PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JULY 9, 2007

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

I. PRESENT **ABSENT**

Mr. David Asmus
Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Ms. Lu Perantoni
Mr. Gene Schenberg
Mr. Michael Watson
Chairman Maurice L. Hirsch, Jr.

Mayor John Nations
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Acting Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Aimee Nassif, Senior Planner
Mr. Charles Campo, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Schenberg

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Connie Fults, Council Liaison; Councilmember Bruce Geiger, Ward II: Councilmember Lee Erickson, Ward II; and City Administrator Mike Herring.

IV. PUBLIC HEARINGS – Commissioner Perantoni read the "Opening Comments" for the Public Hearings. Chair Hirsch encouraged the residents to submit written comments to the Planning Department regarding any concerns not raised during the Public Hearing.

A. **P.Z. 26-2007 Wildhorse Ridge (c/o Thomas Fleming)**: A request for a change of zoning from "NU" Non-Urban District to "LLR" Large Lot Residential for 10 parcels located south of Bentley Place Subdivision, East of Country Place Subdivision and west of Chesterfield Estates.

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

- The total number of acres proposed for zoning is 36.8.
- Public Hearing notification requirements were followed per the City's standards.
- The Comprehensive Plan designates the area as "Residential, Single – Family". There is a recommendation for a minimum of One Acre lot sizes in this area.

PETITIONER'S PRESENTATION:

1. Mr. Tom Fleming, Trustee of the subject subdivision, 17067 Rooster Ridge, Chesterfield, MO stated the following:
   - There are seven property owners with 10 lots (36.8 acres) involved in the zoning. One hundred percent of the residents in the subdivision wish to re-zone their property to Large Lot Residential.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Rob Rodermund, 17134 Surrey View Drive, Chesterfield, MO stated the following:
   - His property is located in the Country Place subdivision, which is adjacent to the subject property.
   - He and his neighbors question how the rezoning will impact their property with respect to future development. He questioned whether the rezoned property could be subdivided into three-acre lots.
   - He referred to a road that goes behind his property and for which Wildhorse Ridge has an easement. He noted that any changes in this area would negatively impact his property value.

Chair Hirsch stated that since all the roads are public or recorded easements in terms of ingress and egress, there will be no changes to the road. He further noted that the existing "Non-Urban" zoning requires lots of three acres or greater, and the "Large Lot Residential" zoning has similar requirements.

City Attorney Heggie stated that the City applauds the efforts of the residents in this particular petition. The City believes that rezoning the subject property to "LLR" will limit future development in the area and will prevent any future petitions being submitted to make the area a more dense neighborhood.

REBUTTAL: None

ISSUES: None

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B. P.Z. 28-2007 THF Chesterfield Seven Development: A request for a change of zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a 6.7 acre tract of land located on the north side of Chesterfield Airport Road, one half mile west of the corner of Chesterfield Airport Road and Boone's Crossing.

Project Planner Charles Campo gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Campo stated the following:

- All the of the City's Public Hearing notification requirements were followed.
- The following uses are being proposed**:**
  - (b) Animal hospitals, veterinary clinics, and kennels.
  - (e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
  - (f) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
  - (h) Barber shops and beauty parlors.
  - (i) Bookstores.
  - (k) Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications.
  - (m) Child care centers, nursery schools, and day nurseries.
  - (n) Colleges and universities.
  - (o) Dry cleaning drop-off and pick-up stations.
  - (p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
  - (q) Film drop-off and pick-up stations.
  - (s) Financial institutions.
  - (v) Hotels and motels.
  - (x) Medical and dental offices.
  - (z) Offices or office buildings.
  - (dd) Postal stations.
  - (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.

(gg) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
(hh) Restaurants, fast food.
(ii) Restaurants, sit down.
(kk) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
(ll) Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture.
(mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
(nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
(qq) Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
(rr) 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.
(ss) Terminals for buses and other public mass transit vehicles.
(uu) Vehicle repair facilities for automobiles.
(vv) Vehicle service centers for automobiles.
(ww) Vehicle washing facilities for automobiles.

