

III.D.

**Memorandum
Department of Planning & Public Works**



To: Planning and Public Works Committee
From: Annissa McCaskill-Clay, Lead Senior Planner
Date: 06/15/2009
RE: P.Z. 03-2009 Four Seasons, Lot 3, Plat 6 (Schuyler Corporation): A request for a change of zoning from "C8" Planned Commercial to "PC" Planned Commercial for a 2.35 acre shopping center located at 13700-13732 Olive Boulevard, on the south side of Olive Boulevard, directly across from the intersection of Olive Boulevard and River Valley Drive. (LOCATOR NUMBER 16Q230260)

Summary

Schyler Corporation, the owners of the development referenced above, have submitted a request for a change of zoning from "C8" Planned Commercial to "PC" Planned Commercial. The Petitioners wish to construct an Automated Teller Machine (ATM) within the parking lot of the development. Therefore, they are requesting deletion of language that limits drive through facilities to the easternmost portion of the existing building.

At the public hearing on April 27, 2009, two issues were raised:

- 1. The Petitioner's representative advised that the Missouri Department of Transportation would be reversing its earlier requirement from 2006 to close the first internal driveway onto the cross access drive due to concerns expressed by the Monarch Fire Protection District.**

During the creation of the subject site's governing ordinance in 2006, the City of Chesterfield also required this closure because access to this site does not comply with the City of Chesterfield's Access Management guidelines. The referenced internal driveway is spaced closer than is allowed by ordinance. Olive Blvd is an arterial and as such the first conflict point may not be closer than 80 feet. The Attachment A has been written in adherence with the City's Access Management guidelines. Closing of this access point will be required when the site redevelops.

2. Limitation of drive-thru facilities to the easternmost portion of the building.

There is currently a restriction that limits drive thru facilities to the easternmost portion of the building. However due to City access management requirements, this location may be problematic, therefore the Attachment A no longer includes this restriction. The Attachment A prepared for your review no longer includes this language.

The Planning Commission recommended approval of the P.Z. 03-2009 by a vote of 6-2. For your review, please find a copy of Staff's report, the Attachment A, and the Preliminary Plan.

Respectfully submitted,

A handwritten signature in black ink that reads "Annissa McCaskill-Clay". The signature is written in a cursive, flowing style.

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, Director of Planning & Development Services



VIII.B.

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Planning Commission Staff Report

Subject: Rezoning Vote Report

Meeting Date: May 27, 2009

From: Annissa McCaskill-Clay, AICP
Lead Senior Planner

Location: 13700 -13732 Olive Boulevard (16Q230260)

Petition: P.Z. 03-2009 Four Seasons, Lot 3, Plat 6 (Schyler Corporation)

Proposal Summary

Schyler Corporation, the owners of the development referenced above, is requesting a change of zoning from “C8” Planned Commercial to “PC” Planned Commercial. The Petitioners desire to accommodate an Automated Teller Machine (ATM) within the parking lot of the development. Therefore, they are requesting deletion of language that limits drive through facilities to the easternmost portion of the existing building.

Department Input

The Attachment A for this request meets all of the development requirements of the City of Chesterfield for a “PC” Planned Commercial District.

Zoning Analysis

As stated above, the Petitioners are requesting a change of zoning from “C8” Planned Commercial to “PC” Planned Commercial. As part of their request, the Petitioners are requesting that the governing conditions for Four Seasons West Shopping Center be amended to permit placement of an Automated Teller Machine (ATM) within the parking lot of the development in the future. Ordinance Number 2297, which governs the site, limits drive through facilities to the easternmost portion of the existing building.

