PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JULY 13, 2009

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

I. ROLL CALL

PRESENT	ABSENT
Mr. David Banks	
Ms. Wendy Geckeler	
Mr. G. Elliot Grissom	
Ms. Amy Nolan	
Ms. Lu Perantoni	
Mr. Stanley Proctor	
Mr. Robert Puyear	
Mr. Michael Watson	
Chairman Maurice L. Hirsch, Jr.	

Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Ms. Sarah Cantlon, Community Services & Economic Development Specialist
Mr. Mike Geisel, Director of Planning & Public Works
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Annissa McCaskill-Clay, Lead Senior Planner
Ms. Susan Mueller, Principal Engineer
Mr. Shawn Seymour, Project Planner
Mr. Justin Wyse, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Hirsch acknowledged the attendance of Councilmember Connie Fults, Council Liaison; Councilmember Bruce Geiger, Ward II; and former mayor, Nancy Greenwood.

IV. PUBLIC HEARINGS – Commissioner Puyear read the "Opening Comments" for the Public Hearing.

A. P.Z. 04-2009 13506 Olive Blvd (Spirit Energy): A request for a change of zoning from a "C2" Commercial District to a "PC" Planned Commercial District for a .31 acre tract of land located at 13506 Olive Blvd. at the southwest corner of Olive Blvd. and Woods Mill Road (Locator Number 16Q330902).

STAFF PRESENTATION:

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

- All State and local statutory requirements were followed for the Public Hearing notification of this petition.
- The site is currently undeveloped and paved.
- There are two existing curb cuts along Olive Boulevard and one curb cut along Woods Mill Road. All three of the existing access points are limited to right in/right out access due to medians on Olive Boulevard and Woods Mill Road.
- Site History
  - St. Louis County Conditional Use Permit #17 was approved in 1966, which permitted a filling station to be constructed on the site.
  - This Conditional Use Permit was amended in 1984 by St. Louis County, which allowed 24-hour operation of the filling station.
  - In 2006, the owner of the property submitted a request for a change in zoning to a Planned Commercial District (P.Z. 17-2006). After a motion to approve the rezoning failed from the Planning Commission by a vote of 2 to 5, the Petitioner requested to withdraw the project. The Planning & Zoning Committee tabled the request and then City Council approved a request to withdraw without prejudice.
  - In 2007, another petition was filed to rezone to a Planned Commercial District (P.Z. 30-2007). This project failed to receive a recommendation for approval from the Planning Commission by a vote of 3 to 5. The project was subsequently withdrawn from the Planning and Public Works Committee agenda.
  - A Site Development Plan for a filling station on the site was then submitted (Spirit Energy [13506 Olive Blvd] SDP). This request has since been withdrawn and the current proposal submitted (P.Z. 04-2009 13506 Olive Blvd. [Spirit Energy]).
- Requested Permitted Uses

  p) Filling station

  hh) Restaurants, fast food, with drive-through service

  ii) Restaurants, sit down

rr) Stores, shops, markets, service facilities and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public on the premises.

- The majority of the sites in the vicinity have a commercial zoning designation.
- The request for this rezoning was filed before the approval of Ordinance 2527 and therefore the Preliminary Plan for this petition is for informational purposes only, and is not being approved with the rezoning.
- The Preliminary Plan includes one (1) right-in/right-out access off of Olive Boulevard with the second access being closed off; and one (1) right-in/right-out access off of Woods Mill Road.
- The Preliminary Plan depicts approximately 17.5% open space; includes one-way vehicular circulation around the site; and includes an approximately 1,424 square-foot building.
- The City's Comprehensive Land Use Plan identifies the subject parcel as being "Community Retail". *Community Retail* is defined as "*serving multiple neighborhoods and communities and provides general merchandise and services and attracts patrons that will travel approximately 15 minutes."*
- <u>Issues Under Review by Staff</u>
  - Vehicular access to/from Olive Boulevard and Woods Mill Road
  - Cross access with the property to the south
  - On site circulation
  - Pedestrian facilities
  - Open space
  - Adherence to landscaping regulations
- <u>Comments from St. Louis County and MoDOT include:</u>
  - St. Louis County has no comments.
  - MoDOT is requesting that the access point off of Woods Mill Road be eliminated in support of the Access Management Guidelines.
  - MoDOT recommends that a cross access easement be put in place on the site for future use.

