

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
April 8, 2002

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

I. PRESENT

ABSENT

Mr. Fred Broemmer
Mr. Mike Kodner
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Ms. Rachel Nolen
Mr. Jerry Right
Ms. Victoria Sherman
Mr. B. G. Wardlaw
Chairman David Banks
Mr. Doug Beach, City Attorney
Mayor John Nations
Ms. Teresa Price, Director of Planning
Ms. Barbara Weigel, Senior Planner
Mr. Paul DeLuca, Project Planner
Mr. Mike Hurlbert, Project Planner
Ms. Annissa McCaskill, Project Planner
Ms. Kathy Lone, Planning Assistant

II. INVOCATION: Commissioner Macaluso

III. PLEDGE OF ALLEGIANCE: All

Chairman Banks recognized the attendance of Mayor John Nations and Councilmember Bruce Geiger (Ward II).

IV. PUBLIC HEARINGS:

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

A. P.Z. 08-2002 Solon Gershman, Inc.: A request for a change in zoning from a "C2" Shopping District to a "PC" Planned Commercial District for a .25 acre tract of land located on the north side of Olive Boulevard and east of Woods Mill Road (Locator Number: 16Q 33 1031).

Proposed Uses:

Restaurants, fast food

Project Planner Mike Hurlbert gave a power point presentation showing the subject site and surrounding area.

1. Mr. Gary Feder, Husch & Eppenberger, LLC, 190 Carondelet Plaza, St. Louis, MO 63105, attorney for P.Z. 08-2002 Solon Gershman, Inc., stated the following:

- Site is a vacant Jack-in-the-Box Restaurant;
- Site has been vacant for approximately 18 months;
- Proposal is for a Dairy Queen;
- Site was originally zoned in 1970 (by County) to commercial zoning which permitted a restaurant as a permitted use, whether or not it had a drive-thru;
- In 1985, under County zoning, this site became a Conditional Use Permit (CUP) to the extent it had a fast food restaurant;
- This site was grandfathered in as a non-conforming use as a Jack-in-the-Box Restaurant;
- When the Jack-in-the-Box Restaurant was closed in late 1999, since there was not any permit application filed, it lost its status as a non-conforming use;
- When this site was leased for a Dairy Queen, it was determined that the only type of zoning that would permit a drive-thru was Planned Commercial (PC);
- Traffic engineer is Julie Nolfo of Crawford Bunte Brammeier. A summary report was provided to the Planning Commission concerning queuing capacity;
- Only changes that would be made to the restaurant would be conforming it to the Dairy Queen style;
- The circulation report was based on the Dairy Queen at Clarkson and Clayton roads in Ellisville. The report stated that five (5) queuing spaces would be needed at this site;
- The existing menu board would be moved farther to the west to allow for the additional queuing spaces;
- To provide the necessary parking spaces and not seek a variance, it will be necessary to include the eleven parking spaces to the west of the site and they would be designated solely as parking spaces for the Dairy Queen.

2. Mr. Crest Elke, 11911 Westline Drive, St. Louis, MO 63146, Vice President of Dairy Queen Association and petitioner of P.Z. 08-2002 Solon Gershman, Inc., stated the following:

- 60% of the business would be drive-thru;
- There would not be outdoor seating;
- The traffic study was based on the Dairy Queen at Clarkson and Clayton roads. This establishment does more business than the proposed Dairy Queen due to the limited availability of drive-thru restaurants near Clarkson and Clayton roads;
- The queuing time at the proposed site will be approximately 2.5 minutes;
- The inside sit down capacity is 32 seats.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION –

1. Mr. Allan Sheppard, 826 Judson Manor Drive, Chesterfield, MO 63141, representing Judson Manor Subdivision and speaking in opposition to P.Z. 08-2002 Solon Gershman, Inc.;

- Speaker expressed concern with the health and safety problem of traffic at this intersection;
- Speaker stated that there already is too much traffic on Olive Boulevard;
- Speaker asked the Planning Commission to make safety their priority on this rezoning and recommend to City Council that they establish a minimum acceptable safe distance to accommodate traffic waiting to be served in all drive-thru businesses in the City.

SPEAKERS – NEUTRAL – None

REBUTTAL:

Mr. Feder stated that this site does work as it has in the past. Mr. Feder stated that the petitioner has attempted to improve the current layout by moving the menu board.

