

P-02-21

Title: Petition for an Amended Development Plan, submitted by Edison Real Estate Three LLC, for changes to the approved Amended Development Plan at 3720 South Lindbergh Boulevard.

Owner: Edison Real Estate Three LLC
1154 Greystone Manor Parkway
Chesterfield, Missouri 63005

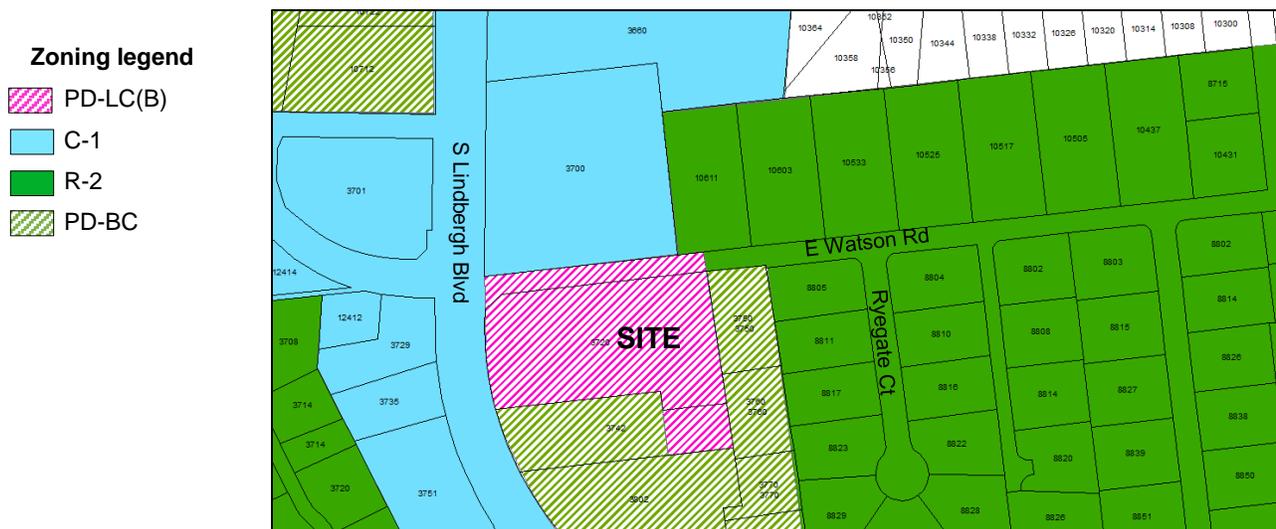
Date: February 2021



*Maps are for informational use only. Not a representation of the project.

Summary:

This Petition is for an Amended Development Plan for changes to the approved Development Plan at 3720 South Lindbergh Boulevard. The property is located on the southeast corner of South Lindbergh Boulevard and East Watson Road and is currently zoned PD-LC(B) Planned Development-Planned Commercial. The properties to the north (across East Watson Road) are zoned C-1 Commercial District and R-2 Single Family Residential-20,000 square foot minimum lot size. The properties to the south are zoned PD-LC(B) and PD-BC Planned Development-Business Commercial. The properties to the west (across South Lindbergh Boulevard) are zoned C-1.



Recent history & Staff analysis:

In October 2018, the City approved two Ordinances for this development:

1. Ordinance 2112 for a Conditional Use Permit (P-21-18) for a motor vehicle oriented business including a gas station with convenience store, car wash and drive through restaurant; and
2. Ordinance 2113 for an Amended Development Plan (P-20-18) for the property.

The petitions were approved with the following conditions:

1. MoDOT must endorse the permittee's traffic study and agree to execute the applicable recommendations listed.

MoDOT did initially endorse the traffic study (see attached letter, dated July 17, 2018). However, later correspondence between MoDOT and the traffic engineer acknowledged that the proposed striping would be in conflict with the Manual of

Uniform Traffic Control Devices (MUTCD) and MoDOT's Engineering Policy Guide (EPG) and the striping that was completed in the field was acceptable.

2. Enhanced landscaping must be added along East Watson Road, along with a prominent landscape/art feature at the corner of South Lindbergh Boulevard and East Watson Road.

Revised plans were submitted at the time of construction to meet this requirement.

3. Lighting must meet requirements in Appendix B of the City's Ordinances.
An as-built photometric plan was submitted to the City and this condition has not been met. Staff has required the lighting engineer to revise the plans to meet current requirements or apply for a variance to the Board of Adjustment.
4. Hours of operation shall be limited to 7:00am until 10:00pm for the car wash and 5:00am until 1:00am for the convenience store.
5. Permittee shall dedicate a cross access easement in the southwest corner of the subject parcel, to provide access to and from abutting parcels.

This cross access easement has been recorded.

As the petitioner will explain to the Commission, during construction of the development, the contractor made lane striping changes to East Watson Road that differed from those included on the approved plan. This was done based on Missouri Department of Transportation (MoDOT) Engineering Policy Guide (EPG) guidelines as well as Manual on Uniform Traffic Control Devices (MUTCD) guidelines in regards to the existing conditions at the intersection. Changes will need to be made to the traffic control devices for the westbound East Watson Road traffic in order for the approved plan to meet the guidelines discussed.

Appendix B Zoning Regulations, Section 4.10-25 Changes and amendments to final development plan states:

- A) Minor changes: Minor changes in the location, siting and height of buildings and structures may be authorized by the zoning enforcement officer if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section shall cause any of the following:

1. A change in the use or architectural character of the development, including changes in any exterior finish material approved by the board;
2. An increase in building or site coverage;
3. An increase in the intensity of use (e.g., number of dwelling units);
4. An increase in vehicular traffic generation or significant changes in traffic access and circulation;
5. A reduction in approved open space or required buffer areas; or
6. A change in the record plat.

This change to the approved striping was determined to be a change to the site plan and an Amended Development Plan was required.

Staff recommendations:

Based on the information provided by the Petitioner, Staff recommends considering the following options:

Approve with conditions:

1. Lighting must meet current requirement of Appendix B or the petitioner must apply for a variance from those requirements prior to issuance of a final occupancy permit.
2. All items listed on the temporary occupancy permit must be met.

If this petition is approved, the striping as-built will remain and there will be no requirement to extend the north-bound East Watson right-turn pocket lane now or in the future.

Deny the current petition, requiring the applicant to develop the intersection per the 2018 approved development plan:

If this petition is not approved, staff would request that the Board consider allowing the petitioner to coordinate with MoDOT to accomplish the intersection improvements reflected on the previously approved plan. MoDOT has been made aware of this option and has agreed to work in tandem with the petitioner during the South Lindbergh Boulevard resurfacing project, which is scheduled to begin in 2022. This option would require Board direction allowing the petitioner to operate under an extended temporary occupancy agreement until the intersection is completed and matches the amended development plan as approved.

Update:

At the February 3, 2021 meeting, the Planning & Zoning Commission voted to recommend denial as specified above. Additionally, a \$2000.00 escrow was requested to be paid by the petitioner, to be returned at the time the improvements to the intersection, as approved in 2018, are completed.