Noting that the site was originally a filling station with underground storage tanks, <u>Commissioner Proctor</u> asked if there are any environmental issues with the site. <u>Mr. Wyse</u> stated that he is not aware of any such issues but will work with the Petitioner to insure that there are none.

<u>Commissioner Perantoni</u> asked if the length of the islands would remain the same. <u>Mr. Wyse</u> responded that there are no plans at this time to extend the medians.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, Attorney representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
   - The subject site is already approved under a Conditional Use Permit for a 24-hour service station. A service station existed on the site some years ago, but has since been torn down.
   - The Petitioner prefers to construct a coffee shop-type restaurant on the site vs. a service station. It is their belief that the surrounding community also prefers a coffee shop restaurant use over a service station use.
   - The subject site is a small, difficult site to develop and is in a prominent location at a very busy intersection. The Petitioner believes that a coffee shop is the best use for the site given its location, size, and the conditions that exist at the interchange.
   - They have had several meetings with Staff to discuss the issues and how they might be addressed. They have also had several meetings with the Fire District and they believe they have resolved the Fire District's concerns.
   - Revisions from the prior Site Plan for the coffee shop-type restaurant :
     - Shrunk the building footprint by 10%
     - Widened drive lanes
     - Minimized the outdoor seating area
     - Shrunk the walkways around the building
     - Pulled the drive-thru window inside the building to accommodate wider drive lanes on the southern side of the building
     - Lowered the floor area ratio from .1131 to .1053
     - Increased the open space from 16.74% to 17.5%
   - The Traffic Study that was prepared and issued in December, 2006 acknowledged that this is a difficult intersection; but also noted that with the right-in/right-out only access points, the trip generation, along with the traffic on Highway 141 and Olive Boulevard, did not significantly increase. The Traffic Study also noted that there would be a delay on the part of the patrons trying to pull into the site because of the queues that occur at the intersection during peak times.
   - At the time the Traffic Study was prepared in 2006, it did not contemplate the extension of Highway 141. In speaking to the individual at Crawford, Bunte, & Brammeier (CBB) who issued the report, it was felt that the 141 extension would impact the report. CBB has done all the background work on this for St. Louis County and would be able to make it available to the City. It is suggested that CBB be requested to prepare an update letter that would analyze the impact of the 141 extension on the traffic at this interchange.
   - The Petitioner has not committed to a user at this time for the site. There are several opportunities available for coffee-oriented restaurants but they must remain confidential at this point.

- The MoDOT comment is the same comment made 2-3 years ago when the petition for a coffee-oriented restaurant was first submitted and is conditioned on getting cross access to the property to the south. The owner of that property does not want to grant such cross access. The Preliminary Plan shows two access points – one on Olive and one on 141 and the believe they can work with MoDOT and Staff to resolve MoDOT's concerns.

Responding to questions from the Commission regarding the following issues, Mr. Doster stated as follows:

- **Medians:** The medians will not be removed.
- **Curb cut on Woods Mill:** If the curb cut on Woods Mill is eliminated, the operation of either a filling station or coffee shop would be affected drastically. It is not certain any use would be viable on this site if that access is eliminated.
- **Right-out access onto Olive and internal circulation:** At certain times of the day, the right-out turn onto Olive can be made; while at other times, there may be a long wait to turn out. The site can be circled and exited at 141. The access point at Olive is as far west as possible and the access point at 141 is as far south as possible. Both access points are 30 feet wide and they have widened the drive aisles through the site to allow motorists to circle the site.
- **Drive-up window and cars in the queue:** The queue will accommodate at least eight cars. There is a double lane on the back side with the southern-most lane being a pass-thru lane. The site also has parking spaces for patrons to park and enter the building.