- Ancillary Uses**:**
  (g) Automatic vending facilities for:
    (i) Ice and solid carbon dioxide (dry ice);
    (ii) Beverages;
    (iii) Confections.
  (l) Cafeterias for employees and guests only.
- The Comprehensive Plan shows the site to be bordered by Mixed-Use on the east and west sides, Spirit Airport to the south, and Park/Recreation to the north across Highway 40.
- Items Currently Under Review by the Department of Planning:
  - Cross access and internal access (pedestrian and vehicular) for the site.
  - Open space requirements.
  - Adherence to the City of Chesterfield Tree Manual.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, Attorney representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
   - The subject site is approximately 6.7 acres.
   - Immediately to the east of the site is the River Crossings development, which is zoned "PC". To the east of River Crossings is THF Six Development, which is zoned "C8". Both of these developments have similar uses.
   - The Land Use Plan calls for "mixed commercial" in this area.
   - There are three lots proposed for the site with an outparcel at Chesterfield Airport Road.
   - The only outparcel that currently has a proposed building is Outparcel #3 next to Highway 64. The proposed building is for retail shops totaling 22,000 square feet. The open space for this outparcel has been calculated at 34%. River Crossings has 31% green space and THF Six has 30% green space.
   - The Petitioner is agreeable to deleting the following uses:
     - (b) Animal hospitals, veterinary clinics, and kennels.
     - (k) Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications.
     - (n) Colleges and universities.
     - (q) Film drop-off and pick-up stations.
     - (qq) Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
     - (ss) Terminals for buses and other public mass transit vehicles.
   - Access to the development is from Arnage Boulevard and the entry drive into the site is an extension of an existing drive, which runs to the east perpendicular to Arnage Drive.

The Petitioner was asked to review the following uses to determine if they could be deleted – specifically those items shown below with a "strike-thru":

- (f) ~~Auditoriums~~, churches, clubs, lodges, meeting rooms, libraries, reading rooms, ~~theaters~~, or any other facility for public assembly.
- (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.~~
- (kk) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, ~~construction equipment, agricultural equipment,~~ and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
- (uu) ~~Vehicle repair facilities for automobiles~~.
- (vv) ~~Vehicle service centers for automobiles~~.

- (ww) ~~Vehicle washing facilities for automobiles~~.

Mr. Doster stated that they will work with Staff to limit the uses. He also stated that some of the uses could be limited to a particular outparcel.

Councilmember Fults asked that those uses dealing with vehicle repair and washing facilities [uses (uu), (vv), and (ww)] not be located near Highway 40.

Mayor Nations stated that there is a shortage of good auditorium space in West St. Louis County and asked that this use not be dismissed. He noted that auditorium space is important for mixed use developments.

2. Mr. David Ridenhour, 308 North Geyer Road, Kirkwood, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:
1. Review the list of uses to determine what can be eliminated,
2. Determine what uses can be eliminated on the Highway 40 side of the development.

C. P.Z. 34-2007 Blue Ocean (Johnny Y Properties LLC) A request for a change of zoning from "M3" Planned Industrial District to "PC" Planned Commercial District for 2.7 acre tracts of land located south of US Highway 40&61, east of Chesterfield Commons Drive (17T230123, 17T230112) Proposed Uses include: Restaurants, sit down.

Ms. Aimee Nassif, Senior Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Nassif stated the following:

- The only proposed use for the site is "Restaurant, sit down".
- Public Hearing notices were sent out and posted on the site.
- The subject site is just east of the Kemp Auto Museum and south of Summit Center.
- Items currently under review by the Department of Planning:
    - Tree Manual – specifically the buffer requirements
    - Vehicular Circulation
    - Parking and Structure Setbacks

    - Building Height
    - Pedestrian Circulation
- The City's Land Use Plan designates the area as "Mixed Commercial".

Considering the shape of the lot, along with the required setbacks and buffers, Commissioner Schenberg asked whether it is physically possible to put in a sit-down restaurant and have the appropriate circulation and parking. Ms. Nassif replied that Staff is currently reviewing the Preliminary Plan. It appears that a restaurant could fit on the site; however, the Petitioner may be requesting a variance from the Tree Manual for the buffer requirements.

Commissioner Perantoni expressed concern about the two curb cuts shown for the site. She also asked if the proposed two-story building will have restaurant space on both floors. Ms. Nassif replied that the Petitioner's intent is to have a two-story restaurant not exceeding 45 feet, which is allowed.

