

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
May 24, 2004**

The meeting was called to order at 7:03 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
City Attorney Doug Beach
Mr. Bruce Geiger, Council Liaison
Ms. Teresa Price, Director of Planning
Mr. David Bookless, Project Planner
Mr. Kyle Dubbert, Project Planner
Mr. Michael Hurlbert, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Christine Smith Ross, Project Planner
Ms. Joyce Collins-Catling, Executive Secretary
Ms. Mary Ann Madden, Planning Assistant

*Commissioner Macaluso left the meeting at 9:00 p.m.

II. INVOCATION: Commissioner Broemmer

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman acknowledged the attendance of Mayor John Nations, Bruce Geiger, Council Liaison (Ward II), Councilman Dan Hurt (Ward III), Mary Brown (Ward IV) and Connie Fults (Ward IV).

Commissioner Macaluso read the 'Opening Comments' for Public Hearings.

IV. PUBLIC HEARINGS:

- A. **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 and north of Forest Meadows Drive at 1815, 1819 and 1855 Clarkson Road. (Locator Numbers 19T 34 0345, 19T 34 0367, 19T 32 0468). *Requested Use: Medical and Dental offices.*

Project Planner Kyle Dubbert gave a power point presentation of the subject site and surrounding area.

1. Michael Doster, 17107 Chesterfield Airport Road, Suite 300, Chesterfield, MO 63005 attorney representing the petitioner, BMT Holdings, Inc., for **P.Z. 08-2004 Bull Moose Tube**, stated the following:

- BMT Holdings, Inc. is the owner of the subject property. BMT Holdings, Inc. is an affiliate of Bull Moose Tube.
- Petitioner is requesting an amendment to the existing C-8 Planned Commercial District Ordinance to allow medical and dental offices in the proposed building that would be on Lot 1.
- Petitioner gave a history of the project.
- Petitioner proposes a building that reduces the total square footage on the site. The existing building contains 41,000 sq. ft. The proposed building to accommodate the medical and dental offices contains 37,500 sq. ft. for a total of 78,500 sq. ft. on both lots – Lot 1 and Lot 2 – which is 11,500 sq. ft. less than the 90,000 sq. ft. allowed by Ordinance 1218.
- Petitioner proposes that the previously-approved parking structure be eliminated, which will increase the green space on Lot 1.

2. Bob Boland, Principal with the firm of HGI Boland, 11477 Old Cabin Road, Suite 100, St. Louis, MO 63141 representing the petitioner, BMT Holdings, Inc., for **P.Z. 08-2004 Bull Moose Tube**

- Speaker showed a comparison plan between the original proposal and the current proposal. Several important features pertain to the reduction of square footage:
 - a) North of the proposed medical building, there was an existing two-level parking structure that was approved with the prior development.
 - b) The prior development was significantly larger in footprint.
 - c) The retention structure was buried underground.
 - d) The developer proposes keeping the front entry lake and pond as a landscape feature.
 - e) The number of parking has been reduced on the site. Proposed parking for the medical/dental building is 169 cars, about a 27 car reduction. A portion

- of the parking will be below the building, but no adjacent two-story parking structure will be a part of it.
- f) The parking lot would be landscaped and blended into the existing development. It is all-surface parking and is compatible with the existing building.
 - g) The new building fronting on Clarkson Road does not adjoin any adjacent residential.
- Speaker stated that several Agency comments have been received.
 - a) MoDot has expressed some concerns. Meetings will be held to explore their issues.
 - b) The Fire District submitted a letter containing two main topics: (1) Clearance at the front of the building below the canopy; and (2) circulation issues. Petitioner plans to meet with the Fire District to resolve these issues.
 - Speaker stated that the proposed building will use the same materials as the existing building. It is compatible in style and character as the existing building.

Commissioner Broemmer asked if any new signage was planned, including a monument sign.

Mr. Boland responded that there will be signage on the building as the tenancy is determined and a signage proposal will be made to the City at that time. A monument sign will be proposed as part of an entire signage package.

Commissioner Macaluso asked if the retention pond will remain the same size as it currently is now.

Mr. Boland responded that it will be maintained exactly as it is.

Commissioner Macaluso asked how many stories are planned for the new proposed building.

Mr. Boland responded that it is two stories facing the existing building and two-and-one-half stories as it is tapered down towards Clarkson Road. The lower level is all parking for the occupants of the building.

Chairman Sherman asked how the elevation will compare with the building across the street in terms of height.

Mr. Boland responded that the Sunrise Assisted Living building is four stories. The proposed building is two stories plus the lower level as it drops in so the two buildings should be compatible in height. He will check this as part of an Issues item.

Commissioner Broemmer asked if the lower level is below grade or above grade.

Mr. Boland responded that it is below grade from the north and is partially exposed to Clarkson Road, which is why the lower level is being screened with insert material.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL

1. Mr. Dan Hurt, Chesterfield City Council, speaking as a neutral party for **P.Z. 08-2004 Bull Moose Tube**, stated the following:

- Along the north boundary of the site is St. Joseph's Institute for the Deaf. Speaker encouraged the Planning Commission to put in a cross access along the north boundary that would allow the Institute to have the ability to come farther south to get on Clarkson Road rather than fighting the left-hand turn closer to Baxter Road.
- If a bridge is put over Baxter, it will present another issue as to how the Institute can access Clarkson.

