



Memorandum Department of Planning & Public Works



To: Planning and Public Works Committee
From: Shawn P. Seymour, Project Planner
Date: 10/20/2008

RE: P.Z. 02-2008 Stallone Pointe (Conway Pointe, LLC): A request for a change of zoning from an "R3" Residential District (10,000 sq. ft.) and an existing "PC" Planned Commercial District to a new "PC" Planned Commercial District for a .68 acre tract of land located west of Conway Rd. and Chesterfield Parkway intersection (18S220050 and 18S310085).

Summary

Conway Pointe, LLC. has submitted an application for a change of zoning, from an "R3" Residence District (10,000 sq. ft.) and a "PC" Planned Commercial District to a new "PC" Planned Commercial District to allow for the purpose of relocating a formal wear business on a 0.68 acre tract of land located along Conway Rd. and west of the Conway Rd. and Chesterfield Parkway intersection (18S220050 and 18S310085). The public hearing for this project was held before Planning Commission on March 10, 2008. At the October 13, 2008 Planning Commission meeting, a recommendation for approval of the above referenced matter was approved by a vote of 8-0. The Planning Commission also approved a reduction in the structure setback along the eastern property line from thirty-five (35) feet to ten (10) feet by a vote of 8 – 0.

Attached please find a copy of Staff's report, the Attachment A, and the Preliminary Plan.

Respectfully submitted,

Shawn P. Seymour, AICP
Project Planner

Respectfully submitted,

Mara M. Perry, AICP
Senior Planner

CC: Michael G. Herring, City Administrator
Rob Heggie, City Attorney
Michael O. Geisel, Director of Planning & Public Works
Aimee Nassif, Director of Planning & Development Services



VIII.B

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Planning Commission Staff Report

Subject: Vote Report

Meeting Date: October 13, 2008

From: Shawn P. Seymour, Project Planner

Location: 13451, 15446, 15400 Conway Road

Petition: P.Z. 02-2008 Stallone Pointe (Conway Pointe LLC)

Proposal Summary

Conway Pointe, LLC. has submitted an application for a change of zoning from an "R3" Residence District (10,000 square feet) to a "PC" Planned Commercial District and the amendment of an existing "PC" Planned Commercial District per the regulations of the City of Chesterfield Zoning Ordinance Section 1003.140.

The petitioner is also requesting consideration of a reduction in the setback requirements for this site. Ordinance 1747, requires that a thirty-five (35) foot setback exist where a "PC" Planned Commercial District with a retail use abuts an "R3" Residence District (10,000 square feet). The applicant is requesting a ten (10) foot setback.

Staff Recommendation

Staff has written the Attachment A to include modifications to the buffer requirements of the Tree Manual, per previously approved variance request. All other aspects of the Attachment A meet the development requirements of the City of Chesterfield and therefore, staff requests action on the change of zoning from "R3" Residence District (10,000 square feet) to a "PC" Planned Commercial District and the amendment of an existing "PC" Planned Commercial District.

Ordinance 1747 provides performance standards for retail development. The Planning Commission has the authority to grant amendments to these performance standards if it may be demonstrated that said amendments will encourage, promote, and reward good architecture and urban planning. This amendment procedure requires a separate two-thirds vote (6 Commissioners) by the Planning Commission.

Zoning Analysis

A preliminary plan accompanies all zoning map amendment requests when the change of zoning is to a Planned District. When a vote is taken on a change of zoning request, the vote is to approve the change of zoning with an Attachment A as written by Staff. The vote is not to approve the accompanying preliminary plan which is provided for informational purposes only.

The petitioner is requesting the change of zoning to allow for the construction of a new building for the purpose of relocating a formal wear business. A portion of the petitioner's property is currently zoned for the location of such land use; however the property is too small to construct a new building. Consequently the petitioner purchased the adjacent property with the plan to amend its zoning and combine the two properties in an effort to obtain approval for the desired development.

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 Conway Road is the Residence Inn and is zoned "C8" Planned Commercial District.
- East: The property to the east is a single family detached residence and is zoned "R3" Residence District (10,000 square feet).
- West: The property to the west is undeveloped and is zoned "C8" Planned Industrial District.
- South: The property to the south is U.S. Highway 40/Interstate 64.