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

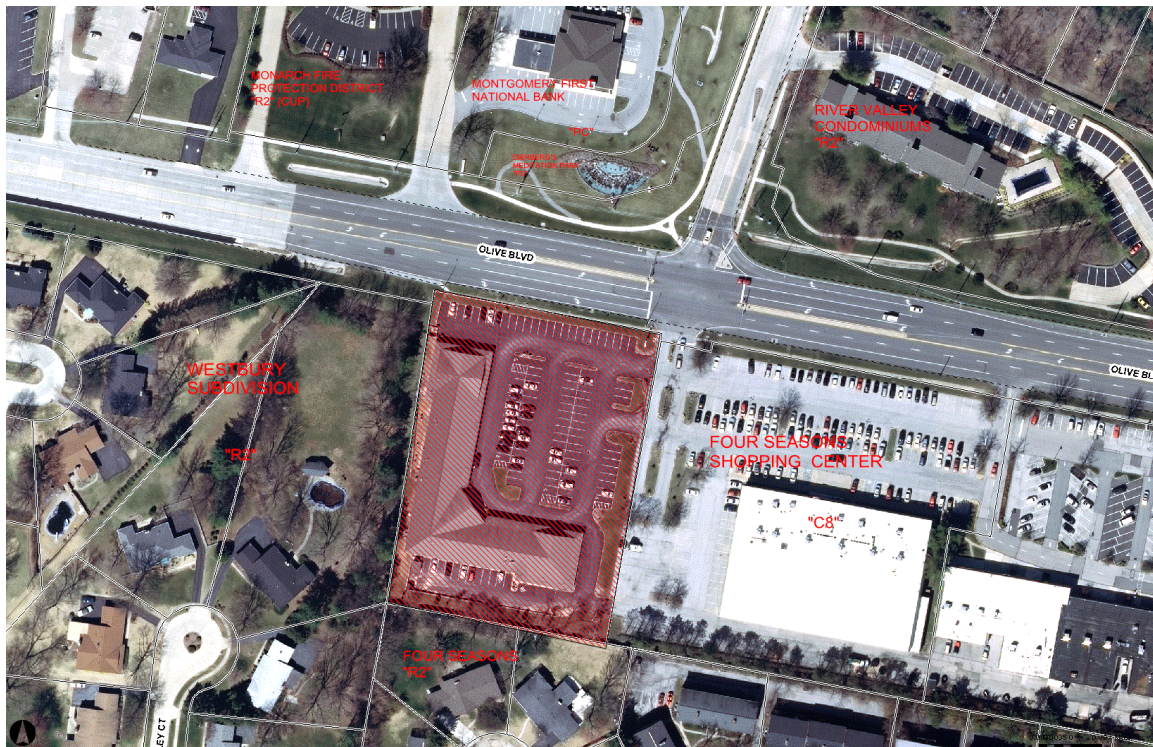
accompanying preliminary plan has been provided for informational purposes only and is not subject to approval with the Petitioner's request.

North: Immediately north of the site is Olive Boulevard. The property beyond Olive is the "PC" Planned-Commercial zoned Montgomery First National Bank and the "PS" Park and Scenic-zoned Dierberg's Meditation Park.

South Directly south of the site is the "R3" Residence District-zoned Four Seasons subdivision.

West: To the west of the site is Westbury Manor, which is zoned "R2/R3" Residence District subdivision.

East: East of the site is Brunswick Zone Bowling Alley, which is a part of the Four Seasons Shopping Center





Looking North across Olive Boulevard at Dierberg's Meditation Park and Montgomery National Bank.



Looking South from Olive Boulevard at the subject site.



Looking Northwest along Olive Boulevard.



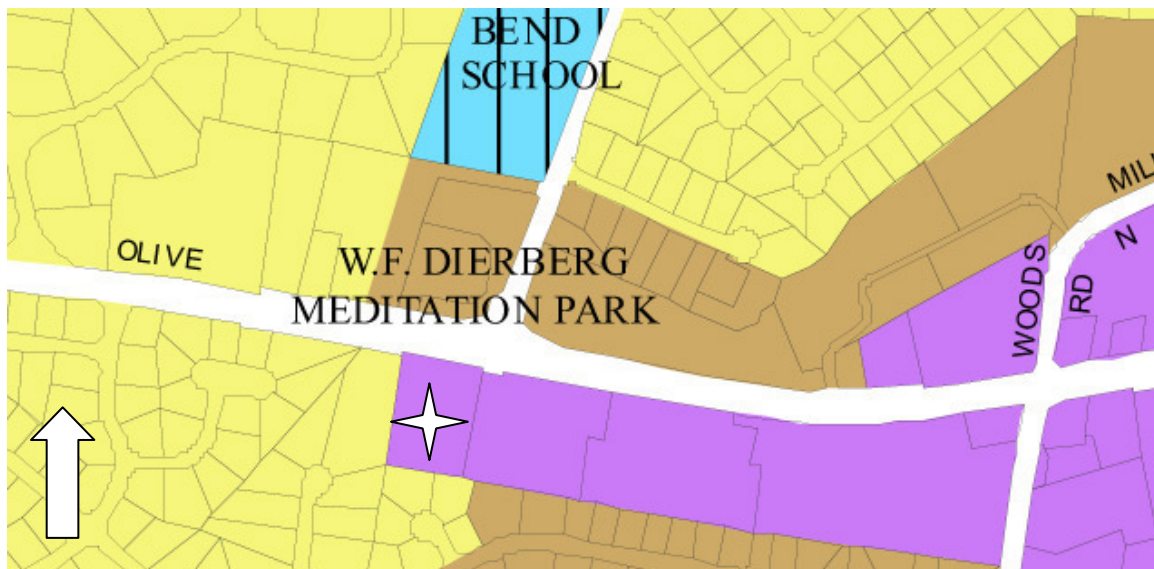
Looking East along Olive Boulevard.

