

III.A.

Memorandum Department of Planning & Public Works



TO: PLANNING AND PUBLIC WORKS COMMITTEE

FROM: JUSTIN WYSE, PROJECT PLANNER

DATE: NOVEMBER 24, 2009

RE: P.Z. 04-2009 SPIRIT ENERGY, LLC (13506 OLIVE BLVD): A request for a change of zoning from a “C2” Commercial District to a “PC” Planned Commercial District for a .31 acre tract of land located at 13506 Olive Blvd at the southwest corner of Olive Blvd and Woods Mill Road (Locator Number 16Q330902).

Summary

Mike Doster, on behalf of Equilon Enterprises, LLC, has submitted a request for a change of zoning from a “C-2” Shopping District to a “PC” Planned Commercial District. The subject site is a 0.31 acre site previously developed as a filling station. Currently, St. Louis County Condition Use Permit #17 permits a filling station on the site. A Public Hearing for this request was held on July 13, 2009. At that time, the Planning Commission identified several issues. The petitioner submitted a letter addressing the issues identified and staff has included its analysis in the attached Planning Commission Vote Report.

In conjunction with the request for the change in zoning, the Petitioner requested a modification of the open space requirement. As this Petition was filed with the City of Chesterfield prior to the passage of Ordinance 2527, which modified the regulations of the “PC” Planned Commercial District, the open space required for the project is 40%. The request is to provide 17.47% open space on the site.

At the November 23, 2009 Planning Commission meeting, two votes were required on the request. First, a 2/3 affirmative vote was required for a positive recommendation regarding the modification to the open space requirement. The motion passed by a vote of 8-0. Next, a vote was required for recommendation on the change in zoning to a “PC” Planned Commercial District with the accompanying Attachment A. This motion passed by a vote of 8-0.

Planning & Public Works Committee
P.Z. 04-2009 Spirit Energy, LLC (13506 Olive Blvd)
12/10/2009

Attached please find a copy of Staff's report to the Planning Commission, the Attachment A, the Petitioners response to the issues letter, and the Preliminary Plan.

Respectfully submitted,



Justin Wyse, AICP
Project Planner

Respectfully submitted,



Annissa McCaskill-Clay, AICP
Lead Senior Planner

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

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 District shall be:
 - a. Filling station
 - b. Restaurants, fast food, with drive-through service
 - c. Restaurants, sit down
 - d. Stores, shops, markets, service facilities and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public on the premises.
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.

B. HEIGHT AND BUILDING REQUIREMENTS

1. Height
 - a. The maximum height of the building, exclusive of roof screening, shall not exceed 35 feet or two stories, whichever is less.
2. Building Requirements
 - a. A minimum of 17.47% openspace 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. Forty (40) feet from the right-of-way of Olive Blvd.
- b. Fifty (50) feet from the right-of-way of Woods Mill Road.
- c. Twenty (20) feet from the southern boundary of this "PC" District.
- d. Thirty (30) feet from the western boundary of this "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. Zero (0) feet from the right-of-way of Olive Blvd.
- b. Zero (0) feet from the right-of-way of Woods Mill Road.
- c. Zero (0) feet from the western boundary of this "PC" District.
- d. Zero (0) feet from the southern boundary of this "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 parking shall be permitted within the Olive Boulevard or State Route 141 (Woodsmill Road) right-of-way.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. 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.

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 City of Chesterfield on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the City of Chesterfield.

I. ACCESS/ACCESS MANAGEMENT

1. Access to Olive Boulevard shall be limited to one entrance close to the west property line. The location and geometry of the access shall be as directed by the Department of Planning and Public Works, the Missouri Department of Transportation, and / or St. Louis County Department of Highways and Traffic. The west edge of the entrance shall be at least 10 feet east of the west terminus of the median on Olive Boulevard. Should alternate access and adequate circulation be made available to the site prior to approval of the Site Development Plan, no direct access to Olive Boulevard shall be permitted. Should alternate access be made available after development of the site, the access to Olive Boulevard shall be removed at such time as a significant change is made to the building or the site layout as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

2. Access to State Route 141 (Woods Mill Road) shall be limited to one entrance close to south property line. Should alternate access and adequate circulation be made available to the site prior to approval of the Site Development Plan, no direct access to State Route 141 (Woods Mill Road) shall be permitted. Should alternate access be made available after development of the site, the access to State Route 141 (Woods Mill Road) shall be removed at such time as a significant change is made to the building or the site layout as directed by the City of Chesterfield, St. Louis County Department of Highways and Traffic and / or the Missouri Department of Transportation. The location and geometry of the access shall be directed by the Department of Planning and Public Works, St. Louis County Department of Highways and Traffic and / or the Missouri Department of Transportation.
3. Ingress and egress must conform to the relevant access management guidelines and must be reviewed and approved by the City of Chesterfield, St. Louis County Department of Highways and Traffic, and / or MoDOT. Any changes to the entrance geometrics and drainage design shall be in accordance with the MoDOT or St. Louis County standards and shall be reviewed and approved by MoDOT and / or St. Louis County.
4. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT and / or St. Louis County right of way.
5. All drainage detention storage facilities shall be placed outside of the standard governmental agencies planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.
6. Any work within MoDOT's right-of-way will require a MoDOT permit.
7. Installation of a curb and a visual barrier between the proposed property and adjacent site – fence, railing or architectural feature that may integrate the materials of the adjacent structures – shall be constructed along the perimeter of the site until such time that cross access becomes available.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide any additional right-of-way and construct any improvements to Olive Boulevard and State Route 141 (Woodsmill Road), as required by the Missouri Department of Transportation.
2. All roadways and any related improvements shall be completed prior to final paving of the parking lot for the development.
3. Provide a five (5) foot sidewalk, conforming to ADA standards, along the Olive Boulevard and the State Route 141 (Woodsmill Road) frontage of the site.