Chairman Sherman asked if there would be two accesses to the Institute for the Deaf – their present access and one connecting through Bull Moose - or if he was asking to eliminate one.

Mr. Hurt responded that that would not be possible at this time. There is only the ability to have the cross access but it allows flexibility in the future for a right turn in/right turn out.

Mayor Nations referred to the bridge to take Clarkson over Baxter. He stated that on April 17 2000, the City Council endorsed that improvement with MoDot and it has been incorporated into MoDot's long-term plan.

REBUTTAL: None

COMMENTS/DISCUSSION

Mr. Boland stated that he represented St. Joseph's when they petitioned the City for approval of their building. At that time, a cross access easement to the south was discussed. Bull Moose would acknowledge and accept that cross access easement to the property if the Planning Commission deems it important.

ISSUES

Mr. Kyle Dubbert, Project Manager, presented the following Issues for **P.Z. 08-2004 Bull Moose Tube:**

- Access signage be addressed.
- Question as to whether the detention pond would stay the same.
- Inquiry about the height of the building and how the height compares to Sunrise of Chesterfield.
- Inquiry about the cross access agreement between Bull Moose Tube and St. Joseph's.

The following Issues were added by the Commission:

- Request that the parking structure be reviewed as to how many parking spaces there are currently, and how many would be required vs. how many are needed.
- In reference to the cross access, request was made that the signage, which is associated with St. Joseph's, be reviewed as to what kind of direction takes place to direct people through the cross access.

Mr. Dubbert asked if this should go to ARB.

Chairman Sherman responded that it was not necessary.

Commissioner Macaluso read the 'Closing Comments' for this Public Hearing.

B. P.Z. 09-2004 Wild Horse Creek Rd. & Wilson Rd. (Rucci Development):

A request for a change in zoning from an "NU" Non Urban District to an "R-2" 15,000 square foot Residence District for in an approximately 22-acre tract located on the southwest corner of Wild Horse Creek Road and Wilson Road (Locator Nos. 118T-13-0035). *Proposed Use: Single-Family Residences.*

Project Planner David Bookless gave a power point presentation showing an aerial photo of the overall area of the site. He identified the following Issues regarding the project for the Planning Commission's consideration:

- The Petitioner had a pre-application meeting with the staff and at that time, staff recommended to the Petitioner that it might be more appropriate for them to seek the E-1 acre or E-1/2 acre estate district to be more in line with the Comprehensive Plan and more in line with what they were proposing at the time.
- The Petitioner, in direct communication with the City Attorney, was also advised by Mr. Beach to seek the E-1 acre or E-1/2 acre estate district zoning. However, when the project came forward, the application was for a straight zoning to an R-2 15,000 sq. ft. residence district.

- The Comprehensive Plan Land Use Map identifies this area as being within single family, one acre. With an R-2 15,000 sq. ft. residence district, there would be no Attachment associated with the rezoning.
- No Site Development Plan would be reviewed by Planning Commission. There would be a record plat only.

Mr. Bookless pointed out the differences between the R-2 and E-1 and E-1/2 acre districts.

- Lot sizes are similar in terms of average and minimum lot sizes.
- Front yard setbacks are fairly similar – 25, 20, and 25 ft.
- Side yard setbacks are significantly less in the R-2 district. It is a 10 ft. setback vs. 20 ft. in the E-1/2 acre and 25 ft. in the E-1 acre.
- The rear yard setbacks are similar to each other.
- The biggest difference in terms of lot size and setback has to do with required landscape buffers along collectors and arterials, such as Wild Horse and Wilson. In the R-2 district, there is no minimum landscape buffer. In the E estate districts, there is a 30 ft. landscape buffer required, as well as an additional setback from that landscape buffer of 50 ft. for a total of an 80 ft. setback from collectors and arterials.

1. Mr. Kim Gardner, 4 Meppen Drive, St. Louis, MO 63128, petitioner for **P.Z. 09-2004 Wild Horse Creek Rd. & Wilson Rd.**, stated the following:

- He represents the Rucci Development Company, who is the developer of this site.
- Requests a rezoning of the 22 acres located at Wild Horse Creek and Wilson Roads from NU to R-2.
- There are developments in all directions, which range in density from very low density to very high density. The density change is seen as you come from the east to the west – from higher density to lower density.
- The property is in a transitional area. Having transitional zoning in this location would be supported as you transfer from the higher to the lower density.
- Currently the property is undeveloped and is zoned NU.
- This site would not meet the non-urban classification. Approximately half of the site is flat; the rest of the site can be developed with minimal grading for residential development. There are well-traveled public roads at the location; public utilities are available.
- Non-urban uses are not significant in this area and if it were to retain the non-urban zoning, it would have limited permissible uses.
- The NU zoning is more of a holding zone and doesn't represent what the highest and best use of this property would be.
- Petitioner displayed a list of properties that have been zoned from NU to other zones, showing a multiple variety of zones that have been transferred from NU to other uses.
- The straight zoning options were limited. It is zoned NU; other zonings that might be available were limited in lot sizes to three acres. In order to be able to request a straight zoning option, the lowest density option available would be R-2.

