

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
APRIL 10, 2006**

The meeting was called to order at 7:00 p.m. by Vice-Chairman Hirsch in the absence of Chairman Macaluso.

I. PRESENT

Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Tom Sandifer
Ms. Victoria Sherman

ABSENT

Mr. David Asmus
Ms. Stephanie Macaluso

Mayor John Nations
Councilmember Mike Casey, Council Liaison
City Attorney Rob Heggie
Ms. Libbey Simpson, Assistant City Administrator for Economic & Community Development
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Mr. Nick Hoover, Project Planner
Ms. Mara Perry, Project Planner
Ms. Mary Ann Madden, Planning Assistant

Acting Chair Hirsch acknowledged the attendance of Councilmember Mike Casey, Council Liaison; Councilmember Jane Durrell, Ward I; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults, Ward IV; and Councilmember Mary Brown, Ward IV.

II. INVOCATION: Commissioner Perantoni

III. PLEDGE OF ALLEGIANCE – All

IV. PUBLIC HEARINGS – Commissioner Broemmer read the “Opening Comments” for the Public Hearing

- A. **P.Z. 8-2006 Four Seasons Plaza (Dr. Phil Hendricks)**: A request for an amendment to City of Chesterfield Ordinance 775 to permit financial institutions, medical offices, restaurants, and drive-up facilities in Four Seasons Plaza, a 2.35 acre "C8" Planned Commercial District located on the south side of Olive Boulevard, directly across from the intersection of State Highway 340 and River Valley Drive (LOCATOR NUMBER 16Q230260)

Ms. Anissa McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. McCaskill-Clay stated the following:

- Public Hearing notices were posted on March 24, 2006.
- The Comprehensive Plan shows the subject area as "Community Retail".
- "Community Retail" is defined as a center characterized by one national anchor store or grocery store at a maximum of 150,000 square feet that provides general merchandise and services and attract customers from multiple neighborhoods within Chesterfield and neighboring municipalities that will generally travel up to 15 minutes to reach the center.

PETITIONER'S PRESENTATION:

1. Mr. John King, Attorney for the Petitioner, 168 North Meramec, Clayton, MO stated the following:
 - The subject tract is 2.3 acres in size and is already constructed. There is no intention to change the outside of the stores or to add any square footage.
 - There is 22,500 sq. ft. of retail space at the subject location with four vacancies at the present time, which comprises about one-third of the space.
 - A chiropractic office, Starbucks, St. Louis Bread Company, and several banks have been expressed interest in leasing space at this location. Any bank would require a drive-thru facility.
 - The site has 102 parking spaces.
 - The Petitioner is requesting an amendment to the Ordinance to allow a financial institution with one drive-thru window and ATM machine; a restaurant with a drive thru; and medical offices. Mr. King noted that the restaurant would not be a fast-food type restaurant but more along the lines of a Starbucks or St. Louis Bread Company.
 - The landscaping on the site will be updated.

Responding to questions from the Commission, Mr. King stated the following:

- **Regarding the drive-thru area:** There would be only one drive-thru facility – either a bank or restaurant but not both. There may be a small canopy over the drive-thru area. The engineer for the site has indicated that there is a sufficient amount of turning radius for the drive-thru.

- **Regarding parking requirements for medical use and restaurant use:** The engineer had been asked to analyze the parking requirements and he felt it would be adequate.
- **Regarding restaurant use:** There would be a very small sit-down portion of the restaurant in addition to the drive-thru.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Arthur J. O'Leary, 409 Spring Valley Court, Chesterfield, MO stated the following:
 - He and his wife own the property directly west of the proposed changes to the shopping center. They have lived at their home for 35 years and were involved in the original rezoning 33 years ago.
 - Garbage removal from the proposed site continues to be a problem as it is picked up between 3 and 4 a.m.
 - He and his family spend a lot of time in their back yard and do not see a need to change anything on the site.
 - The lighting from the bank across Olive continues to be a problem with his property. Their lighting is on all night long and affects his back yard. There is no problem with the lighting from the subject site.
 - His main concern is "peace and quiet" and eliminating some of the lighting in the area.
 - There is an outdoor speaker at the realty office which is also an issue during the warmer weather when his family is outside.