The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a six (6) foot wide sidewalk, maintenance and utility easement.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield, St. Louis County Department of Highways and Traffic 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.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance(s) onto Olive Blvd. and/or Woodsmill Road. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield, St. Louis County Department of Highways and Traffic and/or the Missouri Department of Transportation.

L. POWER OF REVIEW

1. 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.
2. 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 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.

3. The developer 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. Drainage detention storage facilities should 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.

N. SANITARY SEWER

1. Private sanitary sewer laterals may not cross property lines.

O. GEOTECHNICAL REPORT

1. 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.
3. A grease trap and sampling manhole are required at all restaurants.

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, the Missouri Department of Transportation, and St. Louis County Department of Highways and Traffic.
22. Compliance with Sky Exposure Plane.

V. 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.

VI. 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.



VIII.A.

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Planning Commission Vote Report

Subject: Change of Zoning Vote Report

Meeting Date: November 23, 2009

From: Justin Wyse, AICP, Project Planner
Annisia McCaskill-Clay, AICP, Lead Senior Planner

Location: Southwest corner of Olive Blvd and Woods Mill Road (Locator Number 16Q330902).

Petition: P.Z. 04-2009 Spirit Energy, LLC (13506 Olive Blvd.)

Proposal Summary

Mike Doster, on behalf of Equilon Enterprises, LLC, has submitted a request for a change of zoning from "C-2" Shopping District to "PC" Planned Commercial District. The subject site is a 0.31 acre site previously developed as a filling station. Currently, St. Louis County Condition Use Permit #17 permits a filling station on the site.

Department Input

As part of the request for a change in zoning, the Petitioner is also seeking a modification to the open space requirement. The preliminary plan submitted to accompany the request for a change in zoning depicts 17.47% open space. The accompanying Attachment A, as written, meets the development requirements of the City of Chesterfield. A separate vote regarding open space is required from the Planning Commission.

Zoning Analysis

The Petitioner is requesting a change of zoning from "C-2" Shopping District to "PC" Planned Commercial District with the list of permitted uses as shown in the Attachment A. In addition, the Petitioner is asking for a modification to the open space requirement from 40% to 17.47%. Below is a summary of the open space requirements of the surrounding area.

TABLE 2: OPEN SPACE REQUIREMENT COMPARISON

	C-2 Shopping District ¹	Current PC District Proposal	Dairy Queen (PC)	Steak and Shake (C-8)	McDonald's (C-8)	First Bank (C-8)
Open Space Requirement	None	17.47%	13% ²	None	None	None

¹ Developments zoned C-2 include Four Seasons Shopping Center, Forum Center, Seven Eleven, Chesterfield Plaza and Jiffy Lube

² Per site plan

Surrounding Land Use and Zoning

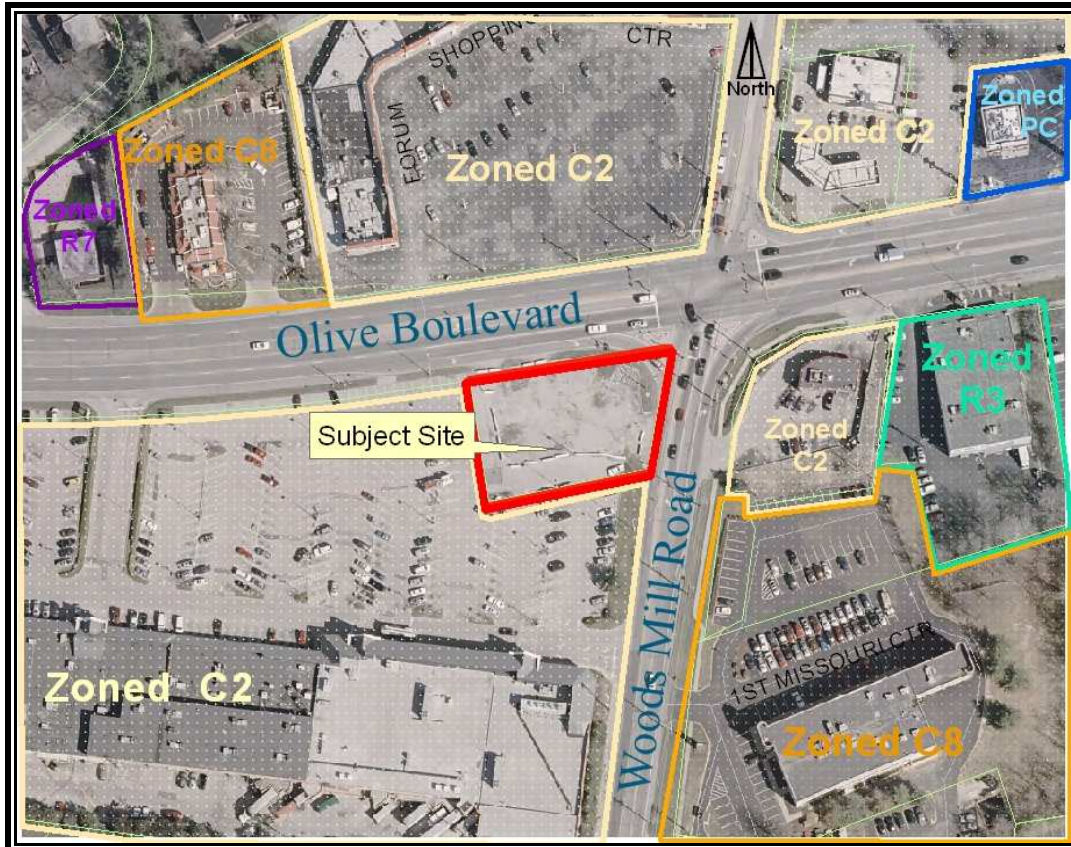
The land use and zoning for the properties surrounding this parcel are as follows:

North: Forum Shopping Center is zoned "C-2" Commercial District.