- The R-2 zoning would be compatible with the development as the densities decrease from the east to the west; there are subdivisions adjacent that have similar zonings or similar densities.
- The existing roadways would be able to accommodate the additional traffic.
- Storm water run-off would be insignificant. It would be conveyed by underground pipes; taken to a detention pond; and would be maintained by MSD through easements and agreements. All the increase in the subdivision run-off would be retained.
- There are no creek crossings being proposed and there are no floodway alterations being proposed.
- Erosion control measures would be utilized; there would be minimal grading.
- There are sufficient utilities available for the essential services.
- At this time, Petitioner is requesting rezoning; not presenting a Subdivision Request and will be submitting a Subdivision Application in the future.
- Any proposed subdivision would comply with all the zoning subdivision and any other ordinances that would apply.
- Petitioner displayed a draft layout of what is being considered at the site.
- Development proposes 28 lots; desires a very low density development at this site.
- The R-2 zoning is somewhat misleading in that it would allow a higher density; however, that is not the intention of the developer. He would like to have a low-density development but would like to have it as a straight zone.

COMMENTS/DISCUSSION

Commissioner Hirsch asked if the reason the Petitioner wants to go to R-2 is because he just wants straight zoning or if there is another reason for the R-2 request.

Mr. Gardner responded that there is no other reason – he would like to have straight zoning. If an R-1A zoning had been available, he would have requested that at this time but since it was not available, the next closest zoning would be R-2.

Commissioner Hirsch asked how far from the intersection of Wilson and Wild Horse Creek Roads are the two additional entrance/exits for Lots 20-24 and Lots 25-28.

Mr. Gardner estimated that they are over 100 ft. and less than 150 ft.

Commissioner Banks stated that he was interested in Mr. Gardner's comments on transitional zoning but didn't hear him comment on the Comprehensive Plan of the City and asked for his comments at this time.

Mr. Gardner responded that the Comprehensive Plan was not mentioned because at this time, they are looking at the existing zoning in the area. The request is based on recommendations in the Comprehensive Plan in general with respect to zoning. The

policies in the Comprehensive Plan were viewed as a recommendation and not as a requirement.

Commissioner Macaluso asked Mr. Gardner to point out the location of Griffith Lane for this proposal.

Mr. Gardner pointed out the location and indicated that it travels along the edge of the property, crosses over a creek and goes due south. Mr. Gardner pointed out the location of where a home is currently under construction.

Commissioner Macaluso asked Mr. Gardner if he is proposing that the specified location would be common ground to the west of Griffith Lane.

Mr. Gardner replied that the specified location is being proposed as common ground.

Commissioner Macaluso asked if Griffith Lane - or part of Griffith Lane - is going to be part of this project and this zoning.

Mr. Gardner replied that Griffith Lane is within portions of this property by way of an easement. There would be no impact on Griffith Lane as it is currently used and there would be no development proposed to the west of Griffith Lane. There would be no additional traffic on Griffith Lane – there would be no access to it and no other development associated with that road.

Commissioner Macaluso asked if all of the lots are relatively the same size or if some of the lots to the east are larger than those to the west, which would be opposite from what Mr. Gardner had said was a transitional piece of property

Mr. Gardner responded that it does fit exactly into the transition. The lots that are to the east would be the smaller lots with the larger lots to the west. The smallest lot that is proposed in this draft is 17,500 sq. ft. and the largest lot is almost 3 acres.

City Attorney Doug Beach asked if the property has a right-to-access to Griffith Lane.

Mr. Gardner replied that because they had no intention or plans to have any access off Griffith Lane, they did not research that point. If there is a need, they could agree to not have any access off Griffith Lane.

City Attorney Beach said the Commission would need to know whether the property actually has access to Griffith Lane so that a good determination can be made.

Mr. Gardner responded that he agrees that the R-2 zoning could allow that. He said that at this time, he does not have an answer for the Commission but he would be happy to bring one back. Mr. Gardner stated that restricted access could be done through a deed restriction that would be separate from the R-2 zoning.

Commissioner Layton stated that he had the following corrections to Mr. Gardner's presentation:

- Mr. Gardner had indicated that this project is ½ mile west of Baxter Road. Commissioner Layton stated that it is almost one mile.
- Mr. Gardner had indicated that Wild Horse Springs is 2.4 houses per acre. Commissioner Layton stated that Wild Horse Springs I is 2.4 houses per acre but Wild Horse Springs II, which is much closer to the subject property, is 2 houses per acre.

Commissioner Layton asked City Attorney Beach that if the R-2 zoning is granted, could it be presumed that the rough draft has no value.

