

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
April 26, 2004**

The meeting was called to order at 7:04 p.m.

I. PRESENT

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
City Attorney Doug Beach
Ms. Connie Fults, Council Liaison
Ms. Annissa McCaskill-Clay, Senior Planner
Mr. David Bookless, Project Planner
Mr. Kyle Dubbert, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Kathy Lone, Planning Assistant

ABSENT

Mr. David Banks

II. INVOCATION: Commissioner Macaluso

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Council Liaison Connie Fults (Ward IV).

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

IV. PUBLIC HEARINGS:

- A. **P.Z. 03-2004 City of Chesterfield (Home Occupation)**: A request to amend Section 1003.020 of the Zoning Ordinance to allow for a new definition for Home Occupation and Section 1003.167 Miscellaneous Regulations of the Zoning Ordinance to allow for new criteria.

Project Planner Aimee Nassif gave a power point overview of new criteria for this petition. Ms. Nassif stated that the draft language includes use provisions that include but are not limited to the following:

- No exterior display and no exterior alteration of the property;
- No more than two (2) customers, students, callers or patrons may be on the premises at any given time;
- No demand for parking beyond that which is normal to the neighborhood;
- Hours of operation for the home occupation and deliveries shall be between the hours of 7:00 a.m. and 9:00 p.m.

COMMENT/DISCUSSION

Commissioner Macaluso stated that since a home occupation could include long or short-term dog sitting, would the number of animals be limited.

City Attorney Doug Beach stated that City Council has requested a definition of a 'kennel.' Mr. Beach stated that a handbook suggests one could have four (4) dogs or a combination of not more than five (5) dogs and cats.

Commissioner Perantoni questions whether '...two (2) customers, patrons, students or callers of any kind may be on the premises at any given time' should state that this is for business only and not socially.

Commissioner O'Connor questioned that the hours of operation being between 7:00 a.m. and 9:00 p.m. are for daycare but then possibly have the hours of operation be limited by the Planning Commission for other businesses.

Mr. Beach questioned that #9 states, '...one (1) commercial vehicle shall be parked on the property at a time unless for personal use' then could the homeowner park a van in the front and signage on the truck would advertise the business.

Councilmember Fults expressed concern with a business having some of their workers coming by the house for a short time in the morning and having several vans parked in front.

Commissioner Broemmer expressed concern with possible fertilizer businesses and having the trucks with the chemicals being stored in a residential area. Commissioner Broemmer expressed concern with the hours of operation being between 7:00 a.m. to 9:00 p.m. and the business owner wants to do paperwork at 10:00 p.m.

Commissioner Perantoni asked if it states anywhere about parking off paved areas or additional paving. Commissioner Perantoni stated that #8 states, 'There shall be no demand for parking beyond that which is normal to the neighborhood...' then what is considered 'normal?' Commissioner Perantoni stated that #8 also states, 'In no case shall the home occupation cause more than one additional vehicle to be parked on the premises at any one time.' What does 'additional' refer to?

Ms. Nassif stated that a permit and business license are required for home occupations.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL – None

REBUTTAL – None

Ms. Nassif stated that the following issues would be reviewed and addressed:

- Limiting the number of dogs for dog sitting;
- Definition of 'dog sitting service' versus 'kennel';
- Clarify that #10 states 'business' callers;
- Limiting hours of operation;
- Allowing one (1) commercial vehicle and one (1) personal vehicle parked overnight on the premises;
- Separating hours of operation for when clients are not coming into the home;
- Parking expansion in #6 of Attachment A;
- Definition of 'normal' parking in a neighborhood;
- Possibly including 'kennel' as a preclusion to uses allowed in the home occupation.

Chairman Sherman stated that **P.Z. 03-2004 City of Chesterfield (Home Occupation)** would be held until all issues are reviewed and addressed.