PETITIONER'S PRESENTATION:

1. Mr. Chris Kehr, Attorney representing the Petitioner, 11141 Clayton Road, St. Louis, MO stated the following:
    - The site is a difficult, but workable, site to develop for the proposed restaurant use.
    - They feel the restaurant will provide a unique opportunity for Chesterfield to present at its front door – US 64 – a high-end restaurant that will be "a cut above".
    - Both floors of the building will be used as a restaurant.
    - The proposed layout includes a single entry shared with the Kemp Museum.
    - Cross access will be provided to the Kemp site.
    - Parking will be provided on each side of the building.
    - There will be a second entrance at the very eastern end of the site off of Chesterfield Airport Road. St. Louis County has indicated its approval of the proposed access.
    - Double-access is being provided to help with traffic circulation. The Fire Marshall wants the double-access as well.
    - The main entrance is on Chesterfield Airport Road but the building will be constructed to provide for "four-wall front architecture".
    - The user is currently a restaurant owner/operator with restaurants in St. Charles County, Tennessee and Kentucky.
    - The open space, as proposed, is at 42% vs. the required 30%.
    - The Petitioner will be asking for a 15-foot buffer setback to the north.
    - The proposed sidewalk will provided access to the Kemp Museum.

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

- **Regarding the open space calculation:** The MoDOT right-of-way was not included in the open space calculation.

- **Regarding the eastern access point:** They are requesting full access. No stop light would be provided at this access point but there is a center-turn lane at this location. It was noted that both entrances currently exist and will be widened, along with the throat being deepened, to meet the City's requirements.

2. Mr. Jeffrey R. Smith, Musler Engineering, 32 Portwest Court, St. Charles, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:
1. Compliance with the Tree Manual
2. Cross access – including pedestrian cross access to the Kemp Museum
3. Access

D. P.Z. 36-2007 City of Chesterfield (City of Chesterfield (Planned Commercial and Residential Mixed Use District (PC&R) District): A request to establish Section 1003.139 "Planned Commercial and Residential Mixed Use District" in the City of Chesterfield Zoning Ordinance. Said section is to provide general regulations for the PC&R District and contains the enabling authority for the adoption of site specific ordinances, site development plan, or site development concept plan and site section plans for specific PC&R developments.

Mr. Mike Geisel, Acting Director of Planning, gave a PowerPoint presentation and stated the following:

- The petition would establish an additional zoning district to the City.
- All Public Hearing publishing and notification requirements were met.
- The purpose of the PC&R category is to create a new zoning category, which would facilitate the phased development of large tracts of land within the urban core. It would also maximize the City's ability to control the performance standards and development character of the larger overall tracts.
- The PC&R zoning category is strictly limited to tracts of fifty acres (or larger) and within the Urban Core.
- The current Mixed Use District has never been applied to a large tract of land since its inception by St. Louis County.

- With the Mixed Use District, a Petitioner is required to meet certain application submittal requirements, which virtually defines the site. It is unlikely that there will be a mixed use development of 50 or more acres that will be developed as one single development. The performance standards that would be applied under a Mixed Use District would not uniformly apply across the large mixed use site.
- The performance character such as the height of buildings and the setback requirements from Chesterfield Parkway will be different than the residential portion of a development – or a streetscape development that may surround the lake.
- To try to establish mixed use performance standards that uniformly apply creates a real problem and would result in continuous ordinance amendments as the site developed.
- Both the Mixed Use Development (MXD) and the PC&R Development procedures automatically impose the performance standards that are provided elsewhere in the City Code unless they are specifically identified, altered, modified or deleted in the site specific ordinance.
- The MXD provides only for altered performance standards in the site specific ordinance – standards cannot be changed as the development continues.
- The PC&R provides for altered performance standards in the site specific ordinance. There are standards that the City would want to uniformly apply across the entire development – such as certain use categories and performance standards to define the character of the development.
- There are individual performance standards, which the City would want to change, or make uniquely available, to certain sections of the development – such as the types of uses. Under the MXD District, the City does not have this capability – the PC&R affords the City the maximum flexibility and allows the imposition of performance standards when the site specific ordinance is approved and at the site development concept plan, site development plan, and site development section plan levels.
- The current MXD ordinance requires a development mix of:
    - 20% Industrial & Office (min.)
    - 20% Residential (min.)
    - 20% Retail Commercial (min.)
- As proposed, the PC&R District does not include the industrial component. Staff does not feel it is appropriate in the urban core area.
- The MXD application requirements mandate preliminary plan submission with the site plan level detail. This has caused problems in the past on larger developments where a plan has been provided and then requires modifications to the individual sections.
- The PC&R application provides for all the existing site information where the character of the existing site is defined upfront, along with all the overall development character - such as performance standards as they relate to the number of residential units and the total number of square foot of commercial units, etc.