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

- Ø Queuing time;
- Ø Seating capacity;
- Ø Outdoor seating;
- Ø Left-hand turns for east-bound traffic;
- Ø Internal circulation, specifically cars backing out of the parking spaces;
- Ø Timeline;
- Ø How it fits into the overall plan;
- Ø Pedestrian circulation;
- Ø Public safety;
- Ø Number of parking spaces;
- Ø Petitioner to present plan showing entire site and egress and ingress points;
- Ø Independent look at traffic study done by Crawford Bunte Brammeier;
- Ø Review the queuing at the McDonald's restaurant on Olive Boulevard;
- Ø Direction of the striping for the parking spaces;
- Ø Service rating for the intersection at Olive Boulevard and 141;
- Ø Parking requirements for the 7-11 and whether they can give up 11 parking spaces;
- Ø Customer count between the Clarkson/Clayton Dairy Queen and this one.

Commissioner Layton read the closing portion of the 'Opening Comments.'

V. APPROVAL OF MEETING MINUTES

Commissioner Macaluso made a motion to approve the March 25, 2002 Meeting Minutes. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 8-0-1. (Commissioner Sherman abstained from voting since she was not at the March 25, 2002 Meeting.)

V. PUBLIC COMMENT -

1. Mr. Steve Koslovsky, 168 North Meramec, Clayton, MO 63105, speaking in favor of P.Z. 34-2001 Chesterfield Village/Altshuler Tract;

- Speaker stated that modifications have been made to the landscaping along the property line that adjoins the Hayden residential development;
- Speaker stated that a landscape plan has been prepared for the overall site which includes a sculpture within the detention area and appropriate foliage to give year-round color;
- Speaker stated that the engineer for the petitioner has meet with Staff and the City's tree consultant and prepared a modified tree preservation plan in an effort to preserve some of the existing trees on the site in addition to the trees that the petitioner intends to replace.

2. Mr. Bob Volz, Volz Engineering, 10849 Indian Head Industrial Boulevard, St. Louis, MO 63132, engineer for the petitioner and speaking in favor of P.Z. 34-2001 Chesterfield Village/Altshuler Tract;

- Speaker stated that he has presented a drawing to Staff showing the setbacks of the various surrounding buildings;
- Speaker stated that currently there are 103 trees on the site. Petitioner plans to replant 174 trees. The pines that would be planted would be 8 feet high and the other trees would be 14-15 feet high at the time of planting. The plan indicates the size of the trees at maturity would range from 30 to 75 feet in height;
- Speaker stated that pines have been added near the residential development;
- Speaker stated that some trees would be added to the detention basin. The trees would have small leaves so as to not clog the detention basin;
- Speaker stated that he has met with Mr. Jim Rocca, the City's tree consultant. Speaker stated that he would review the plan to see if he could maintain the trees. Speaker stated that trees on the southwest corner have been shaded by other trees and many are dead on the backside. Speaker stated that 4 additional trees could be saved on this corner and 2 at the southeast corner of the building;
- Speaker stated that the detention basin is sized according to MSD standards;
- Speaker stated that the trees across the front of the building have been topped by the utility companies and were not significant to save.

3. Mr. Jim Rocca, 4-S Tree Consulting, 1547 Virginia Drive, Ellisville, MO 63011, City of Chesterfield Tree Consultant, speaking neutral to P.Z. 34-2001 Chesterfield Village/Altshuler Tract;

- Speaker stated that, based on the size of the tract and the area of tree canopy coverage currently on site, a tree removal permit would be required;
- Speaker stated that some of the trees on the south edge have been topped;
- Speaker stated that more of the trees are species and condition that could be preserved if the building and parking layout were changed;
- Speaker stated that a tree removal permit allows tree removal within the guidelines of the ordinance. The new ordinance, #1777, requires 30% of the original tree canopy coverage to be preserved or an equivalent amount of area to be preserved and replanted into trees. This would happen if the trees were of poor quality or species that they could not be saved. Mitigation is not an automatic option. The applicant must meet the requirements of mitigation and show that there is no other way to develop the site and that the trees are of a poor quality or condition and not worthy of being saved;
- Speaker stated that all of the trees on this site do not fall into the category of poor species or poor quality;
- Speaker stated that he does not have sufficient information to say that this qualifies for mitigation;
- Speaker stated that there is potential for tree preservation on this site;
- Speaker stated that any trees that could be saved by the detention basin would be better for erosion control and storage of water;
- Speaker stated that if the 6 trees are preserved, the applicant would need to ensure very strict requirements for tree preservation which would include: trenching, fencing, and absolute minimal damage to the trees;
- Speaker stated that the intent of the tree ordinance is that size of a tree is more important than age of the tree as it will add to the appearance of the site;
- Speaker stated that he disagreed with tree ratings of the petitioner's tree consultant. Many of the trees that the petitioner's tree consultant said were fair, Mr. Rocca would rate good.