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

- B. P.Z. 06-2004 Boone's Crossing Golf:** A request for a change in permitted uses in an approximately 29.07-acre PC Planned Commercial District located on North Outer Forty Road west of Long Road (Locator Nos. 17V-63-0059).

Proposed Permitted Uses:

A. The uses allowed in this "PC" Planned Commercial District shall be:
(ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.

B. The above use in the PC Planned Commercial District shall be restricted to the following: Golf teaching course, miniature golf course, driving range, and batting cages

Project Planner David Bookless gave a power point presentation showing the subject site and surrounding area. Mr. Bookless stated that the petitioner is requesting to add 'batting cages' as a permitted use and they would be located in place of the miniature golf course.

1. Mr. Chris Brumbaugh, 168 North Meramec, St. Louis, MO 63105, representing the attorney and speaking in favor of **P.Z. 06-2004 Boone's Crossing Golf;**
 - Speaker stated that the petitioner is Gateway Golf Center;
 - Speaker stated that there would be eight (8) batting cages;
 - Speaker stated that the area of the miniature golf course that would not be used would return to grass;
 - Speaker stated that the batting cages will probably have an asphalt or concrete floor;
 - Speaker stated that parking will remain the same;
 - Speaker stated that there is a need for the batting cages since this site is next to the City's ball fields and the City is not planning to install batting cages in the near future.

2. Mr. Paul King, 17795 North Outer 40 Road, Chesterfield, MO 63005, petitioner and speaking in favor of **P.Z. 06-2004 Boone's Crossing Golf;**
 - Speaker stated that he was present to answer questions;
 - Speaker stated that lighting for the batting cages would only be on the very tops of the cages and directed straight down and towards the batting machines.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL – None

REBUTTAL – None

Mr. Bookless stated that the following issue would be reviewed and addressed:

- Lighting.

Chairman Sherman stated that **P.Z. 06-2004 Boone's Crossing Golf** would be held until all issues are reviewed and addressed.

Chairman Sherman stated that the following petition, P.Z. 08-2004 Bull Moose Tube, has been withdrawn.

- C. **P.Z. 08-2004 Bull Moose Tube**: A request to amend the City of Chesterfield Ordinance 1218 for Bull Moose Tube Holdings, Inc., zoned “C-8” Planned Commercial district located at the west side of Clarkson Road, south of Baxter Road. (Locator Number 19T 34 0367)

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

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the April 14, 2004 Meeting Minutes. The motion was seconded by Commissioner Macaluso and **passes by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. **Sycamore Place (Plat IV)**: A Record Plat for a 1.16-acre portion of a larger 14.01-acre tract approved and developed within an R-3 Residence District with Planned Environment Unit (PEU), located on the southeast corner of Sycamore Drive and Terrimill Terrace, west of the Meadowbrook Country Club.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Record Plat for **Sycamore Place (Plat IV)**. The motion was seconded by Commissioner Hirsch and **passes by a voice vote of 8 to 0**.

- B. Shops at Clarkson Corner (formerly Davis Street Land Company):**
Amended Site Development Plan, Architectural Elevations, and Landscape Plan for two retail buildings on a 1.983-acre tract of land, zoned "PC" Planned Commercial District, located between Clarkson Road and Old Baxter Road, south of Chesterfield Parkway East.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Plan, Architectural Elevations and Landscape Plan for **Shops at Clarkson Corner (formerly Davis Street Land Company)** with the Architectural Review Board's (ARB) recommendation that the wood fence be stained a darker color to blend in with the brick wall behind it and that the 19 arborvitae, which will screen the mechanical at the rear of the buildings, be 6-feet tall to match the fencing. The motion was seconded by Commissioner Perantoni and **passes by a voice vote of 8 to 0**.

VIII. OLD BUSINESS –

- A. P.Z. 4-2004 City of Chesterfield (Residential Service Area):** A request to amend Section 1003.182 of the Zoning Ordinance to establish new criteria for a Residential Service Area (currently known as Commercial Service Procedure.)