- Certain performance standards – such as setbacks, lighting requirements, density, and open space – may vary from site to site within the overall development.
- The proposed ordinance to create this additional zoning district was reviewed by the Ordinance Review Committee. There were two major changes made by the Committee:
    - Paragraph 3 was edited to reflect that additional performance criteria standards could be imposed.
    - Paragraph 4 was edited to increase the perimeter boundary to 225 feet vs. the original 150 feet. Showing all the natural features within a 225-foot radius coincides with the 225-foot radius used for notification requirements to all the adjacent properties.

DISCUSSION

Chair Hirsch stated that one of the issues raised at the Committee level dealt with the specifics of the power of the Commission and Council at the time Site Section Plans, Architectural Elevation Plans, Landscape Plans, Lighting Plans, etc. are presented. He asked the City Attorney if the proposed draft addresses the concern of allowing the Commission and Council "to have teeth in imposing performance standards rather than just performing ministerial duties".

City Attorney Heggie replied that he will review the draft to determine if the issue has been addressed. Mr. Geisel stated that Paragraph 3 was written with this intent – there is a tiered layer of performance standards that apply at various levels of submission.

Commissioner Banks suggested that a separate vote from the Commission be required on any standards that are adjusted at various levels of the development process.

Commissioner Broemmer asked if the proposed zoning district would apply to the entire urban core area. Mr. Geisel replied that it would apply to any cumulative tract of 50 acres or more within the urban core. If there is any existing site that is developed and 50 contiguous acres are compiled, the PC&R District could apply to those tracts as well. At this time, the only tract that has been identified, which is currently undeveloped and meets the criteria, is in the southwest quadrant.

It was clarified that the industrial uses have been removed from the PC&R District but industrial uses would still be allowed in the urban core under other zoning categories – such as PI or PC.

Mayor Nations pointed out that the proposed ordinance does not rezone any property. It just creates a new classification to be available in the urban core. He stated he admires the creativity of the ordinance and the options that will be available to the Planning Commission if a Petitioner decides to rezone under this

ordinance. He commended the Ordinance Review Committee, Mr. Geisel and Staff on putting the proposal together.

Commissioner Broemmer asked if the proposed zoning category would change the Land Use Plan. Mr. Geisel stated that the Comprehensive Plan does not identify zoning categories that are appropriate in certain areas. The Plan identifies land use types. The proposed zoning category is fully compliant with the urban core definition of high-density, retail and residential.

Commissioner Banks stated that one of the strengths of the Mixed Use ordinance is the fact that it has a "failure to commence construction" clause. He asked if this was considered for this ordinance. Mr. Geisel replied that it was considered and is one of the reasons why the Mixed Use ordinance was not replaced or amended because there is applicability for it on smaller sites. Under PC&R, the start of construction would be relevant at either the site specific ordinance level or at the concept plan level. The start of construction wouldn't be applied to the full 50 acres because it is unlikely that there would be one developer who would develop the site continuously. It was noted that a regulation could be established at a specific part of the development to include a "failure to commence construction" clause.

SPEAKERS IN FAVOR:

1. Mr. Mike Doster, Attorney for Sachs Properties, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
   - The challenge has been to find a district ordinance that would fit a downtown concept. Efforts to amend the MXD district for a downtown concept were not successful.
   - After much study and discussion, it was determined by Staff that a new district ordinance was needed.
   - The proposed ordinance is acceptable to Sachs Properties. It allows for a phased development; allows a downtown concept on large tracts of ground; and allows for the implementation of performance standards at various levels of the process. Most of this gets worked out at the site specific ordinance –not at the level of the district ordinance. The site specific ordinance becomes the guide for imposition of standards.
   - Under the site specific ordinance, the ordinance could be imposed at this stage or, by provision in the site specific ordinance, elect to defer it to concept or site section. It is not likely that a site development plan will be seen under this ordinance for this type of development but the possibility is allowed since all of the City's planned districts allow for this possibility.
   - Staff suggested that an Attachment A should accompany this proposed PC&R Ordinance to reflect what Staff thought might be a product of a petition that would be filed after the PC&R Ordinance is adopted. He noted that the Attachment A could not be officially considered at this stage. The Attachment A allows the Commission to anticipate some issues as PC&R is reviewed.