Mayor Nations indicated that the issues of garbage pick-up and the outdoor speaker would be reviewed.

SPEAKERS – NEUTRAL: None

REBUTTAL:

1. Mr. King stated that he would meet with Mr. O'Leary to address his concerns.

ISSUES:

1. Provide the uses that may be utilized for the drive-thru.
2. Is there enough turning radius for the drive-thru?
3. Address the issue of the time garbage is being removed from the site.
4. How would garbage disposal be handled for any additional uses going into the site?
5. What is the actual use of the area behind the proposed drive-thru?
6. Provide the parking requirements for the site for medical use and restaurant use.
7. Would the restaurant have a sit-down area, along with a drive-thru? How much seating would be provided for a restaurant?

8. Provide information on any possible changes to the current elevation.
9. Will lighting from the site impact adjacent neighbors?
10. Address the issue of the outdoor speaker.
11. Provide information about the landscaping for the site. Is additional landscaping required?
12. Clarify the use so that it can be addressed in the Attachment A.
13. Provide the distance from the southeast corner of the building to the nearest residences to the south.
14. Review the width of the driveway coming in from Olive to determine if it meets City standards.
15. Review the traffic patterns around the driveway and site circulation.
16. If a restaurant is included, is the trash area large enough? Will there have to be more than one trash pick-up per week?
17. If a bank is included, will it require more security lighting around the drive-thru area?
18. Provide the hours that lighting would be utilized for a financial institution vs. a restaurant.

Commissioner Broemmer read the Closing Comments for Public Hearing **P.Z. 8-2006 Four Seasons Plaza (Dr. Phil Hendricks)** noting the earliest possible date the Planning Commission could vote on the subject petition would be May 8, 2006.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the **March 27, 2006 Planning Commission Meeting**. The motion was seconded by Commissioner Sherman and **passed by a voice vote of 6 to 0**. (Commissioner Perantoni abstained since she was not at the March 27th meeting.)

VI. PUBLIC COMMENT

RE: St. Luke's Expansion

In Opposition:

1. Ms. Jo Ann Black, 148 Saylesville Drive, Chesterfield, MO stated the following:
 - She is addressing her concerns with respect to the land that is occupied by the church and the two-story white house, directly south of the church. The two-story white house is directly behind her property. Speaker understands that the house has been purchased by St. Luke's.
 - The St. Luke's expansion is directly adjacent to the common ground, which is behind the back yards of the residents along Saylesville.

- When she purchased her property twenty years ago, she investigated the zoning of the proposed site and noted it was zoned “residential”. The site has recently been rezoned to “Medical Use”.
- The proposed plans include a six-story parking lot, a five-story parking garage, and three five-story medical buildings. She feels these plans are not consistent with the residential properties in the area.
- The land being developed is on a bluff. The bluff is several stories above the back yards of the Saylesville residents. Any building constructed on the site would be towering above their properties.
- They have concerns about the lights. The current garages are lit 24 hours per day.

For clarification, Ms. McCaskill-Clay, Director of Planning, noted that Ms. Black is referring to Parcel D. The next Planning Commission meeting of April 24th will have a Public Hearing on Parcel D of St. Luke’s expansion.

2. Mr. Russell Elzinga, 168 Saylesville, Chesterfield, MO stated the following:
- He has concerns about the water drainage at the intersection of 141 and Ladue. Currently, during heavy storms, the water runoff ends up in the common ground, as well as in his back yard. He questioned where the displaced water from the new construction will go.
 - He has concerns that the trees will be impacted by standing water.
 - He has concerns that the new construction of 141 will displace more water and he questioned where it will go.
 - He questioned what will happen to the runoff and the sewer.

RE: P.Z. 14-2005 Rhodes Development (Plaza Tire)

Petitioner:

1. Mr. John King, 168 North Meramec, Clayton, MO stated he was available for questions.

RE: P.Z. 33-2005 THF Chesterfield Development (North Interstate Development-CVPBAIII LLC)

Petitioner:

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
- A 50% open space requirement is still noted in the Attachment A. He requested that the Attachment A be amended to reduce the open space requirement to 40%.