South: Four Seasons Shopping Center is zoned "C-2" Commercial District.

East: Jiffy Lube is zoned "C-2" Commercial District.

West: Four Seasons Shopping Center is zoned "C-2" Commercial District.





Looking south across the subject site



Looking southeast across the subject site



Looking southeast across the subject site



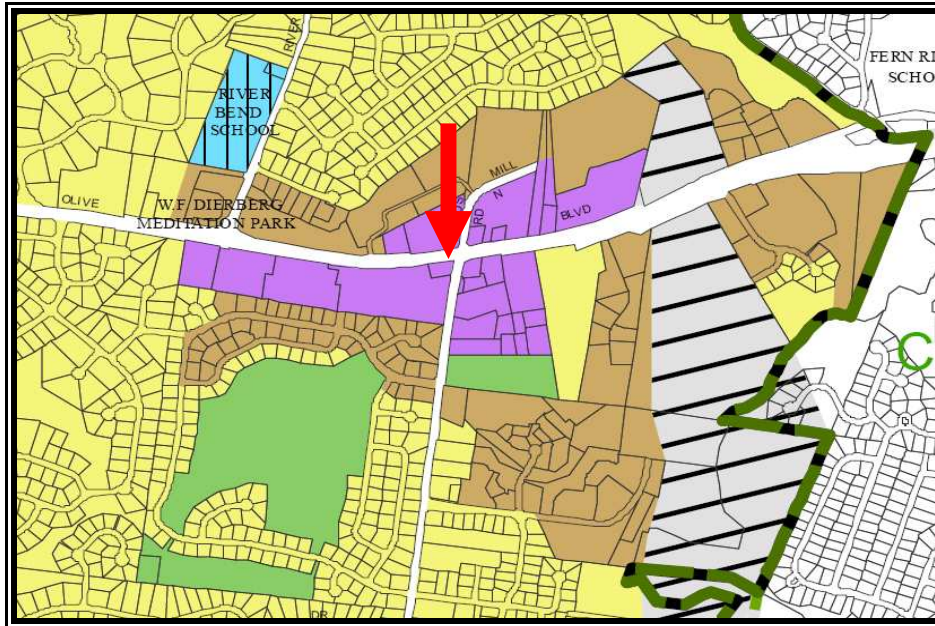
Looking north at the subject site

Comprehensive Plan Analysis

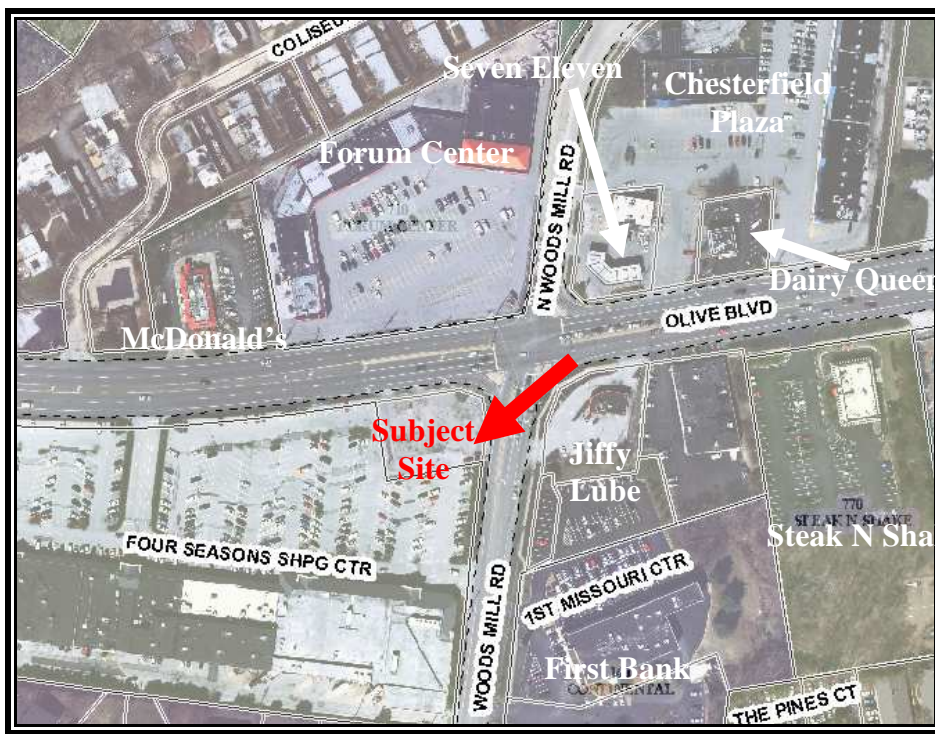
The subject site is located within Ward 1 of the City of Chesterfield. The Land Use Map from the City of Chesterfield Comprehensive Plan designates the subject site as *Community Retail*. *Community Retail* is defined as retail that serves multiple neighborhoods and neighboring communities. Community retail includes a center, characterized by one national anchor store or grocery store at a maximum of 150,000 square feet that provides general merchandise and services and attracts customers from multiple neighborhoods within Chesterfield and neighboring municipalities that will generally travel up to 15 minutes to reach the center.

The subject site is located along the frontage of Olive Boulevard and Woods Mill Road. Immediately south of the site is a grocery store with several other businesses located within the strip center. The development immediately north of the subject site is Forum Shopping Center. Forum Shopping Center is a strip retail development that contains a mixture of retail, restaurant, and other service based tenants. Other developments located in the *Community Retail* area (as designated on the Land Use Map) are consistent with the developments described above.

The proposed request for a change in zoning is consistent with both the existing development in the area and with the *Community Retail* designation as defined in the Comprehensive Plan. Table 2 on the next page shows the current permitted uses on the site compared to nearby developments in the *Community Retail* designation.