- During the Commission's process of studying and adopting PC&R, it is the Speaker's hope that the Commission will look at the Attachment A and address any issues that arise.

Because of the ability to modify regulations at various stages of the development process under PC&R, Commissioner Banks asked if this could backfire on a developer. Mr. Doster replied that this was discussed at length at the Sachs team meetings and they do not want it to backfire on them. They feel that in order for the City to attract a national mixed-use developer for this type of development, the developer needs a clear invitation – they need to know what the rules are going to be. When it gets to the site specific ordinance stage, Speaker would like to see some performance standards implemented. It may be appropriate to defer some to the concept plan or the site section plan stage, but everyone needs to work through that because developers don't want to be surprised. This is the best way to extend the invitation to nationally-known, quality mixed use downtown-type developers to make this a reality.

2. Mr. Richard Ward, Development Strategies, 10 South Broadway, St. Louis, MO stated the following:
   - He has a long history working with the City of Chesterfield. He and his firm worked with Louis Sachs to help put together the master plan for Chesterfield Village. They helped with the incorporation of Chesterfield and helped put together the City's first Comprehensive Plan. They also worked on the plan for Chesterfield Valley and the Tax Increment Finance District for the Valley.
   - He admires the fact that the City is taking the steps necessary to facilitate the development of a downtown. A downtown area gives a city its identity - and the plans for a downtown in Chesterfield will help give Chesterfield a much stronger identity and much stronger sense of place.
   - The key characteristics of a downtown include places to work, live, shop, and recreate. A downtown area is an environment that ties together with a pedestrian ease and friendliness. It has horizontal and/or vertical mixed uses; there may be different uses next to each other; there may be zero setbacks between uses; the uses may be layered with retail on the ground floor and office and/or residential on upper floors; and there may be shorter or taller buildings as is appropriate.
   - It is very important to be ready to respond. Developers who understand this product are very few and far between. These developers do not want to get into a morass of political in-fighting and community conflict over whether the proposed development is right or wrong for the community. There have to be some basic regulations in place to allow things to go forward.
   - A new ordinance is needed to give the City flexibility and to give the City capacity to phase development. The proposed ordinance allows the City to develop a framework for different developers.

- Speaker referred to downtown areas throughout the metropolitan area as good examples of downtowns in older communities – the Delmar Loop, Old Webster, St. Charles, Old Kirkwood, and Clayton. New urban efforts being made at building a downtown include the Boulevard in Richmond Heights, New Towne in St. Charles, and Winghaven. Examples around the country include the Country Club Plaza; Santana Row in San Jose; and Phillips Place in Charlotte.

Commissioner Banks expressed concern that the proposed ordinance will generate debates on every plan submitted because standards will be set throughout the development process. He asked if this is a concern to the Speaker. Mr. Ward replied that his understanding of the ordinance is that a framework will be set and that the performance standards will be established at the outset, which will guide, in general, how the pieces will fit together. There will be a review process for individual pieces as they fall into place. His reference to "political morass" means a community that has not laid down some rules and a regulatory framework – and has not committed itself to establishing a downtown – where people are still debating as to whether this is a right or wrong direction for the community. He is not suggesting that the City is in this mode but meant that it is important that the City be able to demonstrate that it is committed to this idea and ready to work with developers.

3. Ms. Kathy Higgins, President of Sachs Properties, 400 Chesterfield Center, Chesterfield, MO stated the following:
   - This is an exciting time for all those who live and work in Chesterfield to see the development of the urban core into a quality downtown.
   - Sachs has hired the internationally-known architect, HOK, to master plan the new downtown, which when completed will consist of a mixture of office, retail, and residential all inter-connected with trails and sidewalks. The result is that the southwest quadrant, which borders Highway 40, I-64, Chesterfield Parkway, and Baxter Road, will soon be a thriving pedestrian-friendly walk-able downtown.
   - The PC&R ordinance is a key enabling step in this direction.
   - Some of the key components already in place, or underway, to support the transition of downtown Chesterfield from concept to reality include:

     Completed Development:
     - The YMCA, the daycare facility, and the Chesterfield Community theater
     - The St. Louis County Public Library – Samuel C. Sachs branch
     - The JCCA
     - Chesterfield Mall

     Projects Underway:
     - Two large recreational lakes – one 14 acres and one 19 acres. There will be walks around the lakes, canoes, paddle boats, and fishing.