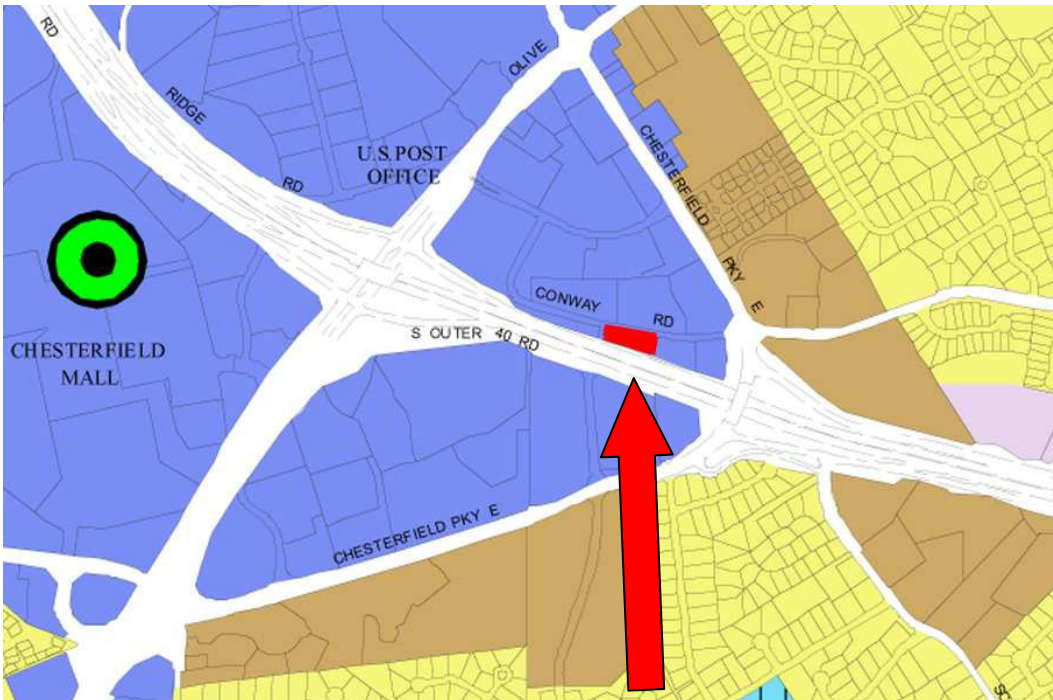
View looking east at the site



View looking west at the site

Comprehensive Plan Analysis

The Comprehensive Plan Land Use Map depicts this property as Urban Core and is defined as; "the area known as Chesterfield Village, centered at the intersection of I-64/US 40 and Clarkson Road/Olive Boulevard and primarily served by the Chesterfield Parkway. Land uses for the Urban Core include a mixture of high-density residential, retail, and office uses containing the highest density development in Chesterfield." The subject site is not located in any sub area of the Comprehensive Plan.



Site Area History

In February of 2006, the City of Chesterfield approved Ordinance 2240 granting the approval of a change of zoning from an "R3" Residence District (10,000 square feet) to a "PC" Planned Commercial District.

Issues

A public hearing was held for this request on March 10, 2008; at that time, several issues were identified. On July 14, 2008, those issues were further discussed by the Planning Commission during an Issues Meeting.

The following issues have been addressed:

1. The proposed hours of operation have been integrated into the Attachment A.
2. The nearest access points along Conway Road meet current access management standards and will be reviewed with the site development plan.
3. The "market use" is standard language in use (rr) of the "PC" Planned Commercial District of the City of Chesterfield Zoning Ordinance.
4. The site as designed does not meet the buffer requirements of the City of Chesterfield Tree Manual. The Department of Planning & Public Works has reviewed two variance requests from the buffer requirement of the Tree Manual and has made the following determinations:
 - a) The Tree Manual, Ord. 2367, requires that a 30 foot buffer be provided along non-residential districts that abut residential districts. The applicant had requested locating a 6 foot high sight proof fence in lieu of the buffer. The Department has approved a reduced buffer of 10 feet.
 - b) The Tree Manual, Ord. 2367, requires that a 30 foot buffer be provided where properties abut an arterial route, in this case US Highway 40/Interstate 64. The applicant had requested a lesser buffer of a minimum 13.3 feet to the west and a minimum of 20 feet to the east. The Department has approved the modified buffer as requested.

The following issue remains open:

Ordinance 1747, requires that a 35 foot setback exist where a "PC" Planned Commercial District with a Retail Use abuts an "R3" Residence District (10,000 Square Feet). The applicant is proposing a ten 10 due to the Comprehensive Plan Land Use Designation for the adjacent property. Both properties are designated Urban Core; as such the land uses commonly associated with this designation are office and commercial. If both properties were zoned accordingly, per Ordinance 1747, no minimum setback would be required.

Ordinance 1747 provides performance standards for retail development. The Planning Commission has the authority to grant amendments to these performance standards if it may be demonstrated that said amendments will encourage, promote, and reward good architecture and urban planning. This amendment procedure requires a separate two-thirds vote (6 Commissioners) by the Planning Commission.

P.Z. 02-2008 Stallone Pointe (Conway Pointe LLC)

Vote Report

10/08/2008

Request

Staff requests action on the Attachment A as written by the Department of Planning & Public Works for P.Z. 02-2008 Stallone Pointe (Conway Pointe LLC).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SPS', written over a horizontal line.