Land Use Map from the City of Chesterfield Comprehensive Plan



Adjacent Developments and Aerial Image

TABLE 2: PERMITTED USE COMPARISON

	C-2 Shopping District ¹	Current PC District Proposal	Dairy Queen (PC)	Steak and Shake (C-8)	McDonald's (C-8)	First Bank (C-8)
Auditoriums and other facilities for public assembly	X	--	--	--	--	--
Child care centers, nursery schools, and day nurseries	X	--	--	--	--	--
Churches	X	--	--	--	--	--
Clubs, lodges, and meeting rooms	X	--	--	--	--	--
Fast food restaurants selling only ice cream products, yogurt, or similar dairy dessert products, and soft drinks.	X	--	--	--	--	--
Filling station	X ^{2, 3, 4}	X	--	--	--	--
Financial institutions	--	--	--	--	--	X
Financial institutions, not including drive-through facilities	X	--	--	--	--	--
Libraries and reading rooms	X	--	--	--	--	--
Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles shall be: adequately screened with landscaping, fencing or walls, or any combination thereof; (b) placed underground; or enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area. ⁵	X	--	--	--	--	--
Medical and dental offices	X	--	--	--	--	--
Mortuaries	X	--	--	--	--	--
Offices or office buildings	X	--	--	--	--	X
Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.	X	--	--	--	--	--

TABLE 2: PERMITTED USE COMPARISON (CONTINUED)

	C-2 Shopping District ¹	Current PC District Proposal	Dairy Queen (PC)	Steak and Shake (C-8)	McDonald's (C-8)	First Bank (C-8)
Police, fire, and postal stations	X	--	--	--	--	--
Recreational facilities, including indoor theaters, but not including drive-in theaters, golf practice driving ranges, and outdoor swimming pools.	X	--	--	--	--	--
Restaurants, fast food	--	X	X	X	X	--
Restaurants, including fast food restaurants except those which provide drive through service or those which constitute the only use in a freestanding building.	X	--	--	--	--	X
Restaurants, sit down	--	X	--	X	--	--
Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.	X	--	--	--	--	--
Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public on the premises.	X	X	--	--	--	--

¹ Developments zoned C-2 include Four Seasons Shopping Center, Forum Center, Seven Eleven, Chesterfield Plaza and Jiffy Lube

² Filling station approved on subject site by St. Louis County Conditional Use Permit #17

³ Filling station approved by St. Louis County Conditional Use Permit #137 for 13491Olive Blvd (Seven Eleven)

⁴ Filling station approved by St. Louis County Conditional Use Permit #183 for 13490 Olive Blvd (Jiffy Lube)

⁵ All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

Site Area History

In January 1966, St. Louis County issued Conditional Use Permit #17 for a filling station with service bays. In March 1984, St. Louis County amended Conditional Use Permit #17 to allow twenty-four (24) hour a day operations on this site.

In 2006 Spirit Energy, LLC submitted a request to rezone the site to a Planned Commercial District with the same uses requested in the current petition. The Planning Commission's motion to approve failed by a vote of 2-5. The Planning and Zoning Committee tabled the petition at their February 8, 2007 meeting. On February 21, 2007 the City Council approved the Petitioner's request to withdraw the petition without prejudice.

In May 2007 the Petitioner submitted a new request for a change in zoning. There were no significant differences between the two requests for a change in zoning. The Planning Commission's motion to approve failed by a vote of 3-5, and the request was subsequently withdrawn.

After the May 2007 request was withdrawn, a Site Development Plan for a filling station was submitted to the City of Chesterfield for review. The project was before the Architectural Review Board on May 15, 2008. The application for site plan review was then withdrawn, and the current petition to rezone the property was submitted for review.

Table 3 highlights some of the differences in the preliminary plans submitted for the previous petitions and the current submittal.

TABLE 3: PRELIMINARY PLAN COMPARISON

	P.Z. 04-2009 (current)	P.Z. 30-2007	P.Z. 17-2006
Open Space	17.47%	16.74%	17.82%
Building Size (sq. ft.)	1,424	1,530	1,630
F.A.R.	0.1053	0.1131	0.1205
# of Seats	10	14	32
# of Parking Spaces	8	9	9
Access Management Conformance	Yes	No	No
Outdoor seating	No	Yes (385 sq. ft.)	Yes (678 sq. ft.)

Issues

A public hearing was held before the Planning Commission on July 13, 2009. There was one speaker in opposition of the project and one neutral speaker. Several issues were identified by the Planning Commission. A copy of the Petitioners' responses is attached.

Impact of the Development with the Realignment of Route 141

The recently passed American Recovery and Reinvestment Act has pushed the realignment of Route 141 forward faster than anticipated, and this improvement will have a significant impact on the traffic operations at the intersection of Olive Boulevard and Woods Mill Road. The Planning

Commission asked that the Petitioner submit an update to the December 6, 2006 traffic study prepared for the site to reflect the planned work on Highway 141. The update is attached for your information. The addendum states:

"In summary, the relocation of Missouri Route 141 to the east will remove a substantial amount of traffic from the intersection of Olive Boulevard with Woods Mill Road. Additionally, traffic on eastbound Olive Boulevard and southbound Woods Mill Road across the proposed driveways will be lower. Therefore, traffic conditions would be expected to be better than those reported in the 2006 traffic impact study."

On-Site Circulation and Drive-Thru Services

Several issues were raised by the Planning Commission and Staff regarding the on-site circulation proposed for the site. Staff and the Petitioner have met and discussed these concerns and the Petitioner has stated that they will work with the City to continue to improve circulation and access to the site and will meet all requirements during the site plan review process.