- The development immediately to the west of the subject site has a 40% open space requirement. The language in that legislation states: *“There shall be retention of open space (areas consisting of non-impervious surfaces that can absorb water) for 40% of the developed site, in addition to landscaped right-of-way.”*
 - He feels 40% is an appropriate level of open space for the subject site. Speaker noted that this has been the pattern for this area of the Valley. The Summit development to the east of the subject site was zoned with the condition of 40% open space. He is not aware of any properties in the vicinity of the interchange that have a 50% open space requirement, other than Junior Achievement, which is a unique situation because of the nature of its use.
 - He noted that there is a vast amount of right-of-way that exists in the area, which will be landscaped.
2. Mr. Tom Roof, 8251 Maryland Avenue, #300, St. Louis, MO stated he would pass on speaking.
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RE: P.Z. 02-2006 & P.Z. 03-2006 Manors at Schoettler Valley (Taylor Morley) (1527 and 1523 Schoettler Road.)

Petitioner:

1. Ms. Suzanne L. Zatin, Attorney with Gallup, Johnson & Neuman, 101 South Hanley, Ste. 1700, St. Louis, MO stated she was available for questions.
2. Mr. Vic Brueggemann, Wind Engineering, 12 North Kirkwood Road, Kirkwood, MO stated he would address drainage concerns:
 - They propose to intercept all of their water into the detention basin on the southern half of the site and then direct it to the creek.
 - The proposed plan satisfies the residents of Baxter Lakes.
 - They met with the Trustees of Baxter Lakes and Highland Forest last week. At that time, the Trustees expressed satisfaction with the proposed design of how storm water will be handled.

Commissioner Sherman noted that Councilman Hurt is a resident of Baxter Lakes and asked if he had reviewed the plan. Mr. Brueggemann replied that Councilman Hurt was not at the meeting with the Trustees.

3. Mr. Sid Koltun, Taylor Morley Homes, 17107 Chesterfield Airport Road, Chesterfield, MO stated he was available for questions.
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VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Chesterfield Commons West, Hardees:** Revised monument sign for a 1.02 acre parcel located southeast corner of Chesterfield Airport Road and Chesterfield Commons West Drive.

Commissioner Banks, representing the Site Plan Committee, made a motion to accept the Revised Monument Sign. The motion was seconded by Commissioner Broemmer and **passed** by a voice vote of 7 to 0.

- B. **St. Luke's Hospital:** Site Development Concept Plan for two parcels totaling 77.3 acres of land zoned "MU" Medical Use District located on the northwest corner (Parcel B) and the southeast corner (Parcel A) of Highway 141 (Woods Mill) at the intersection with St. Luke's Drive.

Commissioner Banks, representing the Site Plan Committee, made a motion to accept the Site Development Concept Plan. The motion was seconded by Commissioner Perantoni and **passed** by a voice vote of 6 to 1. (Commissioner Sandifer voted "no".)

- C. **St. Luke's Hospital (Parcel B):** Site Development Section Plan, Landscape Plan, Lighting Plan and Architectural Elevations for 22.21 acres of land zoned "MU" Medical Use District located on the northwest corner of Highway 141 (Woods Mill) at the intersection with St. Luke's Drive.

Commissioner Banks, representing the Site Plan Committee, made a motion to accept the Site Development Section Plan, Landscape Plan, Lighting Plan, and Architectural Elevations. The motion was seconded by Commissioner O'Connor and **passed** by a voice vote of 6 to 1. (Commissioner Sandifer voted "no".)

- D. **Wings of Hope:** Amended Architectural Elevations for a hangar on the south side of Aviation Museum Road.

Commissioner Banks, representing the Site Plan Committee, made a motion to accept the Amended Architectural Elevations. The motion was seconded by Commissioner Broemmer and **passed** by a voice vote of 7 to 0.

