PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
February 9, 1998

The meeting was called to order at 7:00 p.m.

PRESENT
Mr. Fred Broemmer
Mr. Michael Casey
Mr. Charles Eifler
Mr. Robert Grant
Mr. Dan Layton, Jr.
Mr. Allen Yaffe
Mr. Rick Bly, Chairman
Mayor Nancy Greenwood
Mr. Douglas R. Beach, City Attorney
Councilmember Mary Brown, Council Liaison
Ms. Teresa J. Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Ms. Patricia Detch, Planner II
Mr.Tim Reed, Planner I
Ms. Sandra Lohman, Executive Secretary

ABSENT
Mr. Dave Dalton
Ms. Linda McCarthy

INVOCATION: Commissioner Fred Broemmer

PLEDGE OF ALLEGIANCE - All

Chairman Bly recognized Mayor Nancy Greenwood, and Councilmember Mary Brown.

PUBLIC HEARINGS:

A. **P.Z. 5-98 Swingley Ridge Development**; a request for a change in zoning from "C-2" Shopping District to "PC" Planned Commercial District for one parcel of land (two tracts) totaling 4.26 acres. Tract one: contains approx. 2.55 acres and is located on the north side of Swingley Ridge Drive approximately 200 feet north of Interstate 64 and 800 feet west of Olive Blvd. (Locator Number 18S23-0257). Tract two: contains approx. 1.71 acres and is located adjacent to Tract one in an area formerly deeded to the State of Missouri as right-of-way. Proposed Use: One motel.

Chairman Bly noted the public hearing on P.Z. 5-98 Swingley Ridge Development has been postponed at the request of Department Staff.

Commissioner Yaffe read the first portion of the "Opening Comments."

B. **P.Z. 8-98 Fisher-Frichtel, c/o John P. King (Whitestone Farm)**; a request for a change in zoning from "NU" Non-Urban District to "R-2" 15,000 square foot Residence District for a 10.01 acre tract of land located on the west side of White Road, 2,000 feet south of Olive Boulevard. (Locator Number: 17R21-0075)

And

C. **P.Z. 9-98 Fisher-Frichtel, c/o John P. King (Whitestone Farm)**; a request for a Planned Environment Unit (PEU) procedure in the "R-2" 15,000 square foot Residence District for a 10.01 acre tract of land located on the west side of White Road, 2,000 feet south of Olive Boulevard. (Locator Number: 17R21-0075) Proposed Use: Single Family Residences.

Planner I Tim Reed gave a slide presentation of the subject site and surrounding area.

John King, Attorney for the petitioner, assisted by Mr. Mel Cole, Civil Engineer for the project, noted the following:

- described the subject site and surrounding area;
- there are no trees on the subject site;
- proposing twenty-four (24) single-family residential lots;
- lots would range in size from 10,000+ square feet to 17,000 square feet;
- lots on the south and west boundary lines, adjacent to existing "R-2" District, would be 15,000 square feet or greater;
- lots on the north, next to existing "R-3" District, would be 10,000 square feet or greater;
- there would be one curb cut off of White Road, which would lead to two (2) cul-de-sacs, around which the lots would be developed;
- size of homes would range from 2700 square feet to 4500 square feet;
- price of homes would range from $300,000 to $400,000; and
- detention would be provided in the middle of the subject site, and would meet all new MSD standards.

COMMENTS/DISCUSSION

Commissioner Layton read the letter received from The Gallery of Chesterfield.

Mr. King noted the Shell Oil pipeline is a part of those lots adjacent to the subject site on the south (The Gallery of Chesterfield). This is the reason those lots are in excess of 15,000 square feet in size. He further noted that the petitioner believes the proposed development with single-family homes will be in excess, in value, of those lots in the surrounding area.

- The Shell Oil Pipeline easement was pointed out on the rendering – this space will remain as is.
- The existing pipeline is twenty (20) feet in width, and has a forty (40) foot building line on either side of this twenty (20) feet;
- John Fisher met with Dr. Jeff Dalin, Trustee for The Gallery of Chesterfield.
- The common ground along White Road would include a well-landscaped buffer, including berming, etc, to give it some character (make it attractive).