As cross access is not currently available for this site, Planning Commission asked that a curb and fence be placed along the perimeter of the site to delineate that cross access is not available. The Petitioner has agreed to this condition, and the requirement has been included in the Attachment A.

Additionally, the proposed development will be required to go through the City's site plan review process where Staff and the Planning Commission will have the opportunity to review the final development proposal prior to construction.

Missouri Department of Transportation (MoDOT)

The preliminary plan submitted for the public hearing did not conform to the original comments submitted by MoDOT with respect to access to and from Woods Mill Road. Since that time, MoDOT has submitted revised comments to allow the proposed right in, right out access along Woods Mill Road based on the findings of the update to the traffic study.

Environmental Issues – Underground Storage Tanks

Finally, the question was raised regarding any potential contamination of the soil due to the previous use as a filling station. Staff has been in contact with the Missouri Department of Natural Resources (MoDNR) and has found that all nine of the tanks have been removed.

Request

Staff has reviewed the change of zoning request from "C-2" Shopping District to "PC" Planned Commercial District and the Attachment A as written adheres to all applicable requirements of the City of Chesterfield with the exception of open space, which will require a separate vote by Planning Commission. Staff requests action on P.Z. 04-2009 Spirit Energy, LLC (13506 Olive Blvd).

Attachments

1. Attachment A
2. Petitioners Response to Issues Letter and Traffic Study Update
3. Preliminary Plan
4. Revised MoDOT Comments



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(636) 532.1082 Fax

William B. Remis
bremis@dosterullom.com

September 18, 2009

Sent via E-mail and Fax

Justin Wyse
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

Re: P.Z. 04-2009 13506 Olive Blvd. (Spirit Energy, LLC)

Dear Justin:

We have reviewed your July 21, 2009 letter regarding issues raised at the Public Hearing for the above referenced site and offer the following responses:

1. Provide revised comments from the Missouri Department of Transportation or remove the entrance from Woods Mill Road.

Response: Petitioner is working with Missouri Department of Transportation to resolve this issue and will continue to work with MO DOT to achieve resolution prior to completion of the proposed rezoning.

2. Provide an update to the traffic study prepared for the site dated December 06, 2006 that specifically addresses the following:
 - a. Effect of the relocation and extension of Highway 141 on the proposed development and traffic;
 - b. On-site circulation, including:
 - i. Whether the current proposal provides adequate stacking area for the drive-thru window and a proposed order board,
 - ii. Impact of motorists waiting to exit the site as it relates to on-site circulation,
 - iii. Ability of the site to safely accommodate a drive-thru service, as currently proposed, and
 - iv. Ability of a single unit truck to safely maneuver around the site.


Response: Enclosed is a letter from Petitioner's traffic engineer, Crawford, Bunte, Brammeier which provides information regarding the decrease in traffic at the site projected as a result of the Highway 141 relocation/ extension. Such decrease will only improve issues related to the Olive & 141 intersection and traffic flow at this proposed location. For the remainder of the rezoning process and during the site plan approval phase, Petitioner, in conjunction with City staff and Petitioner's engineers and consultants, will continue to explore additional ideas which could improve circulation and access for the site.

3. Provide a curb and fence around the perimeter of the site to clearly delineate the cross access is currently not provided

Response: Petitioner acknowledges with and will comply with this requirement.

Please call if you have any questions. Thank you.

Very truly yours,


William B. Remis

WBR/kml
Enclosures

cc: Michael J. Doster
Greg Yawitz
Chris Kempf



Since 1973

September 17, 2009

Mr. William B. Remis
Doster Guin Ullom Benson & Mundorf, LLC
17107 Chesterfield Airport Road
Chesterfield, Missouri 63005

RE: Traffic Study Addendum
Retail Beverage Shop with Drive-Through Service
Olive Boulevard at Woods Mill Road
Chesterfield, Missouri
CBB Job No. 136-09

Dear Mr. Remis:

In accordance with your request, Crawford, Bunte, Brammeier has completed an addendum to address the current validity of the December 6, 2006 traffic impact study completed for a retail beverage shop in Chesterfield, Missouri. A copy of the previous report is attached for reference. The site is located on the southwest corner of the intersection of Olive Boulevard and Woods Mill Road (currently marked as Missouri Route 141). That study focused on AM Peak Hour conditions due to the peaking characteristics of the proposed land use.

It is our understanding that the City of Chesterfield has requested additional information based on the potential acceleration in schedule for the relocation of MO Route 141 to the east by MoDOT. We further understand that the size and type of land use as well as the proposed access plan have not changed appreciably from the site plan addressed in CBB's original study.

The purpose of this addendum letter is to present file data on projected future traffic levels assuming relocation of MO Route 141 to the east, compare those volumes to the 2006 traffic counts used for the original study, address the general positive impact that lower volumes at the intersection would be expected to have and comment on the current validity of the original findings and conclusions.

It should be noted that no new traffic counts, traffic forecasts or detailed operational evaluations were be completed as part of this effort.



Proposed Business

According to the current site plan, the proposed building would be 1,423.55 square feet with a drive-through service window and eight parking stalls. This is slightly smaller than the building addressed in the original traffic study (1,630 square feet); therefore, the trips generated by the site should be similar if not less than those previously reported.

Access to the site is still proposed via two curb cuts, one on Olive Boulevard at the west property line and one on Woods Mill Road at the south property line. Both curb cuts will be restricted to right-in/right-out access due to the presence of raised medians on both adjacent state highways.

Impact of Potential Missouri Route 141 Relocation

When the original traffic impact study was completed in 2006, all parties were aware of the desire to relocate Missouri Route 141 further east on a new alignment crossing Olive Boulevard to meet an extension of Earth City Expressway/Maryland Heights Expressway from the north (now commonly referred to as the Page-Olive Connector). However, there was no funding in place, and the project was not one of MoDOT's scheduled priorities. Since that time, funding opportunities have been identified, and the project may become a reality very soon.

