

ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

Petition Number: Z13-03

Petitioner: Mr. Richard Bloomer
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Project Name: Cap Carpet (Jets Pizza) Site Plan
Amendment

Location: 14940 Manchester Rd.

Petition Date: 4/18/13

Review Date: 4/30/13

Requested Action: MRD Governing Ordinance Amendment

Code Section: Zoning Ordinance XIIB and XXIIIF

Existing Land Use/Zoning: Retail / C-1 and MRD

Surrounding Land Use/Zoning: West –Governmental / C-1
South –Commercial / C-1
East – Commercial / C-1
North – Single Family / R-2

Plan Designation: Commercial

Proposal Description:

STL Ventures is requesting an amendment to ordinance 11-16 which granted a

Manchester Road Redevelopment Overlay district (MRD) with an associated site development plan for the approximately 2.5 acre property on the former Red Lobster Restaurant site at 14932 Manchester Rd. which was known as the CAP Carpet site when it was approved. The ordinance approved the development of approximately 17,000 square feet of commercial floor area for the property.

This petition proposes to amend the site development plan of the CAP Carpet project site to allow the construction of a patio/outdoor dining area adjacent to the multi-tenant building on what is a landscaped area of the site. This is being proposed because the Jets Pizza restaurant which occupied a portion of the building is in need of more outdoor seating than can be provided on the sidewalk in front of the store.

PLANNING AND PLAN REVIEW CONSIDERATIONS:

This review report covers issues of a petition to amend the NCD overlay zoning district approved per Ordinance 11-16.

NCD DISTRICT REGULATIONS (Article XIIF):

The MRD (Manchester Road Redevelopment Overlay District) does not stand on its own. It works only as an overlay amending an underlying zoning district. The MRD may amend or waive the development provisions of the underlying zoning district and the subdivision ordinance, but it does not bring new uses to the property. The uses allowed in the underlying zoning district and the applicable special use exception (SUE) regulations are therefore critical and limiting to an MRD district. The underlying zoning district to the CAP Carpet project site is the C-1 district. The MRD district allows the waiver or modification of the regulations of the underlying district, but the governing ordinance must specifically outline and describe what those changes and waivers are. Any underlying district regulations that are not superseded or waived will still apply.

Section 1, Purpose: This section describes the purpose of the MRD district, which is to "... promote the local economy and mixed use development within the Manchester Rd. corridor while simultaneously maintaining the functional capacity of the highway. The MRD encourages a wide range of well-planned, market sensitive commercial and mixed use development scenarios. The preferred land development pattern in the area will offer a pedestrian oriented development with residential and/or commercial uses that provide high quality services and amenities that prolong and enhance the shopping, working and living experience". **The proposed plan amendment appears to be consistent with the provisions of this section.**

Section 2, Permitted Uses: This section addresses permitted uses. No changes to the uses permitted in ordinance 11-16 are proposed as a part of this petition.

Section 3, Intensity of Use: This section allows relief from or the amendment of the regulations of the underlying zoning ordinance (C-1 district) and associated site development regulations through the passage of a governing ordinance. Such relief or amendment is allowed if the petitioner can demonstrate that it achieves the purposes of this ordinance. Any regulation that is not waived or amended is still in effect.

Outdoor seating is allowed as an accessory use to restaurants which is an allowed use under 11-16. **The change here is that a portion of a landscaped area is proposed to be converted to a paved patio area. No substantive change to the overall intensity of uses in the plaza will result from this change.**

Section 4, Height Regulations: No changes to the buildings are proposed as a part of the petition.

Section 5, Parking and Loading Regulations: No changes to the parking and loading elements of the site plan are proposed as a part of the petition.

Section 6, Setbacks: This section establishes maximum building setbacks from the right-of-way. No changes to the buildings or their locations are proposed by this petition.

Section 7, Pedestrian Access: This section requires that pedestrian access be an integral part of the overall design of each (MRD) development and shall provide safe and convenient circulation throughout, to and from off-street parking areas and connect with abutting properties, rights-of-way, developments and transit facilities. **This petition does not propose any changes to the site pedestrian circulation plan approved per ordinance 11-16.**

Section 7 (4): This subsection requires landscaping areas, benches, fountains, artwork, shade structures, pavement enhancements, tables and chairs, illumination and similar amenities to enhance the pedestrian ways. **The requested site plan amendment proposes to eliminate a portion of the landscaped island area adjacent to the east side of the multi-tenant building. The existing landscaping materials in the area of the proposed patio will be relocated within the island and supplemented with additional materials.**

Section 8, Use Limitations: This section outlines special use limitations related to certain specific possible land uses within a MRD.

Section 8 (1): This subsection requires that unless specifically provided in the MRD Governing Ordinance, no outdoor display, storage or sales of merchandise, fixtures, vehicles or materials are allowed in the MRD except by the governing ordinance (11-16). No changes to the plan relative to this subsection are proposed as a part of this petition.

Section 8 (2): This subsection allows uses permitted by special use exception in the underlying district pursuant to the MRD process. No changes to the uses permitted per ordinance 11-16 are proposed as a part of this petition.

Section 8 (3): This subsection contains regulations governing drive through facilities. There are no such facilities on this plan.

Section 9, Architectural and Site Design Standards:

Section 9(1) - 9(7): No changes to any of the architecture approved per ordinance 11-16 subject to these subsections are proposed as a part of this petition.

Section 9 (8): Screening between commercial and adjoining residential properties is addressed by this subsection but it was not applicable to this site or this petition.

Section 9 (9): This subsection establishes screening standards for rooftop and ground-mounted equipment and fixtures. No changes to the buildings are proposed as a part of this plan amendment petition.

Section 9 (10): This subsection states that loading docks, trash enclosures, outdoor storage and sales areas and similar facilities and functions shall be incorporated into the overall design of the building and site, shall be located near the service entrances of buildings and shall be 100% screened with vegetation or structures in a manner that is architecturally compatible with the development. No changes to the buildings or these facilities are proposed as a part of this plan amendment petition.

Section 9 (11): This subsection addresses the creation of gateway features. No such feature was part of the site plan approved per ordinance 11-16.

Section 10, Urban Design Elements: These urban design guides are to be considered when reviewing any requested relief from the requirements of the underlying zoning.

Section 10(1 - 3): The proposed changes to the site plan do not address any of the issues raised in these subsections.

Section 10(4 and 5): These subsections are not applicable to this petition.

ENGINEERING AND PLANNING ISSUES:

Traffic Impact: No traffic impact is expected as a result of this proposed site plan amendment.

Stormwater: Stormwater runoff from the CAP Carpet development flows to an on-site retention/water quality facility that was designed to accommodate the entire development. **The proposed new patio will generate insignificant additional runoff for this development. The site is current with all detention and water quality requirement of MSD and Ballwin.**

COMPREHENSIVE PLAN ISSUES:

The recommendations of the comprehensive plan relative to Manchester Road Redevelopment District Development are on pages 8:20 – 8:24. **No fundamental changes to the nature of the development or its functions are associated with the proposed site development plan amendment.**

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