4. Mr. Jean Magre, The Sterling Company, 5055 New Baumgartner Road, St. Louis, MO 63129, engineer for The Courts II;

- Speaker stated that he was present to answer questions.

5. Mr. Ed Levinson, 1301 Amherst Terrace Way, Chesterfield, MO 63017, petitioner and speaking in favor of P.Z. 30-2001 Westchester;

- Speaker stated that he is saving a great deal of trees on the site: Along the front, rear and on the sides;
- Speaker stated that he is not denuding the property of trees;
- Speaker stated that there is an error in the Staff report. The zoning for Chesterfield Estates is R-1, R-1A.

6. Ms. Laura Lueking, 15021 Conway Road, Chesterfield, MO 63017, speaking in opposition to P.Z. 34-2001 Chesterfield Village/Altshuler Tract;

- Speaker stated that the footprint of the building is too big for the actual parcel;
- Speaker was concerned about how much this site would be cut down to match the Delmar Gardens site.

7. Mr. Tom Levinson, Levinson Homes, 17613 Vintage Oak Drive, Wildwood, MO 63038, speaking in favor of P.Z. 30-2001 Westchester;

- Speaker stated that he has spoken with neighbors adjacent to this site and they are pleased with this proposal;
- Speaker stated that trees are being preserved on this site.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

A. Seasons at Schoettler Addition: a record plat subdividing a 5.42 acre residential development zoned R-2 (PEU) located on Schoettler Rd extending Spring Breeze and Summer Blossom Lanes in the Seasons at Schoettler subdivision.

Commissioner Macaluso, on behalf of the Site Plan Committee, recommends approval of the Record Plat for Seasons at Schoettler Addition. The motion was seconded by Commissioner Right and passes by a voice vote of 9 to 0.

B. The Courts II: a record plat subdividing a 3-acre tract zoned R-3 10,000 sq foot minimum lot size into nine residential lots located. The property is zoned R-3 Residential District and located on The Courts Drive off Kehrs Mills Rd.

Commissioner Macaluso, on behalf of the Site Plan Committee, recommends approval of the Record Plat for The Courts II. The motion was seconded by Commissioner Kodner and passes by a voice vote of 9 to 0.

Chairman Banks called a recess at 8:40 p.m. and resumed the meeting at 8:50 p.m.

VIII. OLD BUSINESS –

A. P.Z. 34-2001 Chesterfield Village/Altshuler Tract; a request for a change of zoning from "NU" Non-Urban District to "PC" Planned Commercial District for 5.29 acres of land located north of North Outer Forty Road, near the intersection of North Outer Forty Road and Chesterfield Parkway East. (Locator Number: 18R-110020)

Proposed use:
Five story office building.

Project Planner Annissa McCaskill gave an overview of P.Z. 34-2001 Chesterfield Village/Altshuler Tract.

Ms. McCaskill stated that the top of the building for One Chesterfield Place, exclusive of mechanical equipment, is 630 feet above sea level. The base elevation for One Chesterfield Place is 558 feet and the Altshuler Tract would be 565 feet above sea level.

Ms. McCaskill stated that the 163-foot setback is from the middle of the pavement on Highway 40 and the 97-foot setback is measured from the pavement of North Outer Forty. Ms. McCaskill stated that the Altshuler Tract is approximately 20 feet minimum closer to the road than the buildings on either side.

Mr. Rocca stated that one of the requirements for tree mitigation is that this proposed development needs to show development with 30% of the trees saved and, if not, then the petitioner needs to justify why. Mr. Rocca stated that mitigation is not an absolute given. The petitioner must be able to justify it with regards to the trees that are presently there, the topography and difficulty in developing this site. Mr. Rocca stated that he does not see any of those coming into play on this proposed site.

Mr. Rocca stated that mitigation could be off-site but is intended to be on-site. Landscaping does not qualify for mitigation (as trees) under the tree ordinance.

Chairman Banks stated that P.Z. 34-2001 Chesterfield Village/Altshuler Tract would be held until all issues are reviewed and addressed.