VIII. OLD BUSINESS

- A. **P.Z. 14-2005 Rhodes Development (Plaza Tire)**: A request for a change of zoning from “C-8” Planned Commercial to “PC” Planned Commercial for a 1.5-acre parcel located south of Chesterfield Airport Road, west of Valley Center Drive. (Locator Number 17U14-0120)

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated the following:

- Staff had been directed to look at similar uses along Chesterfield Airport Road. It was determined that the language referred to them as “retail use” or the language was identical to that shown for the subject proposal.
- The proposal limits the types of uses that could be utilized for vehicle repair facilities and service centers in that “body work” and the “sale of motor vehicles” are prohibited.
- The Petitioner has requested that “use (rr)” be reviewed because there is a conflict with the permitted uses. The permitted uses includes “indoor sale of motor vehicles”. The Petitioner has advised that there will be no sale of any type of vehicles on the site.
- The Petitioner has advised that they will attempt to maintain any trees on the site per the requirements of the Tree Manual. It was noted that there are not a lot of trees on the site and a large area of the site is proposed to be paved.

Commissioner Sherman expressed her hope that some of the trees in the detention area could be saved as a buffer to the parking lot for St. Louis Family Church. Ms. McCaskill-Clay stated that it appeared these trees would be taken up by the storm water area.

Commissioner Broemmer made a motion to approve P.Z. 14-2005 Rhodes Development (Plaza Tire) with the following amendment to Section I.C.1.(rr) of the Attachment A pertaining to allowable Permitted Uses:

Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, ~~including indoor sale of motor vehicles~~, are being offered for sale or hire to the general public on the premises.

The motion was seconded by Commissioner Banks.

DISCUSSION

Commissioner Sherman requested that, when the Site Plan is presented, the Commission review the buffering situation where trees will be removed.

Upon roll call, the vote was as follows:

**Aye: Commissioner Banks, Commissioner Broemmer,
Commissioner O'Connor, Commissioner Perantoni,
Commissioner Sandifer, Commissioner Sherman,
Acting Chair Hirsch**

Nay: None

The motion passed by a vote of 7 to 0.

- B. P.Z. 33-2005 THF Chesterfield Development (North Interstate Development-CVPBAIII LLC):** A request for rezoning from "NU" Non-Urban to "PC" Planned Commercial district for a 6.6 acre parcel located north of State Highway 40/64 and east of Boone's Crossing. (17U620116 & 17U620138)

Ms. McCaskill-Clay stated the following:

- Issues for the site pertain to open space requirements. The Petitioner is requesting 38.4% open space, along with the use of a right-of-way and easement to increase the open space calculation. The current Attachment A requires 50% open space.
- Staff has found two instances where right-of way was involved in the issue of open space:
 - The Altshuler Tract, owned by Sachs Properties, has a governing ordinance requiring 45% open space. At the time the ordinance was written, right-of-way was calculated because the Petitioner was in the process of purchasing excess right-of-way from Missouri Department of Transportation.
 - The North Interchange Development has a governing ordinance of 40% open space of the site, in addition to a landscaped right-of-way. This ordinance also includes an exhibit showing open space at 60% with the right-of-way and 40% without the right-of-way.
- Regarding the easement, the Petitioner has advised that it would be a permanent easement to the property. The easement cannot be conveyed to the Petitioner but can be utilized. The Petitioner has an agreement with the owner of the easement that it would be utilized completely by the Petitioner.

DISCUSSION

Commissioner Perantoni felt the easement would provide the visual aesthetics for open space.

Acting Chair Hirsch noted that the property owned by the Petitioner, along with the landscaped easement, would bring the open space to over 40%. Adding the landscaped right-of-way gives a 50% open space visually.

Commissioner Banks expressed concern about utilizing the easement for open space calculations. He felt this may set a precedent for future developments asking to include neighboring property into their open space calculations.

City Attorney Heggie stated that the easement in question is a permanent, irrevocable easement for the benefit of the subject site. If the easement is included in the open space calculation, it will need to be so noted in the Attachment A.