Shawn P. Seymour, AICP
Project Planner

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mara M. Perry', written over a horizontal line.

Mara M. Perry, AICP
Senior Planner

Attachments:

1. Attachment A
2. Preliminary Plan

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. Service facilities, studios, or work areas for dressmakers and tailors. Goods and services associated with these uses may be sold or provided directly to the public on premises.
 - b. Stores, shops, markets, service facilities, open to the general public on the premises.
3. Hours of Operation.
 - a. Hours of operation for this "PC" Planned Commercial District shall be 8:00 AM to 10:00 PM.

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 two (2) stories.
2. BUILDING REQUIREMENTS
 - a. A minimum of forty-five percent (45%) open space is required for this development.

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. Ten (10) feet from the right-of-way of Conway Road on the northern boundary of the "PC" Planned Commercial District.
- b. Twenty (20) feet from the southern boundary of the "PC" Planned Commercial District.
- c. Thirty-five (35) feet from the eastern boundary of the "PC" Planned Commercial District.
- d. Thirty (30) feet from the western boundary of the "PC" Planned Commercial 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. Ten (10) feet from the right-of-way of Conway Road.
- b. Thirteen (13) feet from the southern boundary of the "PC" Planned Commercial District.
- c. Fifteen (15) feet from the eastern boundary of the "PC" Planned Commercial District.
- d. Fifteen (15) feet from the western boundary of the "PC" Planned Commercial 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. No parking of any kind shall be permitted along Conway Road, from Chesterfield Parkway East to Swingley Ridge Road.
3. 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.
3. No construction related parking shall be permitted within the Conway Road right-of-way.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code with the following exceptions.
 - a. A buffer shall be provided along the entire length of the eastern side of the property bearing N 04°35'00"W a minimum width of 10 feet.
 - b. A buffer shall be provided along the entire southern side of the property bearing S 70°09'00"W a minimum width of 20 feet in the east nearest the structure and a minimum of 13.3 feet in the west nearest the parking lot.

F. SIGN REQUIREMENTS

1. 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.
2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

G. LIGHT REQUIREMENTS

1. 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.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. Access to Conway Road shall be limited to one commercial entrance. The commercial entrance will be located in accordance with the City's Access Management Ordinance and as directed by the City of Chesterfield.
2. No direct access to Highway 40/61 will be permitted.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Improve Conway Road along the entire frontage of the site to complete the full width improvements required for a 40 foot wide right of way and a 27 foot pavement, including 6 inch vertical curb, required tapers, and storm drainage facilities, as directed by the City of Chesterfield's Department of Public Works. Roadway Improvements will be required to complete pavement widening extending to the west and east of the site where Conway Road is already constructed at full width.
2. Provide additional right of way for Conway Road along the entire frontage of the site and a 10 foot Permanent Roadway Improvement, Maintenance, Utility, Sewer and Sidewalk Easement adjacent to Conway Road as directed by the City of Chesterfield.
3. All roadway and related improvements shall be completed prior to occupancy for the development.

4. Provide a 4 foot wide sidewalk, conforming to ADA standards, along the Conway Road frontage of the site.
5. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the agency in control of the right of way off of which the entrance is constructed. No gate installation will be permitted on public right of way.

If a gate is installed on a street in a development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic. 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.

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. SANITARY SEWER

1. Easements may be required on this site, encroachments will not be permitted.
2. Extension of public sanitary sewer lines may be required to serve this site and those adjacent. Extension of sanitary sewer lines shall be completed in such a manner as to coordinate with other adjacent parcels. A strong preference shall be shown for gravity

sanitary sewers. Private sanitary laterals may not cross property lines.

3. Formal plan submittal and approval will be required by the MSD prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

N. STORMWATER

1. Extend and connect the existing 18 inch storm sewer pipe across the proposed property to the existing facilities downstream.
2. Analysis and verification of the adequacy of the downstream sewers shall be provided.
3. 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.
4. 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 (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.

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. This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) or more acres.

2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.
3. All utilities will be installed underground.

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 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.

V. TRUST FUND CONTRIBUTION

- A. The developer shall be required to contribute to the **Chesterfield Valley Road 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.

This contribution shall not exceed an amount established by multiplying the ordinance required parking spaces for the difference between the existing and proposed uses by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Retail Use	\$1,668.47/Parking Space
Loading Space	\$2,730.25/Loading Space

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

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

Credits for roadway improvements required will be awarded as directed by Saint 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 Saint Louis County Department of Highways and Traffic.

Please note that no TGA credit will be given for municipal road improvements.

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

The amount of this required contribution, if not submitted by January 1, 2009 will 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.

Traffic generation assessment contributions shall be deposited with the Saint Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer will provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

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.