Surrounding Land Use and Zoning

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

Comprehensive Plan Analysis

The subject site is located within Ward I of the City of Chesterfield. The Comprehensive Plan designates appropriate land use to be "Community Retail." Areas designated with this land use are characterized with one (1) national anchor store or grocery store at a maximum 150,000 square feet and provide general merchandise and services. Community Retail centers attract customers from multiple neighborhoods within Chesterfield and neighboring municipalities. The Comprehensive Plan shows the subject site to be bordered by Single-family Residential-designated parcels to the west and south; Community Retail-designated parcels to the east; and Multi-Family Residential-designated parcels to the north.



The subject site is not located in any sub-area identified by the Comprehensive Plan, therefore, there are no additional development guidelines for this site.

Site Area History

Four Seasons Plaza was zoned "C8" Planned Commercial via St. Louis County Ordinance Number 11,355. Ordinance Number 11,355 was amended by St. Louis County Ordinance Number 11,775. The City of Chesterfield passed Ordinance Number 775 on April 19, 1993, which added physical therapy as a permitted use on the site. On September 6, 2006, the City of Chesterfield approved Ordinance Number 2297, which provided for the addition of financial institutions, medical and dental offices, restaurants and limited drive through facilities on the subject site.

Issues

A Public Hearing before the Planning Commission was held on April 27, 2009. During that meeting, two issues were identified regarding closing of the northernmost entrance to the site and limitation of the drive-through facilities on the site.

At the public hearing, the Petitioner's representative advised that the Missouri Department of Transportation would be reversing its requirement from 2006 to close this entrance. During the creation of Ordinance 2297, the City of Chesterfield required this closure because access to this site does not comply with the City of Chesterfield's Access Management Ordinance No. 2103. The first internal driveway onto the cross access drive is spaced closer than is allowed by ordinance. Olive Blvd is an arterial and as such the first conflict point may not be closer than 80 feet. The Attachment A has been written in adherence with the City's access management requirements. The Department of Planning and Public Works has discussed our concerns with the Monarch Fire Protection

District and they have agreed to allow this matter to be managed through review of the Site Development Plan review. Closing of this access point may not presently be necessary, but may occur when/if the site is redeveloped.

There is currently a restriction that limits drive thru facilities to the easternmost portion of the building. However due to City access management requirements, this location may be problematic, therefore staff recommends this be omitted from the governing ordinance for the site. The Attachment A prepared for your review no longer includes this language.

The Petitioner's response to these issues is attached for your review.

Request

Staff has reviewed the change in zoning from "C8" Planned Commercial to "PC" Planned Commercial District, and as stated above, has no issues with the request. The Attachment A adheres to all applicable requirements of the City of Chesterfield. Staff requests action by the City of Chesterfield Planning Commission.

Attachments:

1. Attachment A
2. Petitioner's Response to Issues
3. 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. Barber shops and beauty parlors.
 - b. Dance studios.
 - c. Financial institutions.
 - c. Medical and dental offices.
 - d. Offices or office buildings.
 - e. Restaurants, fast food, excluding drive-up facilities..
 - f. Restaurants, sit down.
 - g. Retail stores and shops.
 - h. Service establishments.
 - i. Travel agencies.
 - j. Tailor shops.

2. The above uses in the "PC" Planned Commercial District shall be restricted as follows:
 - a. A maximum of 2,200 square feet may be utilized for physical therapy with activities limited to exercise and muscle stretching; heat and cold treatment, whirlpool, massage, traction, treatments to relieve pain and restore physical function.
 - b. Refuse collection for the site shall commence no earlier than 8 a.m.
 - c. No surgical or "invasive" procedures will be performed.
 - d. No convenience stores or food markets will be permitted.

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- e. Uses for said facilities will be limited to “low intensity” financial institutions and restaurants in the form of bakeries and/or coffee shops and similar or comparable uses.
- f. No more than eighty percent (80%) of the maximum gross floor area permitted via this ordinance shall be utilized for retail or other uses having parking requirements in excess of five (5) spaces per one thousand (1,000) square feet as specified by the City of Chesterfield Code.

B. FLOOR AREA, HEIGHT, BUILDING REQUIREMENTS

1. FLOOR AREA

Total building floor area shall not exceed 22,150 square feet.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed one (1) story.

3. BUILDING REQUIREMENTS

- a. A minimum of nine percent (9%) openspace is required for this development.
- b. This development shall have a maximum Floor Area Ratio (F.A.R.) of twenty-four percent (24%).