SPEAKER'S IN FAVOR:

1. Ms. Stacey Klein, 14237 Cobble Hill Court, Chesterfield, MO 63017, spoke as an individual noting she believes the proposed development would allow her family to move to a larger home while remaining in the attendance zone for Green Trails Elementary School.

2. Ms. Debbie Sher, 234 Portico Drive, Chesterfield, MO 63017, declined to speak.

SPEAKER'S IN OPPOSITION:

1. Mr. Craig Kaintz, 14584 White Birch Valley Lane, Chesterfield, MO 63017, spoke on behalf of The Gallery of Chesterfield Trustees. He noted the following two points for consideration:

    a. The five (5) homes in The Gallery of Chesterfield that would back-up to the proposed development have lot sizes of: 22,511 square feet, 22,482 square feet, 22,492 square feet, 21,988 square feet, and 38,119 square feet. They believe the proposed development should be zoned "R-1A" District.

    b. The City should take control of development of land along White Road (i.e., traffic, safety issues).

Mr. Kaintz gave a copy of the letter from The Gallery of Chesterfield to Planning Staff.

REBUTTAL:

Mr. King noted the following:

- Four (4) lots and the detention basin are proposed to be adjacent to The Gallery of Chesterfield.. The difference in square footage of those lots, compared to the proposed development, is the length (depth) of those lots. The easement leaves about one-half, or more, unbuildable because of the setbacks and twenty (20) foot easement for the Shell pipeline.

- The developer spoke with St. Louis County Department of Highways and Traffic, and they said there is sufficient capacity on White Road to handle the traffic that would be generated by the new development.

Commissioner Yaffe read the next portion of the "Opening Comments."

D. **P.Z. 10-98 General Van and Storage Company Incorporated**; a request for a change in zoning from "M-3" Planned Industrial District to "PI" Planned Industrial District for a 4.57 acre tract of land located on the north side of Chesterfield Airport Road, 1,600 feet west of the intersection of Chesterfield Parkway South. (Locator Number: 17T32-0147). Proposed Use: Light manufacturing, warehousing and storage, office, contractor warehouse and storage facilities, and moving of storage of household goods.

Planner I Tim Reed gave a slide presentation of the subject site and surrounding area.

Mr. Steven W. Koslovsky, Attorney for the petitioner, noted the following:

- described the subject site and surrounding area;

- a one (1) story, 22,680 square foot office/ware house building exists on the site;

- the current tenant (Ehmke) is terminating their lease – thus the reason for the request;

- no changes would be made to the improvements, layout or nature of uses on the subject property;

- the wooded area between the subject property and Highway 40 would remain;

- due to market demand, the petitioner would like the uses permitted to include: light manufacturing, warehousing and storage, office, contractor warehouse and storage facilities, and moving of storage of household goods;

- a potential, interested tenant for the site would be an office equipment services company (deals in repairing, replacing, leasing office-type equipment);

- the rezoning is being requested, as opposed to an ordinance amendment, due to the recent changes the City has made in its Zoning Ordinance (i.e., "M-3" to "PI" Planned Industrial District); and

- the existing uses have been in place for the past twenty-five (25) years, and are compatible with the surrounding area.

COMMENTS/DISCUSSION

- A Site Plan would need to be submitted for review and approval by the City prior to changing the configuration of the site.

- The petitioner would not have any difficulty with some sort of limitation, or restriction, on truck parking to the rear of the facility.

- Light manufacturing is not defined in the ordinance – the petitioner understands this to mean manufacturing of an assemblage nature, internal, not going to produce noise or emissions, etc.

- Manufacturing is requested to expand and open possibilities for the owner without getting into anything that might be detrimental to the surrounding area.

- The petitioner views light manufacturing as something that would be solely internal.

- The petitioner doesn't want the property to look different than it does today; however, they hope to improve the appearance (i.e., elimination of vans, truck traffic, etc.).

- The petitioner will work with the City and Staff to make sure the business is something acceptable.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION: - None

SPEAKERS – NEUTRAL:

REBUTTAL: Waived

APPROVAL OF THE MINUTES:

A motion to approve the minutes of January 26, 1998, was made by Commissioner Grant, seconded by Commissioner Layton **and passes by a voice vote of 7 to 0.**

PUBLIC COMMENT:

1. Mr. Dick Feldman, 911 Washington Avenue, St. Louis, MO 63101, spoke in favor of P.Z. 6 & 7-98 Consolidated Health Care Resources Fund I.L.P.