City Attorney Beach responded that the rough draft is just used to give the Commission a depiction of what is being proposed.

Commissioner Layton stated that it was mentioned that E-1, E-2, and E-3 do not allow straight zoning. They are Planned Environmental Units (PEU).

Commissioner Layton asked if Mr. Rucci had been before the Commission in the past on a petition.

Mr. Gardener replied that Mr. Rucci had been before the City for the Eagle Crest development.

Commissioner Layton stated that there was a compromise at Eagle Crest and suggested that Mr. Rucci study that approach with respect to this project.

Commissioner Broemmer referred to the Comprehensive Plan and the West Area Study and made the following points.

- The West Area Study was done to help control development.
- It provided for some larger lots along Wild Horse Creek.
- It provided for some buffering.

Commissioner Broemmer stated the following:

- The Planning Commission recommended the E designation for the proposed site, rather than R-2.
- The Planning Commission wants to rezone it from non-urban.

Commissioner Broemmer asked Mr. Gardner if the developer would entertain going to one of the E designations if the necessary support is not given for R-2.

Mr. Gardner responded that, at this time, his client has indicated that if he did not receive support for the R-2, he did not want to go to a Planned Environment Unit development – a floating zone. If there was a way to agree to a lower density under R-2 - possibly through a deed restriction - to a minimal number of lots that could be constructed on this site, he would agree to that.

Commissioner Broemmer stated the following:

- The Comprehensive Plan, and the West Area Study that was incorporated into the Comprehensive Plan, is the guideline that was used from the development land use standpoint.
- In keeping with the Comprehensive Plan, the Commission and the City want to abide with the E designation for these areas.
- Suggested that Mr. Gardner consider coming in with an E plan because he had concerns with the R-2 zoning.

Commissioner Wardlaw asked Mr. Gardner why he was opposed to something which requires a Planned Unit development.

Mr. Gardner responded with the following points:

- His client has been through the Planned Development with the City with Eagle Crest and he felt that that process was overly burdensome.
- His client has worked with straight zoning in the past and has been involved in many successful and good quality projects under straight zoning.
- It was not his client's desire to come in with the R-2 request, based on density, because he had no intention of going to that dense of a development. However, the City has not made any provisions to have straight zoning less than the R-2 unless one goes all the way to NU. Therefore, the only choice his client had was an R-2 request.

Commissioner Wardlaw stated that he had concerns with this proposal.

City Attorney Beach stated his concern that if Mr. Gardner's reasoning was followed, the expansion of an R-2 zoning to the west of Wilson Road would mean that other areas surrounding his proposed site could request smaller lot sizes.

Mr. Gardner responded with the following points:

- He completely disagrees because the City does not allow his client to request straight zoning at a lower density.
- If there was a provision for a lower density, that would be requested.
- His client's first choice is an R-1A zoning request but that is not available.
- If there is a way to agree to a limitation to the number of lots on the site, his client would be willing to do that.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. John W. Hammond, 1203 Walnut Hill Farm, Chesterfield, MO 63005, representing Walnut Hill Trustees and speaking in opposition to **P.Z. 09-2004 Wild Horse Creek Rd. & Wilson Rd. (Rucci Development)** submitted to Chairman Sherman petitions in opposition to **P.Z. 09-2004 Wild Horse Creek Rd. & Wilson Rd. (Rucci Development)**, which will become part of the public record.
 - Speaker stated he has lived at 1203 Walnut Hill Farm for over 20 years and has lived in this area since 1962.
 - Speaker stated that during this time, thousands of homes have been built. All of this development has not brought with it a commensurate number of new arterial roads and highways to allow commuting times to remain reasonable.
 - Speaker stated that Proposal PZ 09-2004 calls for a density that is inconsistent with the surrounding property in the West Area Study.
 - Speaker stated that this particular tract has problem slopes, exceeding 16%, and problem soils that severely constrain development.
 - Speaker stated that over 1/3 of the property is flood plain, which allows no residences on it.
 - Speaker stated that the blasting of rock at Eagle Crest went on for 2 years and he does not want that condition right next door to his home for any period of time.
 - Speaker stated that he does not plan to oppose any reasonable proposal that considers the constraints of the property.
 - Speaker stated that he has never been contacted by the developers for his opinion prior to the proposal being submitted.

Chairman Sherman stated that along with the petitions, Mr. Hammond submitted a letter from an area resident, Lauren Strutman, and this will be added to the public record.

2. Ms. Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, MO 63005 speaking in opposition to **P.Z. 09-2004 Wild Horse Creek Rd. & Wilson Rd. (Rucci Development)** stated the following:
 - The petitioner said there were no non-urban uses present in the proposed area. There are 14 horses within that area.
 - The intersection of Wilson Road and Wild Horse Creek is very dangerous. An entrance on to Wilson Road at Faye Albrecht's driveway would be dangerous.
 - The other driveway is a blind curve and very dangerous.
 - Speaker presented Chairman Sherman with petitions from all 3 trustees from the Chesterfield Lakes subdivision, as well as other people along Wilson Road and the Cittadino family. These will become part of the public record.