    - The Reserve at Chesterfield Village being developed by the Hayden Company consists of 191 homes with walking trails, and sidewalks to connect to downtown Chesterfield.
    - Chesterfield Pointe subdivision, which consists of mid-rise condominiums.
    - The newly-developed Wild Horse Creek Road.
    - "Main Street" will now be Chesterfield Parkway at Wild Horse Creek Road.
    - The new Stages Performing Theater to begin construction soon.
- The City is off to a good start but there is a need to attract national, mixed use developers and upscale retailers.
- They have been meeting with many people and they are very excited about this site. There have been numerous out-of-town, upscale restaurants, retailers and mixed use developers expressing interest in this site.
- It is important that the City move quickly on the enabling legislation before the developers and retailers become impatient and decide to go elsewhere.
- This is a turning point in the history of the community and deliberate, but speedy, action is the key if the City is to take full advantage of this historic opportunity.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Define the applicability of the PC&R zoning category within the urban core – and where else it may apply and whether or not that is desirable. Should it apply within the entire urban core or in some specific sub-section of it?
2. Discussion of the industrial use component – compare it to the Comprehensive Plan Land Use categories.
3. Review the language in Paragraph 3.
4. Think about the kinds of things in this kind of development that the Commission would want in a site specific ordinance – for example, setbacks from the major arteries depending on use, etc. Insure that there are performance standards at the various levels as appropriate.

Commissioner Banks asked how the projects for downtown will be submitted. Mr. Doster replied that the first tract to be submitted will be approximately 100 acres, including a third lake which could be 18-20 acres in size and will be in the middle of downtown. Part of the 100 acres will be across from Chesterfield Airport Road (which will be re-named Wild Horse Creek Road once the realignment is completed), which will be the front door of downtown from

Highway 40. When the petition is submitted, it will comply with the submittal requirements under PC&R. The petition will include:

- The legal description and show the subject 100 acres;
- The approximate location of internal roadways;
- The total square footage of commercial uses; and
- The maximum number of residential units – but they will not be placed in any particular area at the time of submittal. Some residential may be vertical with commercial uses; some may be horizontal immediately next door to commercial uses.

Commissioner Banks felt it will be difficult to put many regulations on the petition at the initial stage. Mr. Doster agreed and stated that it will require both the Commission and the Development Team to think creatively because this zoning category is different than other zoning categories. It will have to be anticipated as to what performance standards are appropriate in the site specific ordinance – for example, standards will have to be determined that will be applicable through the entire process and a determination made on which standards should be deferred to the concept plan and site section plan. The Development Team wants to reserve the right to come in with a small section, and realizes that it will have to be judged against the concept as a whole.

Mr. Geisel stated that since it is known there is going to be a large natural water feature, dam and riparian trail in the middle of the 100 acres, and the general road layouts are known, there is the benefit of knowing the site amenities that can be taken advantage of by certain land use types and certain configurations. He is confident that the concepts will be adaptable to the site – whether it is village concepts or larger concepts. He feels that this site lends itself to consistency of character and continuity of development standards – which may evolve from one end of the site to the other.

Councilmember Fults asked whether the architectural standards would be determined at the initial stage in order to have a consistency of architecture throughout the development. Mr. Geisel replied that it is not practical to do this universally. He believes that there is sufficient room within the site specific ordinance to define the overall character and the nature of the development without being so specific as to define specific architectural styles. If there are multiple villages, there may be 20 acres of one architectural type vs. another going through the development. There should, however, be a theme throughout the development, which will require a great deal of care and attention early on in the site specific ordinance.

Commissioner Banks asked if there is additional acreage, other than the 100 acres being discussed, that would be rezoned to PC&R. Mr. Doster replied that the 100 acres is the only acreage they would be seeking to rezone to PC&R. It is possible that they would not come in with the acreage that is between

Chesterfield Airport Road and Highway 40 because there is a specific development issue with this area, which they are trying work through.

Commissioner Banks asked if the proposed PC&R zoning category needs to be defined in such a way that it can only be used as mixed used development. Mr. Geisel replied that the "Purpose" section of the zoning category clearly defines it as a mixed use category – and it could not be solely residential or commercial. Commissioner Banks asked that the City Attorney review the language to insure that it restricts the use to a mixed use category.