When the new Route 141 is moved further east, that roadway will be much wider with better access controls thereby facilitating faster north-south travel for through motorists. Traffic levels on Woods Mill Road are expected to drop significantly.

Therefore, CBB reviewed 2015 and 2035 traffic volume forecasts prepared for the Page-Olive Connector studies. The exhibits illustrating AM Peak Hour traffic projections are attached to this letter. We have the following conclusions regarding the traffic volumes:

- The forecasts show a dramatic decrease in total traffic traveling through the intersection of Olive Boulevard with Woods Mill Road. Total AM Peak Hour entering traffic is nearly 1,000 vph less in 2015 projections versus 2006 counts and over 500 vph less in 2035 as compared to 2006.
- The largest decreases are the northbound right-turns and westbound left-turns.
- For eastbound traffic passing the Olive Boulevard driveway to the proposed site, the 2035 volumes are 300 vph less than the 2006 counts.
- For southbound traffic passing the Woods Mill Road driveway to the proposed site, the 2035 are nearly the same, only 35 vph less than the 2006 counts.

It seems reasonable that the projected volumes will be lower on Woods Mill Road once Route 141 shifts to the east, since most through motorists will choose the new, higher-flow facility. Primarily local trips will continue to use Woods Mill Road in the future. While CBB made no attempt to quantify the impact of lower traffic levels in this addendum, it is clear that traffic conditions in the future will be better than those currently being experienced and the forecasts presented in the 2006 traffic impact study since the background volumes will be lower.



Mr. William B. Remis
September 17, 2009
Page 3

Summary

In summary, the relocation of Missouri Route 141 to the east will remove a substantial amount of traffic from the intersection of Olive Boulevard with Woods Mill Road. Additionally, traffic on eastbound Olive Boulevard and southbound Woods Mill Road across the proposed driveways will be lower. Therefore, traffic conditions would be expected to be better than those reported in the 2006 traffic impact study.

We trust that you will find this information useful. Should there be any questions or need for additional information, please contact our St. Louis office.

Sincerely,

A handwritten signature in black ink that reads 'Lee Cannon' in a cursive, flowing script.

Lee Cannon, P.E., PTOE
Associate

Missouri
Department
of Transportation



Ed Hassinger, District Engineer

St. Louis Metro District
1590 Woodlake Drive
Chesterfield, MO 63017-5712
(314) 340-4100
Fax (314) 340-4119
www.modot.org
Toll free 1-888 ASK MoDOT

November 5, 2009

Mr. Maurice L. Hirsch Jr. Chairman
City of Chesterfield Planning Commission
690 Chesterfield Parkway West
Chesterfield, MO 63017-0760

Dear Mr. Hirsch:

We have attached our comments regarding the item to be presented at the City of Chesterfield Planning and Zoning Commission meeting.

These preliminary comments are based on the hearing notice as provided and neither grant nor imply any blanket approval of the petitioner's ultimate plans by the Missouri Department of Transportation. Each completed plan is to be reviewed by the department before permission can be granted for access to a state highway, or for working on state right of way.

We appreciate the opportunity to review the City of Chesterfield's planning and zoning matters.

If you have any questions regarding the attachment, please feel free to contact me at (314) 275-1561.

Sincerely,

Christina Stroyan
Senior Traffic Technician

MISSOURI DEPARTMENT OF TRANSPORTATION PLANNING AND ZONING COMMENTS

DATE: November 5, 2009(Revised)

PETITION NO: 04-2009

PETITIONER: Spirit Energy

MoDOT ROUTE: 141 & 340

MUNICIPALITY: Chesterfield

COUNTY: St. Louis

APPROXIMATE LOCATION: On the southwest corner of Route 340 (Olive Blvd) and Route 141 (Woods Mill Road). At 13506 Olive Blvd.

COMMENTS:

1. In reconsidering the traffic study documents, the proposed Right In/Right Out only entrance on Woods Mill Road causes no significant impact to the safety and operation of the intersection. Although the proposed entrance is an exception to our Access Management Guidelines, MoDOT has no objection to the proposal of this entrance on Woods Mill Road.
2. We continue to recommend cross-access easement be provided to the adjacent property.
3. Ingress and egress must conform to MoDOT's 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 Missouri Department of Transportation (MoDOT) standards and shall be reviewed and approved by MoDOT.
4. 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.
5. We request that all drainage detention storage facilities be placed outside of the standard governmental agencies planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.
6. Any work within MoDOT's right of way will require a MoDOT permit.

SPIRIT ENERGY, LLC 13506 OLIVE BLVD.