3. Mr. William Ruby, 404 Griffith Lane, Chesterfield, MO 63005 speaking on behalf of the Griffith Lane Homeowners Association and in opposition to **P.Z. 09-2004 Wild Horse Creek Rd. & Wilson Rd. (Rucci Development)** stated the following:
- The proposal is not in character with the present properties in the area.
 - Griffith Lane is 4 homeowners – totaling about 15.4 acres. It is non-urban as evidenced by cows being on the property from time to time.
 - He is concerned about storm water run-off problems.
 - He agrees and concurs with Mr. Hammond that much of this project is in flood plain.
 - Regarding Lots 1-13, a significant portion of that hill would have to be leveled off in order to make those lots workable, which would cause significant soil erosion, as well as spill-off affecting Griffith Lane.
 - All properties between Walnut Hill Farms and the Homeowners Association to the south are required to have 3 acres to a home.
 - The Griffith Lane Homeowners Association does not oppose development of a different character along Wild Horse Creek Road and the frontage there, but it is opposed to this many lots being developed in this area as it is not in conformity with the West Area Study.
 - He concurs with Mr. Hammond's assessment of the slopes. These are very significant slopes of more than 16% in some areas.
 - Questioned where the retention pond is proposed in the southeast portion.

City Attorney Beach asked Mr. Ruby if he was aware of any access issues regarding this property to Griffith Lane.

Mr. Ruby responded that no one has approached them about any access issues, nor does he think it's even possible. It would only affect one homeowner, who is in the process of building. It would have to run directly through the middle of the homeowner's property in order to gain access.

Commissioner Macaluso asked Mr. Ruby if Griffith Lane is a private road or public road.

Mr. Ruby responded that it is a private road.

NEUTRAL SPEAKERS: None

REBUTTAL

Mr. Gardner stated the following:

- He sympathizes with the concerns expressed and understands there would be concerns with respect to an R-2 request and the potential for 60 homes.
- The request is not meant to come in and construct 60 lots. The desire is a 28- lot development with straight zoning – resulting in just slightly higher than 1-acre lot density. This is less than an R-1A density.

ISSUES:

David Bookless, Project Manager, presented the following Issues for **P.Z. 09-2004 Wild Horse Creek Rd. & Wilson Rd. (Rucci Development)**:

- Any other reasons, other than the Petitioner's, not to go with a PEU rather than straight zoning.
- Distance from Wilson and Wild Horse Creek Road to the new cul-de-sacs.
- Conformity to the Comprehensive Plan and the West Area Study relative to transitional zoning.
- The property to the west of Griffith - is it to be common ground?
- Variation in lot size across the proposed development – is it truly transitional?
- Rights to Griffith Road and other access issues that might be related to it.
- The location of the property relative to Baxter Road.
- Lot size and density of Wild Horse Springs, Plats 1 and 2.
- Whether or not this preliminary plan would actually carry forward into development.
- Was Mr. Rucci before the City before – particularly with Eagle Crest and would he consider taking the approach taken at that time to this project?
- The willingness of going to one of the E districts.
- Inadequate road capacity and intersection safety.
- Presence of NU uses in the area.
- Flooding issues to adjacent properties and related to the pond as well.
- Slope and grading issues and their ability to develop.
- The proposed subdivision's character relative to the existing character of the neighborhood.

The following Issues were added by the Commission:

- MSD's involvement in detention issues.
- Whether some of the houses are located in the flood plain.
- Include the two charts that were in the presentation regarding the E-1 and E-1/2 acre.
- Additional information regarding those two zoning possibilities as to how many homes could be allowed.
- How many homes would be allowed if it was zoned an R-1?
- Regarding the grading issues that have been raised, what would happen in regards to tree stand?
- Request for a blow-up of the area from Wild Horse Springs down somewhere south of the Petitioner's parcel and show where the Land Use boundary is in the Comprehensive Plan.
- Request for information as to what is in the area between Woodcliff Place and Wilson Road – specifically the property adjacent to and running along the Wilson side of this property.
- Petitioner referenced Wild Horse Springs, Woodcliff Place, and Baxter Crossing as having greater density than that shown on the Comprehensive Plan. Requested

dates as to when those 3 zonings were approved in contrast to the date when the West Area Study was incorporated formally into the land use of the Comprehensive Plan.

- Request for a picture of the 22-acre site showing which areas are flood plain and which are not.

Commissioner Macaluso read the “Closing Comments’ for this Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Hirsch made a motion to approve the May 10, 2004 meeting Minutes. The motion was seconded by Commissiner Wardlaw and **passes by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

1. Mr. John Wagner, 17107 Chesterfield Airport Road, Suite 300, Chesterfield, MO 63005, speaking in favor of **P.Z. 16-2003 THF Chesterfield Two Development, L.L.C. (Chesterfield Commons East):**

- Speaker stated he was available for any comments or questions regarding the Commons East Amendment.

Chairman Sherman stated that in reference to the walkways and canopies, the report indicated the developer would duplicate something and asked for clarification of this point.