Ms. McCaskill-Clay stated that the Plan itself notes the following:

- Total Site Open Space is 38.4%.
- Total Site plus Easement Open Space is 42.4%
- Total Site plus Easement plus Right-of-Way Open Space is 54.5%.

Commissioner Sherman noted that if the Total Site Open Space was increased to 40%, it would match the twin property across the street. By adding an additional 2% open space to the site, the total open space (including the easement and right-of-way) would be 56.5%, which is closer to the 60% open space provided in the twin property.

City Attorney Heggie stated that if the Attachment A is amended, the calculation would note the inclusion of the permanent Levee District easement on the parcel and note that the reduction from the 50% requirement is being granted partially based on the amount of right-of-way property. (He proposed language amending the Attachment A as noted in the below motion made by Commissioner Sherman.)

Mayor Nations reported that City Council does not allow the inclusion of right-of-way property in open space calculations.

Commissioner Sherman made a motion to approve P.Z. 33-2005 THF Chesterfield Development (North Interstate Development-CVPBAIII LLC) with the following amendment to Section I.D.3.a. of the Attachment A regarding open space requirements:

A minimum of ~~50%~~ 40% open space is required for this development. Open space shall be calculated using the permanent Levee District easement on the parcel. Reduction of the Comprehensive Plan requirement of 50% open space is granted because of the right-of-way property adjacent to the site, which if said right-of-way property was included in the

open space calculation, it would bring the amount of open space up to 54.5%.

The motion was seconded by Commissioner O'Connor.

Upon roll call, the vote was as follows:

Aye: Commissioner Broemmer, Commissioner O'Connor, Commissioner Perantoni, Commissioner Sandifer, Commissioner Sherman, Commissioner Banks, Acting Chair Hirsch

Nay: None

The motion passed by a vote of 7 to 0.

C. P.Z. 02-2006 Manors at Schoettler Valley (Taylor Morley) (1527 and 1523 Schoettler Road.): A request for a change of zoning from "NU" Non-Urban to "R2" Residence District for 8.85 acre tracts of land located east of Schoettler Valley on Squires Way Dr. (19S340027, 19R130021)

And

D. P.Z. 03-2006 Manors at Schoettler Valley (Taylor Morley) (1527 and 1523 Schoettler Road.): A request for a Planned Environment Unit (PEU) Procedure within an "R2" Residence District for 8.85 acre tracts of land located east of Schoettler Valley on Squires Way Dr. (19S340027, 19R130021)

Project Planner Nick Hoover stated the following:

- The Petitioner has addressed many of the issues as noted in the Issues Report.
- Remaining open issues:
 - Cul-de-sac: Staff is waiting for comments from Departments within the City
 - Landscape Buffer: The surrounding Trustees are in agreement with the proposal. The City is waiting for a plan showing how the Petitioner proposes to handle the landscape buffer.
 - Comments from Ameren UE: Mr. Hoover received a letter April 10th from Ameren stating that there are minor issues related to grading but that they conceptually approve of streets in their easements. Mr. Hoover felt this issue could be addressed at the Site Plan stage, noting in Attachment A that an approval letter is required from Ameren UE.
 - Drainage: Because of lack of response from Public Works, it is assumed that there are no drainage issues. Public Works does not

see a need to connect the site to the existing system of Highland Forest.

DISCUSSION

Commissioner Broemmer stated that the high voltage transmission lines on the site have to be a specific height in accordance with the National Electrical Code. He expressed concern that with the fill of eleven feet, the code requirement will not be met. Mr. Hoover replied that the most recent letter from Ameren UE is based on the new Site Plan, where the cul-de-sac has been lowered. He felt this issue could be handled at the Site Plan stage.

ISSUES

1. Provide additional information on the feasibility of connecting the proposed storm water for the site to the existing storm water system of Highland Forest. Provide Public Works comment on the proposed storm water system.

