (Grass & Sewalk):
(71,574 sq. ft.)/(15,316 sq. ft.)(.00) = 41.67% (30% min.)
11. Project Benchmark: MSD No. 12-171, Standard aluminum disk stamped Chesterfield Airport Road and Republic Drive on 05/05/06
12. Underground utilities have been plotted from available information only. The verification of the location of all underground utilities, either shown or not shown on these plans shall be the responsibility of the contractor. Construction of the improvements and construction of the improvements shall conform to the current City of Chesterfield standards.
13. All construction procedures and materials shall conform to the current City of Chesterfield standards.
14. The property owner:
JPR Corporation c/o Spahn Properties Inc.
P.O. Box 704
Saint Louis, MO 63177



DATE:	NO.:	REVISION:	DRAWN:	CHECKED:	PROJECT NO.:	SHEET NO.:
MAY 2007			J.R.S.			1 OF 1

MUSLER ENGINEERING COMPANY
CIVIL ENGINEERING - PLANNING - LAND SURVEYING
32 Portwest Court, St. Charles, Missouri 63303
Telephone: (636) 916-0444
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PREPARED FOR:
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TELEPHONE: (314) 650-3937