Mr. Wagner responded that the anchor stores would not have the walkways or be under cover, while the smaller shops will be under cover.

Commissioner Macaluso asked by how much they will be exceeding the 5.0 parking spaces per 1000 sq. ft. and whether it will be in line with the rest of The Commons.

Mr. Wagner responded that it depends on the tenants and exactly how much of the 100,000 sq ft. is built out – but there will be at least 5 or a little more.

2. Ms.Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, MO, speaking in opposition to **P.Z. 03-2004 City of Chesterfield (Home Occupation):**
 - Speaker stated she is licensed with the Missouri Department of Agriculture and the City of Chesterfield as a pet sitter at her home.
 - Speaker takes in up to 2 dogs at a time into her home for home care.
 - Speaker stated that she does not think the language of the Ordinance clearly defines terms, such as “kennel”, “boarding”, “keeping” and “pet sitter”. For example, would the Ordinance allow some one to own 4 dogs but preclude her from taking care of 2 of them in her own home?

- Speaker stated that in reference to the Ordinance, she believes that outbuildings should be prohibited. Dogs should have to reside at all times in the residence of the homeowner.
- Speaker stated she feels the number of dogs should be strictly limited.

Council Liaison Bruce Geiger stated that Ms. Geckeler's type of business is a service to the residents of Chesterfield and should be encouraged, not prohibited, by the Home Occupation Ordinance.

Commissioner O'Connor stated that under this Ordinance she does not think she could have her pets cared for by a neighbor while she is out of town.

Commissioner Perantoni stated that her interpretation of the Ordinance rewrite allowed the homeowner 2 dogs plus 2 more dogs and asked Ms. Geckeler if that was what she was asking.

Ms. Geckeler responded that the Ordinance doesn't define "pet sitter".

Commissioner Perantoni stated her interpretation of the language was that the pets could stay overnight but had to be dropped off or picked up between the hours of 7am and 9pm.

Ms. Geckeler did not feel that was the way the Ordinance is written.

After discussion, it was agreed that better clarification is needed on the definitions of:

- Pet Sitting – (Can a pet sitter own 2 dogs and pet sit only 2 more dogs or up to 4 more dogs?)
- Boarding – (Current language states that if a dog is boarding, it qualifies as a kennel, and kennels are strictly prohibited as a home occupation. What is the difference between "boarding" and "dog sitting"?)

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. Larry Enterprises:** Site Development Concept Plan and Conceptual Landscape Plan for a 14.11-acre development located in a "PC" Planned Commercial District, west of Boone's Crossing on the north side of North Outer Forty Road.

Commissioner Wardlaw, representing the Site Plan Committee, made a motion to accept the Site Development Concept Plan and Conceptual Landscape Plan as presented by **Larry Enterprises**. The motion was seconded by Commissioner Banks and **passes by a voice vote of 9 to 0.**

- B. Jim Lynch Hummer (Larry Enterprises):** Site Development Section Plan, Landscape Plan, and Architectural Elevations for an automobile dealership located in a “PC” Planned Commercial District within the Larry Enterprises development, west of Boone’s Crossing on the north side of North Outer Forty Road.

Commissioner Wardlaw, representing the Site Plan Committee, made a motion to accept the Site Development Section Plan, Landscape Plan, and Architectural Elevations as presented by **Jim Lynch Hummer (Larry Enterprises)** with the Architectural Review Board’s (ARB) recommendation. The motion was seconded by Commissioner Broemmer. **The motion passes by a voice vote of 8 to 1.**

Commissioner Macaluso stated that she has a problem with allowing six different huge advertisements or six additional signs to this project being on Highway 40, especially since the Commission asked the Ford dealership across the street not to have any parking or any of their vehicles on the Highway 40 grass area.

- C. Towne Center, Lot 4:** Site Development Section Plan, Landscape Plan, and Architectural Elevations for a 10,268 square foot mixed-use retail building located on an approximately 1.26-acre lot in a “PC” Planned Commercial District within the Towne Center development, on the west side of Long Road, south of Edison Road.

Commissioner Wardlaw, representing the Site Plan Committee, made a motion to accept the Site Development Section Plan, Landscape Plan, and Architectural Elevations as presented for **Towne Center, Lot 4**. The motion was seconded by Commissioner Hirsch and **passes by a voice vote of 9 to 0.**

- D. Dequan Zou (14891 Olive Boulevard CSP):** A Site Development Plan and Landscape Plan for a Commercial Service Procedure at 14891 Olive Boulevard, zoned “NU” Non-Urban District located northwest of Olive Boulevard and north of Faust Park.

Commissioner Wardlaw, representing the Site Plan Committee, stated there was no Landscape Architect used on the project and the developer had asked for a waiver. After discussion, the Committee recommended disapproval of this project at this point as it was presented.

Commissioner Wardlaw made a motion to deny the Site Development Plan and Landscape Plan as presented by **Dequan Zou (14891 Olive Boulevard CSP)**. The motion was seconded by Commissioner Banks.