   - Mr. Munch, Executive Director of the Westchester House, will meet with the residents of the Trails West Subdivision at their Trustees' meeting tomorrow to make sure all questions are answered about the proposed development.

2. Reverend David Boogerd, 17842 Wild Horse Creek Road, Chesterfield, MO 63005, spoke on behalf of St. Thomas Church, in favor of P.Z. 9-97 Sprint. He noted the following:

   - On Sunday, February 8, 1998, at a congregational meeting, a taller tower was approved.

   - The church would like things to happen quickly, as they have already lost over one (1) year's possible rent.

   - The tower site is an area that couldn't be used for anything else by the church.

COMMENTS/DISCUSSION

- The elevation of the land for the proposed tower site was discussed (approximately 1800 feet above sea level).

- The congregation is willing to accept the taller (104 foot) tower, as well as the recent FAA stipulation of painting the tower red and white.

- The congregation has seen a drawing of a red and white tower, and they believe it would look like a tall flag pole.

- The possibility of additional antennae on the proposed tower was discussed.

City Attorney Doug Beach noted the following:

- At the time the fifty-two (52) foot tower was approved via a Conditional Use Permit (CUP), the City had not received a response from the FAA. We have now heard from the FAA, (they will allow a tower of 104 feet in height) therefore, this condition has been met.

- The current City Ordinance is written to require co-location and stealth – the FAA requires the tower be painted red and white.

- The reason this is before the Commission tonight is for the Commission to give direction to Staff and the City Attorney.

- AT&T is interested in co-locating, and they would have to be at approximately eighty (80) feet.

- The question tonight is whether the Commission would want several towers in an area, or one (1), taller, red and white pole.

- If the Commission wishes to go with co-location, then he will work with Sprint to get a tower going on a temporary basis, until the design work is accomplished, and help with agreements between Sprint and AT & T.

- If the Commission wishes to consider co-location, there would be another public hearing to change the Conditional Use Permit (i.e., height of tower).

- The Commission is being asked to give direction to both him and Staff.

COMMENTS/DISCUSSION

- The FAA requires communication towers at the site to be painted red and white for any tower greater than ten (10) feet in height.

- The tower would also be required to have a low or medium density light.

- We will confer with Spirit of St. Louis Airport regarding height limitations, but the FAA is the ultimate authority.

- The tower would be monopole, free-standing; no guidewires would be required.

- Concerns were expressed about the height and color of the telecommunication tower, as required by the FAA.

- Approval of an eighty (80) foot, co-user tower could reduce the number of future towers requested.

- According to the FAA approval, there could be up to three (3) towers in one (1) location, if it is constructed at 104 feet.

2. Mr. Gary Crabtree, 2310 Millpark Drive, Maryland Heights, MO 63043, spoke in favor of P.Z. 9-97 Sprint P.C.S., noting the following:

    - the request for the fifty-two (52) foot high tower was made on behalf of Sprint; they did not know of any other interests (i.e., co-users);

    - Sprint would like to be on-the-air as soon as possible;

    - they would agree to a fifty-two (52) foot high temporary tower, if it would work;

- it is their understanding that another public hearing would be necessary if a second user is added;

- the tower, regardless of the size, does not have the antenna – it has the parallel structure (like a telephone pole); and

- the FAA requirements are for coloring and lighting of any communication structure over ten (10) feet in height;

- they would like to meet with Staff and City Attorney to review whatever procedures are appropriate to get a plan before the Commission for a temporary structure so they can get on-the-air; and

- they will work with any co-provider to put a second, third, whatever, at the same location.

COMMENTS/DISCUSSION

- There have been recent discussions between Sprint and AT&T regarding co-use.