Commissioner Sandifer made a motion to hold P.Z. 02-2006 & P.Z. 03-2006 Manors at Schoettler Valley (Taylor Morley) (1527 and 1523 Schoettler Road). The motion was seconded by Commissioner Sherman and **passed by a voice vote of 7 to 0.**

- E. **P.Z. 6-2006 City of Chesterfield (“WH” Wild Horse Creek Road Overlay):** A request to repeal Section 1003.110 “Urban District Regulations” of the City of Chesterfield Code and to establish a new Section 1003.110 “WH” Wild Horse Creek Road Overlay. Said new section provides general and specific development criteria for all properties in the area known as the “Wild Horse Creek Road Sub-Area” in the City of Chesterfield Comprehensive Plan.

Ms. McCaskill-Clay stated that at the March 27th Public Hearing, four issues were raised as follows:

1. Clarify the language in Section 4.B.(2) of the Draft Attachment A: The language has been re-worded to read:
“Use of one or more unrelated materials including, but not limited to, false or decorative façade treatments should be discouraged.”
2. Commissioners to provide feedback to Staff regarding the draft criteria to insure it is as specific as possible. An email from Commissioner Hirsch has been attached to the Staff Report.
3. Non-residential uses in the E-Districts and non-residential uses of existing homes on the site. Staff has proposed language that would create non-residential uses criteria in Section 5 of the Draft Attachment

A similar to language used in commercial areas with respect to open space requirements, building height, and design for the site.

4. Permitted uses in the E-Districts. Staff has attached to the Staff Report the allowed permitted uses for the E-Districts.

DISCUSSION

Permitted Non-Residential Uses within E-Districts.

City Attorney Heggie stated that he would review the Permitted Uses to determine what uses are required by State Law.

Commissioner Perantoni requested that “columbaria” be added to the uses listed under (b).

It was agreed that the Commission would review the Permitted Uses before the next meeting to determine if any uses should be withdrawn.

Use of Existing Houses in the Neighborhood Office Area

Acting Chair Hirsch stated that if a Petitioner came in under the Wild Horse Overlay and rezoned property within the Neighborhood Office area, there would be a site-specific ordinance. Because of the exceptions in the Wild Horse Overlay, the ordinance would allow someone with an existing house to have some variance from the specific requirements for commercial development in the Neighborhood Office.

If someone would want to retain an “NU” zoning within the Neighborhood Office area and use an existing house within the requirements in the Wild Horse Overlay, there would be no site-specific ordinance. Since the zoning is not being changed, only a Site Plan would be presented. It is possible that existing language, used under the Residential Business Use Ordinance, could be incorporated in this section if so desired.

Commissioner O'Connor questioned whether the Commission would have the opportunity to review petitions to assure that existing homes do not interfere with the proper development of the whole area – such as an internal roadway, etc. City Attorney Heggie replied that any existing homes or new development would have to comply with plans for traffic circulation and an internal roadway.

Miscellaneous

It was agreed that Staff would respond to Commissioner Perantoni's written comments by the next meeting.

Commissioner Perantoni expressed concern about language limiting a developer to the use of only one material – she suggested that materials be limited to two.

IX. NEW BUSINESS

Discussion was held on “Point of Order” as to whether a Commissioner can make a motion to have meeting minutes approved for a meeting at which he/she was absent. It was determined that there is no rule prohibiting such a motion.

X. COMMITTEE REPORTS

A. Committee of the Whole – No Report

B. Ordinance Review Committee – No Report

C. Architectural Review Committee – Acting Chair Hirsch reported that the Architectural Review Committee approved the new Architectural Guidelines, which will be part of the Comprehensive Ordinance.

D. Landscape Committee – Commissioner O’Connor reported that the Landscape Committee had made revisions to the Tree Manual. The revisions have been forwarded to the Parks, Arts, & Recreation Committee for comments. She suggested that the revisions also be forwarded to the Committee for the Environment and the Beautification Committee for review.

E. Comprehensive Plan Committee – No Report

F. Procedures and Planning Committee – No Report

G. Landmarks Preservation Commission - No Report

Commissioner Broemmer expressed dissatisfaction with the Board of Adjustment’s recent approval of the electronic signage for Décor. City Attorney Heggie pointed out that the Board of Adjustment meetings are open to the public.

XI. ADJOURNMENT

The meeting adjourned at 8:47 p.m.

Lynn O’Connor, Secretary