Chairman Sherman stated for the record that the developer was advised of the Committee’s concerns and informed of what the Committee is looking for on this project.

The motion in favor of denial passes by a voice vote of 9 to 0.

- E. Sheridan's Frozen Custard (Hilltown Village) Center:** A request for approval of a sign package for a 1.097 acre site located in a "C-8" Planned Commercial District located at the intersection of Olive Boulevard and Chesterfield Parkway West.

Commissioner Wardlaw, representing the Site Plan Committee, made a motion to accept the sign package for **Sheridan's Frozen Custard (Hilltown Village) Center**, with the modification that the signs have colored plastic letters, rather than the clear plastic that was presented. The motion was seconded by Commissioner Broemmer and **passes by a voice vote of 9 to 0.**

Council Liaison Geiger stated that this project has an automatic Power of Review by the City Council and asked whether the Council votes on this project at the next Council Meeting or whether it gets referred back to the Planning and Zoning Committee.

Aimee Nassif, Project Planner, responded that the City Council will get automatic Power of Review once the entire Site Development Plan is approved.

- F. Marine Audio (Chesterfield Valley Center, Lot 1):** An Amended Site Development Section Plan, Landscape Plan and Architectural Elevations for a building addition on Lot 1 of Chesterfield Valley Center, zoned "M-3" Planned Industrial District located at the intersection of Chesterfield Airport Road and Goddard Avenue.

Commissioner Wardlaw, representing the Site Plan Committee, made a motion to accept the Amended Site Development Plan, Landscape Plan and Architectural Elevation for **Marine Audio (Chesterfield Valley Center, Lot 1)** as presented. The motion was seconded by Commissioner Hirsch and **passes by a voice vote of 9 to 0.**

- G. Burgundy Arrow LLC, Site Development Plan:** A Site Development Plan, Landscape Plan and Architectural Elevations for a "PI" Planned Industrial development located west of Public Works Drive, at Chesterfield Airport Road.

Commissioner Wardlaw, representing the Site Plan Committee, made a motion to accept the Site Development Plan, Landscape Plan and Architectural Elevations for **Burgundy Arrow LLC, Site Development Plan** as presented, with the modification of the sidewalks being removed. The motion was seconded by Commissioner Perantoni and **passes by a voice vote of 8 to 1.**

VIII. OLD BUSINESS

A. P.Z. 16-2003 THF Chesterfield Two Development, L.L.C.

(Chesterfield Commons East): A request for a change of zoning from a “C-8” Planned Commercial District and a “PC” Planned Commercial District to a new “PC” Planned Commercial District for 61,984 acre tract of land located south of Chesterfield Airport Road, east of Chesterfield Commons Drive, west of Chesterfield Commons East Drive, and north of Edison Avenue.

ISSUES

Project Planner Michael Hurlbert referred to the Issues Report and responded to the issue of parking as follows:

- The parking on the plan currently is 5.33 per 1000 sq. ft. – this is over the required parking of 5.0 per 1000 sq. ft.

The following Issues were added by the Commission:

- Request to know how much more green space would be available if parking was at the required 5.0 per 1000.
- Clarification as to whether the plan is being altered with respect to walkway canopies and compared to what is presently there.

Commissioner Layton made a motion to suspend the normal agenda and move Item C up to be discussed next. The motion was seconded by Commissioner Wardlaw and **passes by a voice vote of 9 to 0.**

C. P.Z. 06-2004 Boone’s Crossing Golf L.L.C. 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).

ISSUES

Project Planner David Bookless stated that there was only one issue that came from Planning Commission at the Public Hearing as follows:

- There was a request for a better description of the proposed lighting for the batting cages and that is shown on the plan that is revised and submitted along with his report. The lighting shown for the batting cages is to be a typical 20 ft. standard with no light being directed on neighboring properties.

Staff comment relative to this is the issue is addressed and will be included as a condition on the Attachment A. All the other issues included in his report were identified by Staff or Agencies and are more along the typical type of issues that are seen for most

rezonings. It was also requested that this Ordinance be brought into compliance with the way things are currently done in the City. The Petitioners agreed to all of them and they will be conditioned in the Attachment A.

Commissioner Layton made a motion to suspend the rules and move to vote on **P.Z. 06-2004 Boone's Crossing Golf L.L.C.** this evening rather than June 14, 2004. The motion was seconded by Commissioner Broemmer and **passes** by a voice vote of 9 to 0.

Commissioner Macaluso made a motion to approve the change in permitted uses for **P.Z. 06-2004 Boone's Crossing Golf L.L.C.** and directing the staff to prepare an Attachment A in accordance with the Staff Report. The motion was seconded by Commissioner Layton and **passes** by a roll call vote of 9 to 0.

- B. 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.

ISSUES

Project Planner Aimee Nassif stated the following:

- The Public Hearing was held on April 26, 2004.
- All the issues that were brought up at Public Hearing and in the previous meeting have been addressed.
- Staff is requesting at this time permission to look at expanding the definition for “kennel” and “dog sitting service”, which should help incorporate with the concerns over the dog sitting service being now prohibited use in the Home Occupation Attachment A.