3. Mr. Greg Stockell, Real Estate Mgr. for AT&T, 5451 Phantom Drive, Hazelwood, MO 63042, spoke regarding P.Z. 9-97 Sprint. He noted the following:

    - AT&T does have a definite interest in co-location at this site;

    - they do have a couple of sites lined-up in the same area of the Sprint tower;

    - if AT&T can co-locate at the Sprint site, their minimum height at this particular site, would be sixty (60) feet (i.e., this would make the total height eighty (80) feet); and

    - height requirements for communication towers depend upon the elevations of the site upon which they are located.

COMMENTS/DISCUSSION

- It was noted that it is definite that AT&T has to locate somewhere in the near vicinity to the Sprint Tower in order to achieve contiguous coverage in the Chesterfield/Wildwood area.

- AT&T has a lease on residential land in the vicinity of the Sprint site, but have not developed a site development plan yet, and will move forward as necessary.

- The height of the structure depends upon the elevation of the land upon which it is built. If AT&T co-locates with the Sprint tower, the tower would need to be eighty (80) feet in height.

NEW BUSINESS:

A. **P.Z. 1-98 Hennessey Development Inc. (White House Farm)**; "NU" Non-Urban District to "R-2" 15,000 square foot Residence; east side of White Road, 2,500 feet south of Olive Boulevard.
Planning Department requests this item be held for 30 days.

A motion to hold this for thirty (30) days, until a traffic study is performed on White Road was made by Commissioner Grant. The motion was seconded by Commissioner Casey **and passes by a voice vote of 7 to 0.**

B. **P.Z. 2-98 Red Lion Beef Corp., dba (Lion's Choice)**; an amendment to an existing "C-8" Planned Commercial District established by City of Chesterfield Ordinance Number 1148 [P.Z. 36-95 Leo B. Pelligreen Jr. and Marilyn A. Henske (Sooner Investment Group)] and a change in zoning designation from "C-8" Planned Commercial District to "PC" Planned Commercial District; south side of Olive Boulevard, approximately two hundred (200) feet west of Chesterfield Parkway North, and on the west side of Chesterfield Parkway North, approximately one hundred and eighty (180) feet south of Olive Boulevard.
(Note: Applicant has requested this item be held until 2/23/98.)

A motion to hold this until the next Planning Commission Meeting on February 23, 1998, was made by Commissioner Yaffe. The motion was seconded by Commissioner Layton **and passes by a voice vote of 7 to 0.**

C. **P.Z. 3-98 Hardesty Properties, Inc. (Lot 2 Chesterfield Industrial Park)**; approval of a Site Development Plan in the "M-3" Planned Industrial District and a change in zoning designation from "M-3" Planned Industrial District to "PI" Planned Industrial District; west side of Chesterfield Industrial Boulevard, at the intersection of Chesterfield Airport Road and Chesterfield Industrial Boulevard.

Assistant Director Griggs-McElhanon summarized the request and Department's recommendation of approval, subject to conditions in Attachment A.

COMMENTS/DISCUSSION

- It is anticipated that St. Louis County Highway Department of Highways and Traffic, if they get the justification from the engineer for the project, may submit a revised condition indicating access to Chesterfield Airport Road would be permitted.

A motion to approve the Department's recommendation was made by Commissioner Casey and was seconded by Commissioner Yaffe.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner Yaffe, yes; Chairman Bly, yes.

The motion passes by a vote of 7 to 0.

D. **P.Z. 4-98 Chesterfield Village, Inc.**; "NU" Non-Urban District to "PC" Planned Commercial District; south side of Chesterfield Airport Road, 300 feet east of the intersection of Chesterfield Parkway South.
(Note: Applicant has requested this item be held until 2/23/98.)

A motion to hold this item until February 23, 1998, was made by Commissioner Eifler, seconded by Commissioner Grant **and passes by a voice vote of 7 to 0.**

E. **P.Z. 6-98 Consolidated Health Care Resources Fund I, L.P** "R-1A" 22,000 square foot Residence District to "R-2" 15,000 square foot Residence District; east side of White Road, south of Olive Boulevard.