B. P.Z. 30-2001 Westchester: A request for a change in zoning from an "NU" Non-Urban District to an "E-3" Residence District for a 7.49 acre tract of land located on the south side of Wild Horse Creek Road, east of Kehrs Mill Road and west of Wilson Road (Locator Number: 18U 24 0111).

Proposed Uses:
Single Family Residences

Project Planner Mike Hurlbert gave an overview of P.Z. 30-2001 Westchester. Mr. Hurlbert stated that the engineers for the petitioner stated the topography for Lots 5 and 6 of Westchester would be too steep for a road to continue through.

Commissioner Kodner made a motion to approve P.Z. 30-2001 Westchester. The motion was seconded by Commissioner Wardlaw.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Kodner, yes; Commissioner Layton, no; Commissioner Macaluso, no; Commissioner

Nolen, no; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Wardlaw, no; Chairman Banks, yes.

The motion was approved by a vote of 5 to 4.

C. P.Z. 3-2002 City of Chesterfield: a request to amend Paragraph 10, Section 1003.167 Miscellaneous Regulations of the City of Chesterfield Zoning Ordinance to read as follows (additional language in bold):

10.Issuance of grading, building, etc. permits in certain districts. No permits shall be issued for clearing, grubbing, grading, building, or use of a site governed by a Planned District, Senior Residence District, Mixed Use District or Special Procedure which are not in accord with site development plans, site development concept plans, or site development section plans approved by the Planning Commission or Department of Planning, with the following exception: Grading Permits may be issued for developments within the Chesterfield Valley so long as the permit is strictly for the purpose of either stockpiling or the surcharging of a future building pad. Site Development Plan submittal shall include a Tree Preservation Plan and Grading Plan.

Project Planner Annissa McCaskill gave an overview of P.Z. 3-2002 City of Chesterfield. Ms McCaskill stated that grading permits would be issued for developments within the Chesterfield Valley only so long as the permit is strictly for the purpose of either stockpiling or the surcharging of a future building pad.

Commissioner Sherman made a motion to approve P.Z. 3-2002 City of Chesterfield. The motion was seconded by Commissioner Kodner.

Upon a roll call the vote was as follows: Commissioner Kodner, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Wardlaw, yes; Commissioner Broemmer, yes; Chairman Banks, yes.

The motion was approved by a vote of 9 to 0.

D. P.Z. 4-2002 City of Chesterfield: a request to amend Paragraph 16, Section 1003.167 Miscellaneous Regulations of the City of Chesterfield Zoning Ordinance to authorize the Chief of Police to issue permits for amusement devices and activities.

Project Planner Annissa McCaskill gave an overview of P.Z. 4-2002 City of Chesterfield.

Commissioner Wardlaw made a motion to approve P.Z. 4-2002 City of Chesterfield. The motion was seconded by Commissioner Kodner.

Upon a roll call the vote was as follows: Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner

Sherman, yes; Commissioner Wardlaw, yes; Commissioner Broemmer, yes;
Commissioner Kodner, yes; Chairman Banks, yes.

The motion was approved by a vote of 9 to 0.

E. P.Z. 5-2002 City of Chesterfield: a request to amend the City of Chesterfield Zoning Ordinance to include the following:

1003.190 Landmarks Preservation Commission (LPC)

To preserve and protect the character of the City of Chesterfield, the Planning Commission shall utilize the Landmarks Preservation Commission to review projects of historical significance and provide recommendations during the preliminary plan, site development plan and site plan process.

Project Planner Annissa McCaskill gave an overview of P.Z. 5-2002 City of Chesterfield.

Commissioner Macaluso made a motion to approve P.Z. 5-2002 City of Chesterfield. The motion was seconded by Commissioner Wardlaw.

Upon a roll call the vote was as follows: Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Wardlaw, yes; Commissioner Broemmer, yes; Commissioner Kodner, yes; Commissioner Layton, yes; Chairman Banks, yes.

The motion was approved by a vote of 9 to 0.

IX. NEW BUSINESS – None

X. COMMITTEE REPORTS:

- A. Committee of the Whole
- B. Ordinance Review Committee
- C. Architectural Review Committee
- D. Site Plan
- E. Landscape Committee
- F. Comprehensive Plan Committee
- G. Procedures and Planning Committee
- H. Architectural Review Board Update
- I. Landmarks Preservation Commission

General discussion followed concerning the West Area Study and the Comprehensive Plan.

The meeting was unanimously adjourned at 9:32 p.m.

Victoria Sherman, Secretary