Project Planner Aimee Nassif gave an overview of **P.Z. 4-2004 City of Chesterfield (Residential Service Area)** and stated that tables have been created to help with clarity and readability for Landscape Buffer and Development Criteria for Site Design, Parking and Signage.

Ms. Nassif stated that the title 'Residential Business Use Area' (RBU) has been used throughout the ordinance and has replaced the title 'Residential Service Area.' Ms. Nassif stated that current 'Commercial Service Procedure's (CSP's) which change their use must adhere to the guidelines of the 'Residential Business Use Area.' Ms. Nassif stated that Attachment A will state that Commercial Service Procedures and Residential Business Uses must adhere to the guidelines of the Residential Business Use Area if there is a change in use.

Commissioner Hirsch made a motion to approve **P.Z. 4-2004 City of Chesterfield (Residential Service Area)**. The motion was seconded by Commissioner Layton.

Commissioner Broemmer made an amendment to the motion that Attachment A, page 6, **14. (3) Planning Commission recommendation.** following (d) Conditions relative to sign regulations. ‘When approval has been recommended subject to conditions, and the conditions would cause a substantial change...’ become (4) and (4) will become (5). The amendment to the motion was accepted by Commissioner Hirsch and Commissioner Layton.

Commissioner Broemmer made an amendment to the motion for page 3, Attachment A, Parking, ‘Maximum of four (4) parking spaces. Parking spaces to be as follows: four (4) visible parking spaces behind the front building line, other than the garage.’ The amendment to the motion was seconded by Commissioner O’Connor.

General discussion followed concerning handicapped parking and front entrance garages.

Commissioner Broemmer and Commissioner O’Connor withdrew their amendment to the motion.

Commissioner Broemmer made an amendment to the motion to limit the parking to a maximum of four (4) visible parking spaces, other than the garage. The amendment to the motion was seconded by Commissioner O’Connor.

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

The amendment to the motion fails by a vote of 3 to 5.

Commissioner Wardlaw made an amendment to the motion for the addition to page 5, Attachment A, **14. Procedures, (1) Application,** (f), (iv) ‘Two (2) cross section profiles through the site showing preliminary building form, existing natural grade and proposed final grade. **The profiles shall be the same scale both horizontally and vertically.** ‘ The amendment to the motion was accepted by Commissioner Hirsch and Commissioner Layton.

Commissioner Layton made an amendment to the motion for the following wording to be added to the end of the parking criteria (wording from Councilmember Barry Flachsbert) to page 3. Attachment A, Table 2, Parking Criteria: ‘Maximum of six (6) parking spaces. Parking spaces can be as follows: two (2) parking spaces in the front of the building line and four (4) parking spaces in the rear and/or side of the building, other than the garage. **Required parking shall be determined by Section 1003.165 of the Zoning Ordinance of the City of Chesterfield. If the maximum amount of parking spaces permitted by this Residential Service Area (six [6] spaces) does not meet the minimum parking requirements of 1003.165 for the proposed use, then the proposed use will be deemed to exceed the ‘service and limited Commercial activity’ requirement of the**

Residential Service Area and will not be eligible for this procedure.' The amendment to the motion was seconded by Commissioner Wardlaw. Commissioner Hirsch and Commissioner Layton accepted the amendment to the motion.

Commissioner O'Connor made an amendment to the motion that the hours of operation will be determined by the Planning Commission. The amendment to the motion was accepted by Commissioner Hirsch and Commissioner Layton.

The vote on the amended motion:

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

The amended motion passes by a vote of 8 to 0.

X. COMMITTEE REPORTS:

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

Commissioner Layton directed Staff to include the following language, '**The profiles shall be the same scale both horizontally and vertically,**' on future drawings given to the Planning Commission for review.

The meeting unanimously adjourned at 8:01 p.m.

B. G. Wardlaw, Secretary

