

CORRECTED

PLANNING COMMISSION OF THE CITY OF CHESTERFIELD AT CHESTERFIELD CITY HALL February 23, 2004

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

I. PRESENT

ABSENT

Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. B. G. Wardlaw
Chairman Victoria Sherman
Mayor John Nations
Ms. Mary Brown, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill, Senior Planner
Mr. Kyle Dubbert, Project Planner
Mr. Michael Hurlbert, Project Planner
Ms. Kathy Lone, Planning Assistant

II. INVOCATION: Commissioner Broemmer

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Mayor John Nations; Councilmember Jane Durrell (Ward I); ***Councilmember Mike Casey (Ward III)***; Councilmember Connie Fults (Ward IV), and Council Liaison Mary Brown (Ward IV).

Commissioner Perantoni read the first portion of the 'Opening Comments.'

IV. PUBLIC HEARINGS:

- A. **P.Z. 42-1999 Tower Center**: On October 2, 2000 a 2.296 acre tract of land located on Long Road, 1,000 feet south of Chesterfield Airport Road was rezoned from M-3 to P.C. The petitioner failed to comply with the time limits specified in Ordinance 1677 for submittal of the site development plan. As such, approval for the preliminary plan/site development concept plan has expired and a new public hearing is required for said preliminary plan.

Project Planner Kyle Dubbert gave a power point presentation showing the subject site and surrounding area. Mr. Dubbert stated that on October 2, 2000, a 2.296 acre tract of land located on Long Road, 1,000 feet south of Chesterfield Airport Road, was rezoned from M-3 to PC Planned Commercial. The petitioner failed to comply with the time limits specified in Ordinance 1677 for submittal of the site development plan. As such, approval for the preliminary plan/site development concept plan has expired and a new public hearing is required for the preliminary plan.

1. Mr. Mick Weber, M. W. Weber Architects, 183 Long Road, Chesterfield, MO 63005, architect for the petitioner and speaking in favor of **P.Z. 42-1999 Tower Center**, stated the following:
 - Site is located at the corner of Long and Edison roads;
 - Retail project;
 - Time ran out to submit the Site Development Plan due to issues involving curb cuts on the site;
 - This project is identical to what was originally approved.

2. Mr. Mike Seidel, GHH Investments, 1267 Somerset Field Drive, Chesterfield, MO 63005, representing the petitioner and speaking in favor of **P.Z. 42-1999 Tower Center**, stated the following:
 - Site Development Plan was not submitted on time due to many months of discussion with various agencies concerning curb cuts on Long Road and road improvements;
 - Petitioner bowed to the Monarch Fire District to move the project along thus having the curb cuts shown on the plan (on Edison Road and a secondary curb cut off Chesterfield Business Parkway);
 - Speaker stated that until the curb cut issue was resolved, plans could not be drawn up for configuration of the building;
 - Speaker stated that this proposed development would compliment Towne Centre.

COMMENTS/DISCUSSION –

Commissioner Macaluso and Commissioner Layton asked the petitioner to review the permitted use list to limit uses to be more representative of the plan.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL – None

REBUTTAL: None

Mr. Dubbert stated that the following issues would be reviewed and addressed:

- Eliminating permitted uses to be more representative of the plan;
- Clarification on the square footage and the number used to calculate parking spaces.

Chairman Sherman stated that **P.Z. 42-1999 Tower Center** would be held until all issues are reviewed and addressed.

Commissioner Perantoni read the closing portion of the ‘Opening Comments.’

V. APPROVAL OF MEETING MINUTES

Commissioner Wardlaw made a motion to approve the February 9, 2004 Meeting Minutes, as amended. The motion was seconded by Commissioner Broemmer and **passes by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT -

1. Mr. John Wagner, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, representing the attorney and speaking in favor of **P.Z. 24-2003 THE Chesterfield Development LLC (The Commons)**;
 - Speaker stated that he was present to answer questions.