And

F. **P.Z. 7-98 Consolidated Health Care Resources Fund I, L.P**; Conditional Use Permit (CUP) in the "R-2" 15,000 square foot Residence District; east side of White Road, south of Olive; and an amendment to an existing Conditional Use Permit (CUP), established by St. Louis County, P.C. 60-80, in the "R-2" 15,000 square foot Residence District for a 7.058 acre tract of land; east side of White Road, south of Olive. The total acreage encompassing this Conditional Use Permit request is 16.174 acres. Proposed Amendment: Expansion of existing Conditional Use Permit to allow the construction of an independent living facility and an adult/child day care.

Assistant Director Griggs-McElhanon noted the Department is submitting its memo into the record and asking if the Commission has issues to add.

COMMENTS/DISCUSSION

- If White Road is widened to forty (40) feet in the future, will the structure(s) in the proposed development meet the setback requirement (i.e., proximity to White Road).

- Concern about changing the existing park-like setting of the subject site. It was recommended that parking not be visible from White Road.

A motion to hold this item until the traffic study of White Road is Completed was made by Commissioner Casey, seconded by Commissioner Eifler **and passes by a voice vote of 7 to 0.**

G. Discussion Item:

P.Z. 9-97 Sprint PCS, L.P. c/o CIS Communications, L.L.C. (St. Thomas Church); discussion of changes in a Conditional Use Permit (CUP) in an "NU" Non Urban District; south side of Wild Horse Creek Road, west of Wildhorse Parkway.

Planner II Pat Detch noted she is requesting some clarification/direction from the Planning Commission regarding the color and height of the structure. She also asked if the City is going to require co-location on this site.

Chairman Bly noted he would like more accurate information on the secondary site from AT&T.

Planner II Pat Detch noted we need to determine whether or not we are going to need a public hearing in order to determine the height of the structure, and if we need a public hearing to approve the FAA request of coloring it, because the current conditions of development for the CUP are requesting a fifty-two (52) foot tower that is painted to match the natural surrounding.

City Attorney Doug Beach noted that, no matter what we decide tonight, we need to get back with the FAA to determine the color requirements, etc. He further noted:

- we are going to have an AT&T tower in the near vicinity of the Sprint site (in a residential area)– the height has not yet been determined;
- if the Commission is interested in co-location on this particular site, the Commission needs to indicate this;
- he would get with Sprint to get a temporary tower in place, while specific details are obtained from AT&T; and
- bring this back to the Commission at a public hearing, publicized to deal with a co-located tower.

City Attorney Beach noted he would recommend a motion to consider a co-location on the subject site.

COMMENTS/DISCUSSION

- Further delay would cost the petitioner more money.
- It isn't a question of whether we are going to have the towers, it is where they will be located. We don't have the ability to refuse towers being built.

City Attorney Beach noted the following:

- The interpretation of the rights of municipalities to control is that we could have them place towers on government property (including schools) and, after government property is full, they have a right to place them wherever needed.

- We have almost used-up all government property – we now have locations more difficult to deal with.

- He doesn't think the City can stop towers from being erected.

COMMENTS/DISCUSSION

- If there is no motion the tower would remain at fifty-two (52) feet, and we will deal with AT&T separately.

- AT&T has sent a letter to the City indicating a desire to co-locate at the Sprint location, which would require an eighty (80) foot tower.

- Concern was expressed about setting a precedent with regard to allowing temporary towers to remain indefinitely.

- A temporary tower erected at Parkway Central was set-up on wheels. The permanent replacement was embedded in the ground.

City Attorney Beach noted that, if the Commission is willing to consider co-location, he will work with Sprint to get a temporary tower; and then work with AT&T to bring it all together.

Commissioner Grant made a motion to allow Sprint to have a temporary tower and have the City Attorney to negotiate to determine what alternatives would be best, in the future, with respect to co-location and whatever issues he can resolve. The motion was seconded by Commissioner Broemmer.

COMMENTS/DISCUSSION

- A public hearing would be necessary if the tower were to be changed from fifty-two (52) feet to eighty (80) feet.

- The vote of approval would give us the opportunity to let the petitioners' resolve the situation, because the City is restricted by our Ordinance conditions.

- When the CUP was approved last September, it was conditioned upon a FAA letter that had not yet been received. The question had not yet been asked of the FAA regarding the co-location requirements.

- If we go to public hearing, we would obtain another letter of input from the representative of the Spirit of St. Louis Airport.

