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## Planning Commission Staff Report

**Project Type:** Site Development Plan Time Extension

**Meeting Date:** October 08, 2012

**From:** Purvi Patel  
Project Planner

**Location:** 14767 North Outer 40 Road

**Petition:** P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC)

**Description:** **Highland on Conway (P.Z. 15-2010 Time Extension)**: A request for an eighteen (18) month extension of time to submit a Site Development Plan for a 5.2909 acre tract of land zoned "PC" Planned Commercial District located on the north side of US Highway 40/Interstate 64 east of its intersection with Chesterfield Parkway and west of its intersection with Timberlake Manor Parkway (Locator ID: 18R110745).

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### **PROPOSAL SUMMARY**

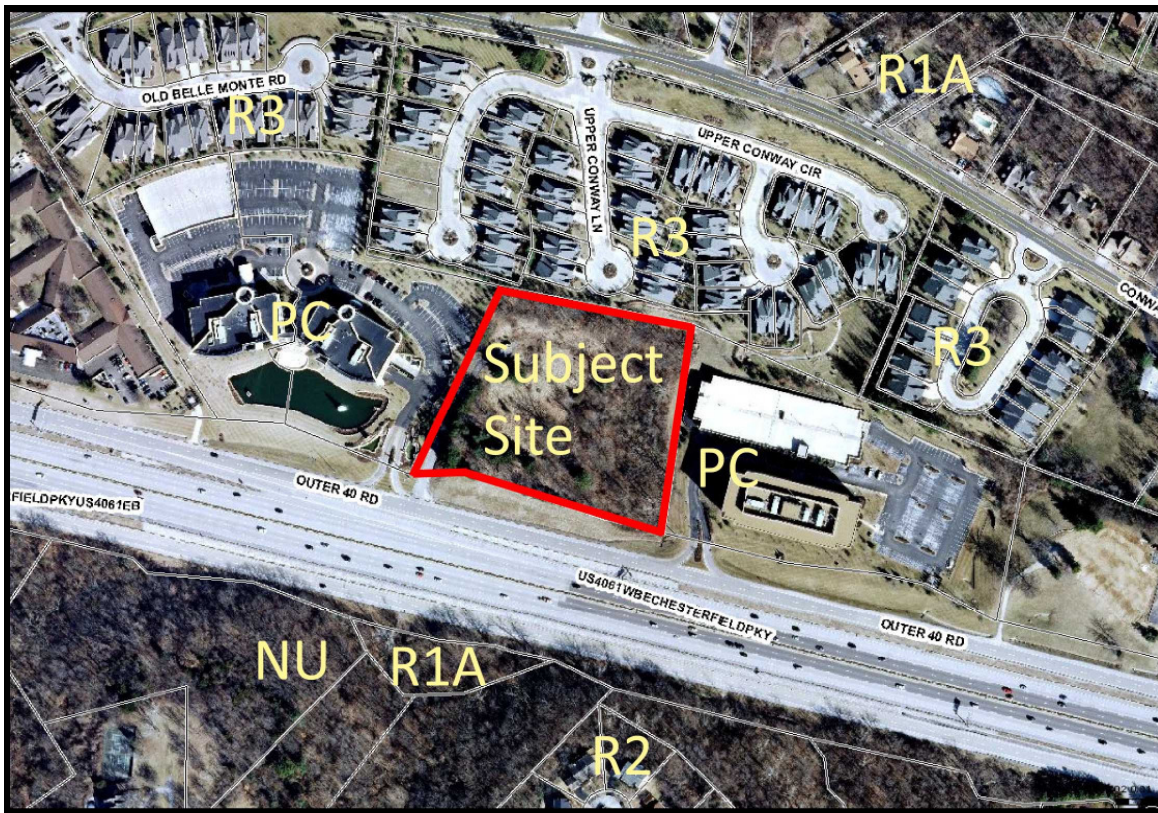
John King of Lathrop & Gage, LLP, on behalf of Delmar Gardens, has submitted a request for an eighteen (18) month extension of time to submit a Site Development Plan for P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC). The Planning and Development Services Division has reviewed the request and submits the following report.

### **LAND USE AND ZONING HISTORY OF SUBJECT SITE**

In May of 2011, the City of Chesterfield approved Ordinance 2651 which changed the zoning of the subject site from "PC" Planned Commercial to "PC" Planned Commercial in order to construct an office building for general, medical, and dental office uses. The subject site originally obtained "PC" Planned Commercial Zoning in 2002 with the passage of Ordinance 1870 and was entitled the land use of office, general.

**Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Residential	"R-3" Residence District
South	Highway 40-61, I-64	Highway 40-61, I-64
East	Commercial (Office - general)	"PC" Planned Commercial
West	Commercial (Office – general, medical, and dental)	"PC" Planned Commercial



**SUBMITTAL INFORMATION**

City of Chesterfield Ordinance 2651 has the standard requirement for a Site Development Plan or Site Development Concept Plan to be submitted within 18 months of the date of approval of the change of zoning by the City. However, where due cause is shown by the developer, the time interval may be extended by the Planning Commission. Failure to comply with the established time limits will result with expiration of the preliminary plan and a new Public Hearing will have to be held. A letter from the applicant is attached to this report and provides details for this request.

Per the requirements of Ordinance 2651, a Site Development Plan is required to be submitted by November 16, 2012. The current request is to allow for an eighteen (18) month time extension of the requirement of the submission of a Site Development Plan from the date of approval. The request cites current economic conditions as a basis for their request.

**DEPARTMENTAL INPUT**

Staff has reviewed the request for an extension of time to file a Site Development Plan and the conditions for development contained within the Attachment A of the City of Chesterfield Ordinance 2651. Based on this review, Staff has no concerns with an eighteen (18) month extension for the submittal of a Site Development Plan as requested by the applicant and recommends approval of the request. **If approved, the time extension would be valid until April 08, 2014.**

**MOTION**

The following options are provided to the Planning Commission for consideration relative to this application:

- 1) "I move to approve (or deny) the request for an eighteen (18) month extension of time to submit a Site Development Plan for P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC)."
- 2) "I move to approve the request for an eighteen (18) month extension of time to submit a Site Development Plan for P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC) with the following conditions..." (Conditions may be added, eliminated, altered or modified)

Attachments: Letter from Lathrop & Gage, LLP

cc: Aimee Nassif, Planning and Development Services Director

# LATHROP & GAGE<sup>LLP</sup>

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September 13, 2012

Justin Wyse  
Senior Planner  
City of Chesterfield  
690 Chesterfield Parkway W  
Chesterfield, MO 63017-0760

Re: PZ 15-2010

Dear Justin:

I am in receipt of your letter dated September 10, 2012 concerning Delmar Gardens zoning Petition P.Z. 15-2010. As the attorney for Delmar Gardens I am requesting that Delmar Gardens be granted an eighteen (18) month extension to submit a Site Development Plan. Delmar Gardens thought at the time the property was zoned for an office building that they would have a tenant to lease most of the space. The lease was not consummated and because of economic reasons Delmar Gardens has been unable to obtain a viable tenant for the offices.


If you need any further information please let me know.

Thanks for your help.

Sincerely,

LATHROP & GAGE LLP

By: \_\_\_\_\_

  
John P. King

JPK/mh

cc: Howard Oppenheimer