2. Mr. Dolan Heard, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, petitioner for **P.Z. 24-2003 THF Chesterfield Development LLC (The Commons)**;
 - Speaker stated there is black mesh fencing presently around the rear of Lowe's that shields the lumber.

3. Ms. Karen Mannion, 208 Appaloosa Drive, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker read what was on the petition that was passed around to neighboring residents of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker stated that the Commercial Service Procedure (CSP) was explained to the residents when asked to sign the petition;
 - Speaker stated that her concerns with this CSP are: increased traffic, safety of the children and the precedent that would be set along Wild Horse Creek Road.

4. Ms. Jane Hopson, 5 Appaloosa Court, Chesterfield, MO 63005, Trustee for Appaloosa Way and speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker presented a copy of the Multiple Listing Service (MLS) listing for the home;
 - Speaker stated that the home was sold as a residence and now the buyer wants to turn the house into an office.

Commissioner Layton asked that a copy of the MLS listing be included in the Planning Commissioner's packets.

5. Mr. Andrew Pultman, 204 Appaloosa Drive, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker stated that he wants to see Wild Horse Creek Road remain residential.

6. Ms. Gretchen Bender, 216 Appaloosa Drive, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker gave a power point presentation showing the location of the proposed CSP from her house;

- Speaker stated that the parking lot will be 20 yards from her rear property line.
7. Mr. Jeff Hopson, 5 Appaloosa Court, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker stated that if this proposal is approved, it would only help one (1) Chesterfield resident who does not live on the property.
 8. Mr. Joseph Demko, 5840 Oakland Avenue, St. Louis, MO 63110, attorney for and speaking in favor of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker stated that the petitioner will continue the landscaping;
 - Speaker stated that this is a perfect type of situation for the CSP.
 9. Mr. Steve Miller, 16 Sunnen Drive, St. Louis, MO 63143, engineer for and speaking in favor of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker stated that a revised plan has been presented addressing the issues that were raised at the Public Hearing;
 - Speaker stated that the parking lot has been relocated closer to the structure;
 - Speaker stated that the Fire District is requesting a wider entrance from Wild Horse Creek Road. Speaker stated that the Fire District is requesting the pavement to be 26 feet wide from the road up to the handicapped parking stall.
 10. Mr. Bob Acree, Acree Design, Inc., 2101 Locust, St. Louis, MO, architect for and speaking in favor of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker stated that the seller was aware of the petitioner's intention for the house;
 - Speaker stated that the petitioner is sensitive to the surrounding area;
 - Speaker stated that the petitioner is willing and able to address issues with the surrounding neighbors.

Mr. Demko stated that the petitioner is willing to lower the number of parking spaces.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. **Long Road Crossing**: A record plat for an approximately 22.995-acre tract of land, zoned "PC" Planned Commercial District, located on the west side of Long Road, north of Chesterfield Airport Road.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Record Plat for **Long Road Crossing**. The motion was seconded by Commissioner Banks and **passes** by a voice vote of 9 to 0.

VIII. OLD BUSINESS –

- A. **P.Z. 24-2003 THF Chesterfield Development LLC (The Commons)**: a request for an amendment to City of Chesterfield Ordinances 1600 and 1627 to allow for seasonal outdoor sales and storage at Lowe's and Wal-Mart stores in Chesterfield Commons from March 15th until October 15th of each year.(17T140121)

Senior Planner Annissa McCaskill gave an overview of this petition. Ms. McCaskill stated that there are two (2) issues that the Commission stated needs to be in Attachment A: Materials inside the fence should not be extended above the fence line and the area is not adequately screened.

Commissioner Macaluso made a motion to approve **P.Z. 24-2003 THF Chesterfield Development LLC (The Commons)** with the following additions to Attachment A: To extend the privacy screening on the western portion of the fence to be the same material as on the rear of the site and that there be no stacking of products above the top of the fence line. The motion was seconded by Commissioner Banks.