Commissioner Schenberg asked if the proposal for the subject 100 acres will spell out how much will be residential and how much will be commercial – or whether it will be free-formed as the site develops. Mr. Geisel stated that the proposed ordinance and conceptual Attachment A requires maximum square footages identified for commercial use in the entire development and maximum number of residential uses identified. The actual mix could change but the maximum square footage of commercial would not allow the site to be all commercial.

Commissioner Schenberg asked if the ordinance allows the square footage to be changed later – for example, could all the acreage be used for commercial in the case where it has been determined that developers are not interested in developing a residential use? Mr. Geisel replied that there is nothing that prevents a land owner from requesting such an amendment or petition. He further stated that the City would not be doing its job very well if it got to this point as this is a mixed use concept.

Commissioner Broemmer referred to the conceptual plan for the downtown area prepared by Sachs several years ago and asked that it be presented for the Commission again. He noted that it is a wonderful plan and encourages the PC&R zoning category so the plan can proceed.

Commissioner Perantoni read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Schenberg made a motion to approve the minutes of the June 25, 2007 Planning Commission Meeting. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0.** (Commissioner Asmus had left the meeting prior to the vote.)

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Wild Horse Grill (Towne Centre): Amended Architectural Elevations for a restaurant located in a "PC" Planned Commercial District, located on the west side of Long Road, south of Edison Road.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 8 to 0**.

VIII. OLD BUSINESS

A. P.Z. 26-2007 Wildhorse Ridge (c/o Thomas Fleming): A request for a change of zoning from "NU" Non-Urban District to "LLR" Large Lot Residential for 10 parcels located south of Bentley Place Subdivision, East of Country Place Subdivision and west of Chesterfield Estates.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated because the petition is straight zoning there is no Attachment A. There are a total of 36.08 acres being proposed to be zoned to "LLR" with a minimum lot size of three acres. All of the properties are three acres or larger – it is not possible for any of the lots to be subdivided with the existing lot configurations. There is no requirement for any type of infrastructure improvements under LLR so the existing roadway easement is sufficient for ingress and egress.

Commissioner Banks asked if the Department has insured that all setbacks are in compliance. Ms. McCaskill-Clay replied that all the existing structures conform to the setback requirements.

Commissioner Broemmer made a motion to approve P.Z. 26-2007 Wildhorse Ridge (c/o Thomas Fleming). The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

Aye: Commissioner Perantoni, Commissioner Schenberg, Commissioner Watson, Commissioner Banks, Commissioner Broemmer, Commissioner Geckeler, Commissioner Grissom, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

B. P.Z. 33-2007 City of Chesterfield (Telecommunications Ordinance): A request for repeal of City of Chesterfield Ordinance 1214, and replacing it with a new ordinance establishing rules and regulations for the siting, construction and modification of wireless telecommunications facilities.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated that Ordinance 1214 is a portion of the City's Zoning Ordinance, specifically subsection 19 of the "Miscellaneous Regulations". The ordinance was passed in 1996 right after the passage of the Federal Telecommunications Act and has not been updated since that time. Due to several requests, as well as the recognition that this ordinance needed to be updated, the City Attorney and Staff created a new Telecommunications Ordinance.

It was noted that notification of a Public Hearing is generally sent to property owners within 225 feet of the site. The subject ordinance requires that the Petitioner notify all property owners within 1500 feet of the proposed site.

If a tower needs to be higher than the maximum height allowed of 110 feet in order to receive communication, Commissioner Broemmer asked if the tower would be denied. City Attorney Heggie replied that the current draft has a maximum height of 110 feet. Ms. McCaskill-Clay stated that proposed towers above 110 feet would require a presentation to the Board of Adjustment proving a hardship.

It was noted that the ordinance has a provision requiring review at least every five years.

Commissioner Geckeler made a motion to approve P.Z. 33-2007 City of Chesterfield (Telecommunications Ordinance). The motion was seconded by Commissioner Perantoni.

Upon roll call, the vote was as follows:

Aye: Commissioner Schenberg, Commissioner Watson, Commissioner Banks, Commissioner Broemmer, Commissioner Geckeler, Commissioner Grissom, Commissioner Perantoni, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS

As a matter of protocol, City Attorney Heggie asked that the Commission address one another as “Commissioner (last name)” and address members of the Staff by Mr. or Ms. (last name).

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:46 p.m.

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Gene Schenberg, Secretary