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. Sixty (60) feet from the right of way of Olive Boulevard.
- b. Thirty (30) feet from the eastern boundary of the “PC” Planned Commercial District
- c. Thirty (30) feet from all other limits of this “PC” Planned Commercial District.

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2. PARKING AND LOADING SETBACKS

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

- a. Fifteen (15) feet from the right of way of Olive Boulevard
- b. Twenty (20) feet from the southern and western boundaries of this "PC" Planned Commercial District.
- c. Five (5) feet from the eastern boundary of this "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. 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. Construction parking shall not be permitted on public-maintained roadways. Adequate off-street stabilized parking area(s) shall be provided for construction employees.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

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

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2. The developer will collaborate with the adjacent residential neighbors on said Landscape Plan to provide sufficient landscaping against the uses on the subject site.

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, for sight distance considerations prior to installation or construction.
3. Temporary signs, portable signs, and roof signs are prohibited.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.
2. Lighting for the site, with the exception of security lighting, shall be turned off by 10:00 p.m., seven (7) days a week.

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 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. The material will be as approved by

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the Planning Commission in conjunction with the Site Development Plan.

4. Six (6) foot high sight proof fencing shall be installed along the south property line, along the west property line where parking areas adjoin, as approved by the Planning Commission on the Site Development Plan. This fence shall at all times be maintained in an erect position.
5. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

I. ACCESS/ACCESS MANAGEMENT

1. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards, as originally adopted by Ordinance No. 2103 and as may be amended from time to time.
2. Access to this "PC" development shall be provided via the cross access established on the adjacent parcel to the east. The nearest edge of the entrance may not be spaced closer than 100 feet from the right of way line for Olive Boulevard. Any existing entrances that do not meet this requirement must be removed and/or closed off from use as directed by the Department of Public Works.
3. Remove the first raised island off of Olive Road when entering the subject site then re-stripe for separate left, right, and through lanes. In addition, provide additional green space, if possible in the area where cross access is to be removed as directed in #2 above.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Olive Boulevard frontage of the site as directed. 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.
2. Obtain approvals from the Department of Public Works and the Missouri Department of Transportation for areas of new dedication, and roadway improvements.
3. Any improvements to the entrance geometrics and drainage shall be in accordance with Missouri Department of Transportation (MoDOT)

standards and shall be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require permit.

K. 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.

L. STORMWATER AND SANITARY SEWER

1. Submit to the Planning Commission a preliminary engineering plan approved by Metropolitan Sewer District showing that adequate handling of the stormwater drainage of the site is provided.
2. The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield standards.
3. All stormwater shall be discharged at an adequate natural discharge point.
4. Detention of differential runoff of stormwater is required by providing permanent detention facilities such as: dry reservoirs, ponds, or other acceptable alternative.

M. 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.

N. MISCELLANEOUS

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

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- A. The developer shall submit a concept plan within 18 months of City Council approval of the Preliminary Development Plan. This requirement shall be accomplished prior to issuance of building permits.
- 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 18 months of the date of approval of the Preliminary Development Plan by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan 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. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.
- B. 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.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

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

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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.

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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. 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

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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.

LATHROP & GAGE_{LLP}

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May 11, 2009

Annissa McCaskill-Clay, AICP
Lead Senior Planner
City of Chesterfield
690 Chesterfield Parkway W
Chesterfield, MO 63017-0760

Re: P.Z. 03-2009 Four Seasons, Lot 6 (Schuyler Corporation)

Dear Annissa:

We are in receipt of your issue letter of May 1, 2009 and have the following response:

1. Closure of the northernmost entrance to the site.

Petitioner's Response: It is our understanding that pursuant to your discussions with Dave Nichols of the Monarch Fire District, that the north entrance is to be closed and that the parking lot is to be designed such that emergency vehicles can get direct access to the north end of the building. The Petitioner is agreeable to these terms.

2. Per the direction of the City Attorney, the Department of Planning and Public Works officially advises that we have reviewed the current restriction of drive-thru facilities to the easternmost portion of the existing building. We have determined that this location may be problematic in regards to the City of Chesterfield's access management requirements. Therefore, reference to an exact location for *any* drive-thru facilities will not be written into the Attachment.

Petitioner's Response: Petitioner is agreeable to not referencing an exact location for any drive-thru facilities into the Amendment.

Please place the above matter on the Commission's agenda for May 27, 2009.

Annissa McCaskill-Clay, AICP
May 11, 2009
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Sincerely,

LATHROP & GAGE LLP

By: 

Jeff R. Wagener