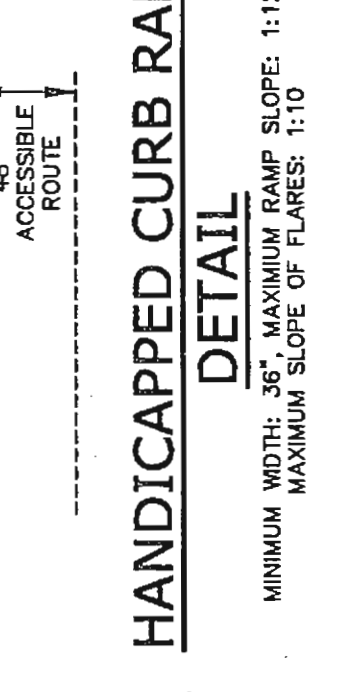
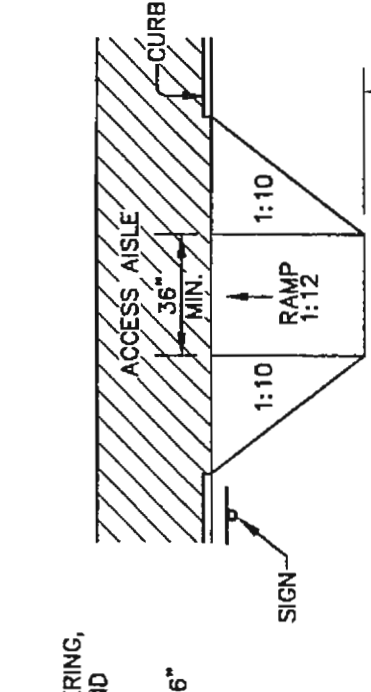
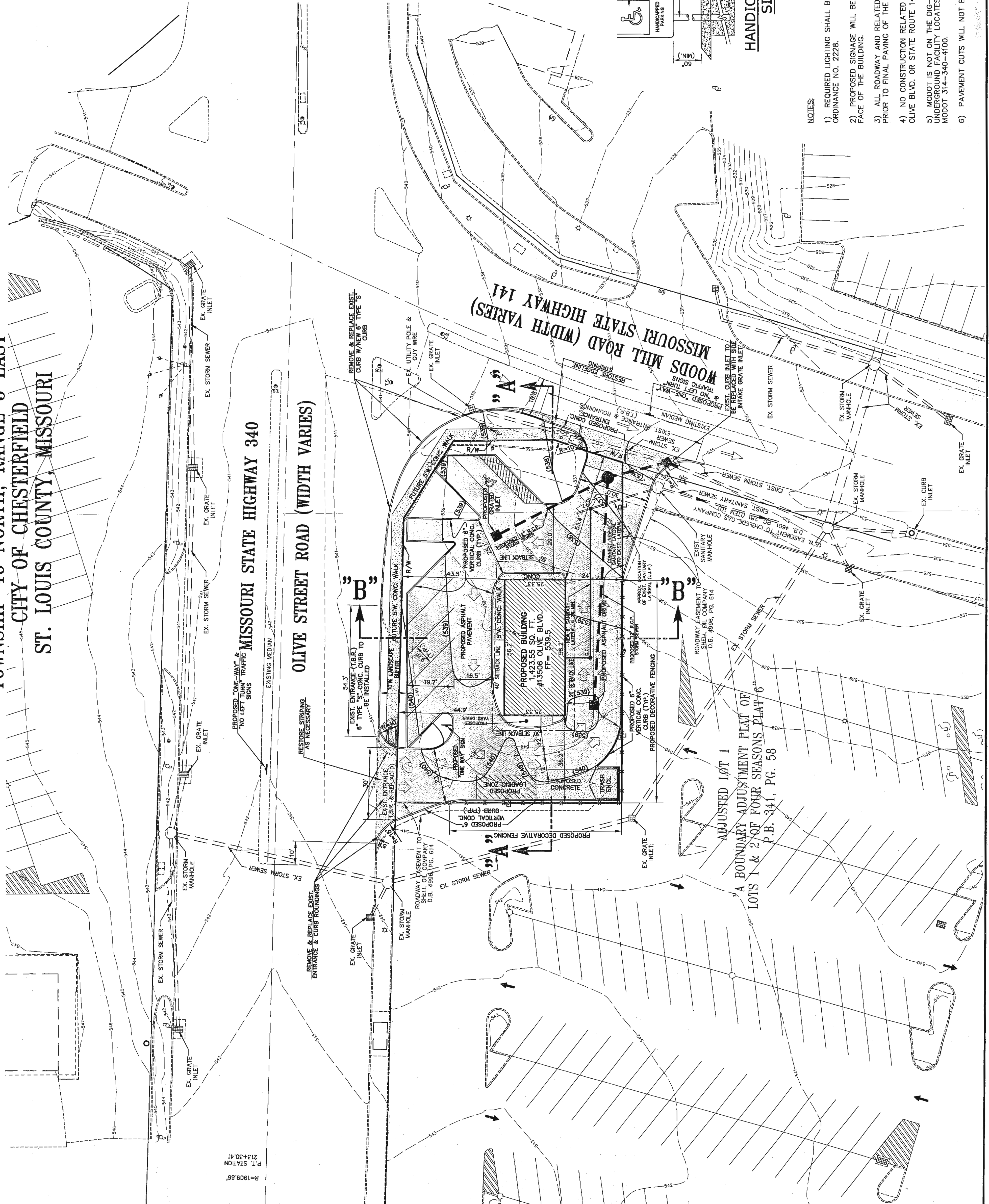
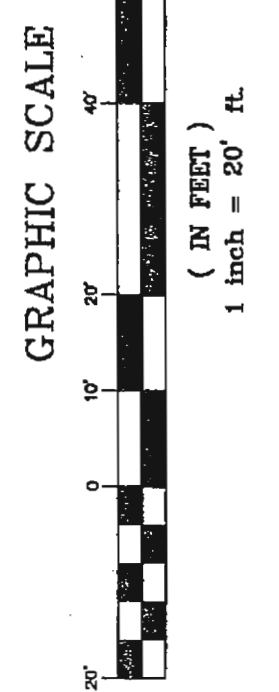
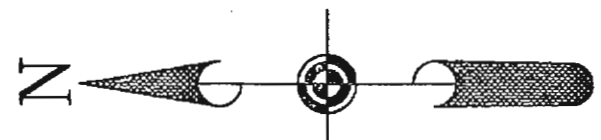
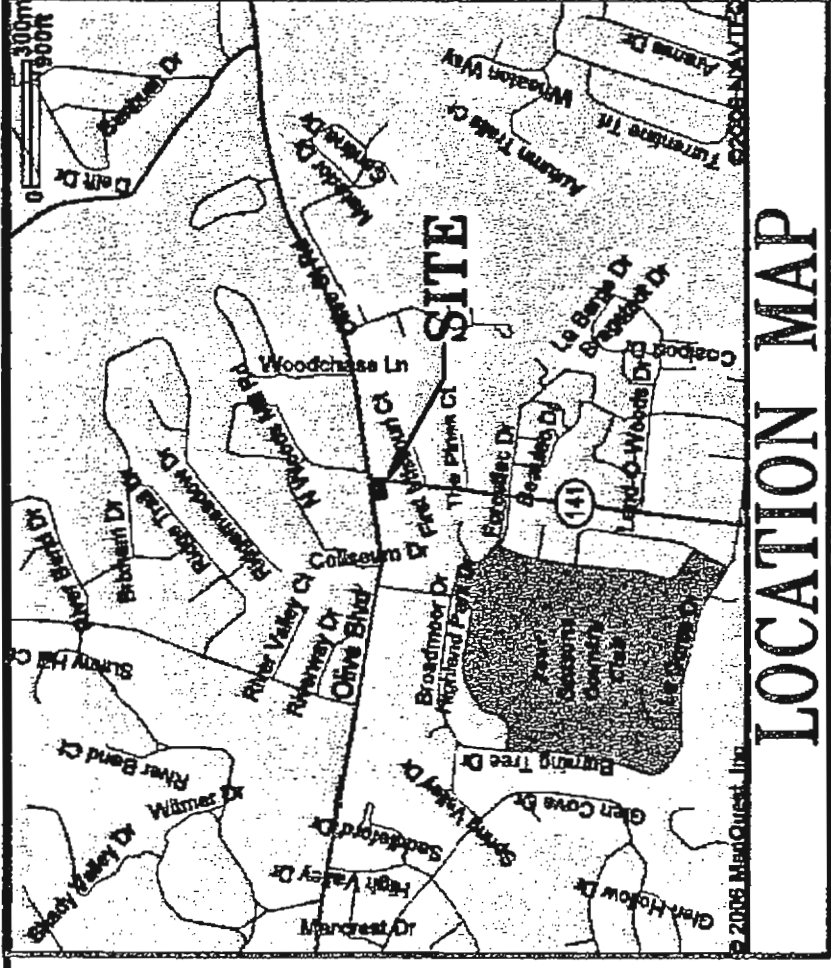
A TRACT OF LAND IN PART OF LOT 2 IN SHARE NO. 1 OF THE PARTITION OF MISSOURI STEVENS ESTATE IN U.S. SURVEY 207 TOWNSHIP 46 NORTH, RANGE 5 EAST CITY OF CHESTERFIELD MISSOURI ST. LOUIS COUNTY, MISSOURI