- The motion on the floor would allow Sprint to build their fifty-two (52) foot tower; however, the eighty (80) foot tower would require a public hearing.

- If the City wouldn't allow co-sharing of the Sprint tower, we have no way of knowing the height that would be requested by AT&T. AT&T has indicated they would need between seventy (70) and eighty (80) feet in height.

- The height of a tower is based upon the height of the land above sea level and the surrounding terrain.

Commissioner Eifler suggested we have a deadline for the temporary Sprint tower (i.e., to be moved or made permanent).

City Attorney Beach suggested the Commission put an outside limit of six (6) months for the temporary structure.

This amendment to the motion was accepted by Commissioner Grant and Commissioner Broemmer.

City Attorney Beach noted that Sprint couldn't build a permanent fifty-two (52) foot tower in compliance with the City's Conditional Use Permit at this time because of the color. The temporary tower will have to be red and white due to FAA regulations.

- A concern was expressed that the National Electric Code requirement may affect the six (6) month temporary time limit requirement.

Upon a roll call the vote on the motion to approve was as follows: Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Eifler, no; Commissioner Grant, yes; Commissioner Layton, no; Commissioner Yaffe, yes; Chairman Bly, yes.

The motion passes by a vote of 5 to 2. (It received a majority of those present.)

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

A. **Wildwood Center (Fitz's Restaurant)**; "C-2" Shopping District Amended Architectural Elevations; south side of Clayton Road, east of Baxter Road.

Commissioner Grant, on behalf of the Site Plan Committee, made a motion to approve the Amended Architectural Elevations subject to the following conditions:

- the compressor be located on top of the roof in order to dissipate noise;
- the compressor and dumpster be screened by a sight-proof fence; and
- the existing perimeter fence be brought into a state of good repair.

The motion was seconded by Commissioner Casey **and passes by a voice vote of 7 to 0.**

IX. COMMITTEE REPORTS:

A. **Ordinance Review Committee** - No report
B. **Architectural Review Committee** - No report
C. **Site Plan/Landscape Committee**

Director Price recommended the Committee meeting be scheduled prior to the next Planning Commission meeting. If we need a more in-depth meeting, we may schedule another meeting.

Commissioner Broemmer noted he would be unable to attend the meeting of February 23, 1998.

Director Price noted that, if we can't schedule the meeting on February 23rd, we would schedule the Committee meeting prior to the March 9, 1998 Planning Commission meeting.

Committee Chair Eifler requested Director Price to take care of meeting notifications.

D. **Comprehensive Plan Committee** – No report

E. **Procedures and Planning Committee**

Committee Chairman Grant noted the Procedures and Planning Committee met before the Commission meeting tonight and, on behalf of the Committee, recommends the following:

- the Commission recommends to the Mayor that the Mayor appoint a Board by the name of "The Architectural Advisory Board" to the Planning Commission.
- that Board would be composed of those individuals from the professional organizations listed on the memo received from Teresa Price to Rick Bly dated February 5, 1998, regarding Residential, Commercial and Landscape Architects, Arts Commission Members, and some at-large members.
- The Committee also recommends to the Mayor that this be an advisory board and, if at all possible, they should report to the Planning Commission prior to whatever architectural review the Planning Commission is providing.

- The Planning Commission would have the discretion to approve or disapprove anything that comes before it without the recommendation of the Architectural Advisory Board.

- The Committee is hopeful the procedures allow the Board sufficient time to make a recommendation to the Planning Commission.

A motion to accept the Committee's recommendation to the Planning Commission was made by Commissioner Layton and seconded by Commissioner Casey.

Councilmember Brown noted the Chairman of the Planning and Zoning Committee had indicated he thought the two (2) at-large members should be from a specific profession. She wanted clarification of the Commission's recommendation for the "at-large" members.

Chairman Bly noted the At-Large Members do not have to be from a specific profession. This recommendation is to go straight to the Mayor.

The motion passes by a voice vote of 7 to 0.

A motion to adjourn was made by Commissioner Eifler, seconded by Commissioner Grant, **and passes by a voice vote of 7 to 0.**

The meeting adjourned at 8:58 p.m.

Michael J. Casey, Secretary

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