Upon a roll call the vote was as follows: Commissioner Banks, yes; Commissioner Broemmer, yes; Commissioner Hirsch, no; Commissioner Layton, no; Commissioner Macaluso, no; Commissioner O'Connor, yes; Commissioner Perantoni, yes; Commissioner Wardlaw, yes; Chairman Sherman, yes.

The motion passes by a vote of 6 to 3.

- B. **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**: a request for a Commercial Service Procedure within an “NU” Non-Urban District for 1.194 acre tract of land located north of Wild Horse Creek Road, east of Appaloosa Way, and west of Wildhorse Elementary (Locator Number: 18T 51 0075).

Project Planner Michael Hurlbert gave an overview of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)** and asked the Commission if they had additional issues to be reviewed and addressed.

Commissioner Banks expressed concern with the intensity and the parking on this site. Commissioner Banks asked Staff to review other Commercial Service Procedures (CSP’s) that have been approved with a large number of parking spaces.

Commissioner Layton asked Staff to review that, if this proposal were put in a properly zoned project, what would the Chesterfield parking ordinance require as far as the number of parking spaces.

Mr. Hurlbert will provide clarification on the parking.

Chairman Sherman asked for a comparison on the width of the driveway and the apron per request by the Fire District and what the Fire District would require if this house were built by today’s standards, for example R-2 or an E-One Acre.

Councilmember Brown asked if the Fire District has different standards on residential property or a CSP.

Commissioner O’Connor expressed concern with the large number of parking spaces. Commissioner O’Connor asked Staff for a comparison to the 2-3 largest CSP’s in Chesterfield that are medical in use.

Chairman Sherman stated that **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)** would be held until all issues are reviewed and addressed.

IX. NEW BUSINESS –

- A. **P.Z. 34-2001 Chesterfield Village/Altshuler Tract**: a request for an extension of time for a “PC” Planned Commercial District Site Development Plan; located on the north side of North Outer Forty Road near the intersection of North Outer Forty Road and Chesterfield Parkway West.

Project Planner Kyle Dubbert gave an overview of the request for an 18-month time extension to submit a Site Development Plan for **P.Z. 34-2001 Chesterfield Village/Altshuler Tract**. Mr. Dubbert stated that this request is due to the economic condition.

Commissioner Hirsch made a motion to approve the time extension for **P.Z. 34-2001 Chesterfield Village/Altshuler Tract.** The motion was seconded by Commissioner O'Connor.

Commissioner Macaluso stated that the Commission had voted recently for 12-month time extensions.

Commissioner Hirsch stated that his motion is for an 18-month time extension. Commissioner O'Connor stated that her seconding of the motion was for an 18-month time extension.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Hirsch, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner O'Connor, yes; Commissioner Perantoni, yes; Commissioner Wardlaw, yes; Commissioner Banks, yes; Chairman Sherman, yes.

The motion passes by a vote of 9 to 0.

X. COMMITTEE REPORTS:

- A. Committee of the Whole**
- B. Ordinance Review Committee**

Committee Chairman Layton stated that an item from this Committee would be having a Public Hearing soon and two (2) other items are still being reviewed.

- C. Architectural Review Committee**
- D. Landscape Committee**
- E. Comprehensive Plan Committee**
- F. Procedures and Planning Committee**

Commissioner Banks suggested that a meeting of the Procedures and Planning Committee be arranged and to invite the Planning Commission of the Whole to discuss some kind of a policy for covering disclosure of member's attendance at meetings outside of the Sunshine Law and to make them public before the Commission votes on issues.

- G. Landmarks Preservation Commission**

Councilmember Brown stated that the Planning and Zoning Committee is waiting for a new plan to be submitted for Kendall Bluff that is more reflective of the Attachment A.

General discussion followed concerning Kendall Bluff.

Councilmember Jane Durrell stated that she was going to be meeting with the petitioner of Kendall Bluff and asked the Commission for suggestions.

Commissioner Macaluso stated that the two (2) trees on the eastern side need to be saved.

The meeting unanimously adjourned at 8:34 p.m.

B. G. Wardlaw, Secretary