NO.	DATE	DESCRIPTION
1	7/26/06	REMOVED PROPERTY DESCRIPTION PER TITLE COMMITMENT
2	8/9/06	REVISED AVERAGE IN NOTE NO. 1
3	11/1/06	NEW SITE LAYOUT/ADDED IMPROVEMENTS WITHIN 150 FT. OF SITE
4	11/6/06	REVISIONS PER CITY OF CHESTERFIELD
5	11/14/06	REVISIONS PER CITY OF CHESTERFIELD
6	12/22/06	REVISIONS PER CITY OF CHESTERFIELD
7	3/14/07	REVISIONS PER CLIENT
8	8/3/07	ADDED WATER LAKE IN WOODS MILL RD.
9	11/23/07	REVISIONS PER MOBOT
10	11/23/07	REVISIONS PER CITY OF CHESTERFIELD
11	2/23/07	REVISIONS PER CITY OF CHESTERFIELD
12	5/5/09	REVISIONS PER CITY OF CHESTERFIELD
13	9/29/09	REVISIONS PER CITY OF CHESTERFIELD

SPIRIT ENERGY, LLC
13506 OLIVE BLVD.
CHESTERFIELD, MO
63017

PRELIMINARY DEVELOPMENT PLAN
 PREPARED FOR: SPIRIT ENERGY, LLC
 60 S. BEMINGTON AVE.
 ST. LOUIS, MO 63106
 314-998-9239
 314-726-9576 (FAX)

JAMES ENGINEERING & SURVEYING CO., INC.
 10811 Big Bend Boulevard
 Richmond, MO 63122
 Phone: (314) 822-1006
 Fax: (314) 822-0066
 Survey No. 181067
 Issue Date: 9/29/09
 Scale: Horizontal: 1" = 20' Vertical: 1" = 20'
 Date: 9/29/09
 Prepared by: JMS
 Checked by: JMS
 Drawn by: JMS



- LEGEND**
- EX. TRAFFIC SIGNAL
 - EX. TRAFFIC CONTROL BOX
 - EX. UTILITY POLE
 - EX. GUY ANCHOR
 - EX. WATER METER
 - EX. MONITORING WELL
 - EX. GAS DRIP
 - EX. WATER MAIN
 - EX. GAS MAIN

- NOTES:**
- 1) REQUIRED LIGHTING SHALL BE PER THE CITY OF CHESTERFIELD ORDINANCE NO. 2228.
 - 2) PROPOSED SIGNAGE WILL BE WALL MOUNTED ON THE EXTERIOR FACE OF THE BUILDING.
 - 3) ALL ROADWAY AND RELATED IMPROVEMENTS SHALL BE COMPLETED PRIOR TO FINAL PAVING OF THE PARKING LOT FOR THE DEVELOPMENT.
 - 4) NO CONSTRUCTION RELATED PARKING SHALL BE PERMITTED WITHIN OLIVE BLVD. OR STATE ROUTE 141 (WOODSMILL ROAD) RIGHT-OF-WAY.
 - 5) MOBOT IS NOT ON THE DIG-RITE ONE-CALL SYSTEM. FOR MOBOT 314-340-4100.
 - 6) PAVEMENT CUTS WILL NOT BE ALLOWED FOR NEW WATER SERVICE.

R=1909.86
 P.T. STATION
 213+50.41