The following Issues were added by the Commission:

- Existing outbuildings as opposed to building new outbuildings.
- The area of daycare needs to be re-examined in concert with State law, as well as in concert with the idea of trying to keep this as a home occupation that does not disturb the neighborhood.
- Question as to whether 4 dogs total are allowed or 4 non-owned dogs in addition to the homeowner's dogs.
- Under “Alteration of Parking on the Property”, language says one cannot expand the parking. Clarification needs to be made since a homeowner would have the option to expand parking while someone under home occupation would not.
- Question as to whether training equipment is allowed in back yards for people whose pets compete in dog agility competitions.
- Under “Prohibitive Home Occupations”, there is a list that does not agree with the prohibitive uses that are included in Table I.

In reference to the last Issue, Ms. Nassif replied that staff is going to remove that.

City Attorney Beach made the following points:

- Those who fall under “Home Occupation” may be limited in what they can do by the fact that the language says they “can have no employee who is not a resident”.
- In the Prohibitive Uses, commercial vehicle repair is prohibited, while individual repairs are allowed.
- Medical and dental practices are prohibited – but it is not clear whether this includes or excludes chiropractic practices.
- Under Performance Standard of Structure, it talks about “medical waste”. However, if medical and dental practices are prohibited, there is not a need for “medical waste”.
- Under Use of Structure, City Attorney Beach suggested the wording of “only use of existing outbuildings for home occupation”.
- Signage is not dealt with at all except for the exterior of the structure.
- While the intent is to try to make the home occupation remain looking like a residence, a commercial vehicle is allowed to be parked outside of the residence. This needs to be defined more clearly.

Chairman Sherman made a motion to hold **P.Z. 03-2004 City of Chesterfield (Home Occupation)** until staff is ready to bring back further suggestions. The motion was seconded by Commissioner Broemmer and **passes by a voice vote of 9 to 0.**

- D. P.Z. 11-2004 City of Chesterfield (Kennel):** A request to amend Section 1003.020 of the Zoning Ordinance to allow for a new definition of Kennel.

ISSUES

Project Planner Aimee Nassif stated the following:

- A Public Hearing was held on May 10, 2004.
- At this time, staff is requesting that this petition be held to allow for further research done on the definitions of “kennel” and “pet sitting service”.

Commissioner Sherman made a motion that **P.Z. 11-2004 City of Chesterfield (Kennel)** be referred back to staff and held until staff brings it forward. The motion was seconded by Commissioner Layton and **passes by a voice vote to 9 to 0.**

IX. NEW BUSINESS

- A. Light Ordinance (P.Z. 26-2003):** A request to amend the City of Chesterfield Light Ordinance to include criteria for building accent lighting, lighting for signage, and for the use of LEDs.

Project Planner Aimee Nassif stated the following:

- The City of Chesterfield Light Ordinance was passed by City Council on March 15, 2004. Since that time, the Department of Planning has received several questions regarding whether review is necessary for accent lighting on buildings or lighting for signage.

- Specifically, some questions came up as to whether LED lighting could be used in place of neon

For clarity in the Light Ordinance, staff is requesting that Section 6 be added to the current Light Ordinance so that all accent lighting, LED lighting or lights for signs would be subject to review by the City of Chesterfield.

Commissioner Hirsch made a motion to amend Page 6, Section 4, Subsection 6 and Page 1, Section 2g as presented. The motion was seconded by Commissioner O'Connor **and passes by a roll call vote of 8 to 0.**

B. Appointment of Nominating Committee: To prepare a slate of officers for the next coming year.

Chairman Sherman asked Commissioner Banks, Commissioner Hirsch, and Commissioner Perantoni to serve on the Nominating Committee. These Commissioners should decide when they will meet and so advise the Department. At the next Commission Meeting, they should be prepared to present their proposed slate of Officers.

Commissioner Sherman stated that anyone who would like to be an Officer should check with the Nominating Committee.

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**

City Attorney Beach requested policy on Public Hearing procedures.

Chairman Sherman stated that this would be placed on an agenda for Policies and Procedures as a point of discussion.

Chairman Sherman presented the following six formal policies that the Committee would like to have adopted by the Planning Commission:

1. Elevations
2. Cross Section
3. Committee Reports
4. Departmental Requests
5. Discussion During Project Presentation
6. Ordinance Amendments That Do Not Require Public Hearings

Chairman Sherman made a correction to the wording of Item 6 – (corrected words are underlined) “If any issues are raised on an Ordinance Amendment that does not require a Public Hearing. . .” On the last sentence, instead of “If there are no issues”, replace with “If no issues are raised, a vote may occur the same night as presented”.

Commissioner Layton made a motion to approve all 6 policies as presented with the modifications proposed by Chairman Sherman. The motion was seconded by Commissioner Hirsch and **passes by a roll call vote of 8 to 0.**

G. Landmarks Preservation Commission

XI. ADJOURNMENT

The meeting unanimously adjourned at 9:25 p.m.

B. G. Wardlaw, Secretary