Chair Hirsch stated that internal queuing, circulation, and ingress/egress are major issues that should be addressed with Staff.

SPEAKERS IN FAVOR:

1. Mr. Jerry Ebest, Vice-President of Real Estate of Dierberg Markets, 16690 Swingley Ridge Road, Chesterfield, MO stated the following:
   - He is representing Dierberg Markets and Capitol Land Company, who are joint owners of the Center.
   - They are, generally, in favor of the proposed use. They feel the Petitioner has made some significant changes that they think will make the site work better.
   - Their being in favor of the petition is predicated on having a curb and fence along the west and south property lines.
   - They do not encourage cross traffic between the subject site and the Center because this is their "shallowest and most congested parking area", which could create problems during the heavier shopping times.

SPEAKERS IN OPPOSITION:

1. Mr. David Altman, 30 Ridge Crest, Chesterfield, MO stated the following:
   - If the project is complete before the 141 extension is complete, he feels there will be traffic issues. He asked when the earliest time may be for the subject project to be complete. Ms. Aimee Nassif, Planning & Development Services Director, replied that the proposed rezoning generally takes a few months to accomplish. The subsequent site plan process would then take place. It would be approximately 5-6 months before the permitting for construction would take place. The Petitioner would then have two years to begin construction.
   - He has concerns about traffic and internal circulation.
   - He is not in favor of a gas station on the site.

SPEAKERS – NEUTRAL:

1. Ms. Carol Kenney, 256 Ridge Trail, Chesterfield, MO stated the following:
   - She has concerns relative to "the dollar per trip" as coffee is much less than gasoline.
   - She has lived in the area for 45 years and liked the Shell Service Station on the site because the berm was landscaped and the site was well-maintained.
   - She wants the site to be viable and no longer empty and not maintained.

REBUTTAL:

Mr. Doster responded to the issues raised as follows:

- **Curb and fence**: They will maintain the curb and are willing to put up a fence along the west and south property lines. They would accept this as an appropriate condition in the Attachment A.
- **Estimated time of opening**: It is estimated that they are about two years away from opening.

ISSUES:

1. Traffic Study – Mr. Wyse stated that the Traffic Study which was submitted as part of one of the previous petitions has a lot of information that is relevant to a lot of the discussion regarding traffic. CBB is to update the Traffic Study to include concerns about ingress/egress.
2. Square Footage – Mr. Wyse stated that the current proposal has reduced the number of square feet of the site, as well as the number of seats provided in the restaurant use. In 2006, the proposal was for 32 seats; in 2007, the proposal was for 14 seats; and the current proposal is for 10 seats, which will help to curb some of the queuing.
3. Petitioner to maintain the curb and erect a fence along the west and south property lines.
4. Traffic flow and internal circulation.

Ms. Nassif stated that Staff has been working with the Petitioner regarding the Access Management Guidelines and the internal circulation of the site. More information will be available in the Issues Report on these matters.

Mr. Wyse pointed out that previously the distance from the edge of the pavement to the first conflict point on the site was far below the City's standards. The Petitioner has brought this up to the 45-foot minimum.

Commissioner Puyear then read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Grissom made a motion to approve the minutes of the June 22, 2009 Planning Commission Meeting. The motion was seconded by Commissioner Nolan and **passed by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

A. P.Z. 05-2009 River Crossing (Lot C, Holiday Inn & Suites):

Petitioner:
Mr. John Pfaff, 180 Weidman, Suite 218, Manchester, MO was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Conway Point Office Building (P.Z. 47-2007 Time Extension):

A request for a two (2) year extension of time to submit a Site Development Plan for a 1.489 acre tract of land zoned "PC" Planned Commercial district located at the southwest corner of the intersection of Conway Road and Chesterfield Parkway.

Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the two-year extension of time to submit a Site Development Plan for **Conway Point Office Building**. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 9 to 0**.

B. St. Luke's Rehabilitation Hospital: Amended Architectural Elevations for a rehabilitation hospital governed by a Conditional Use Permit (CUP) in an R1A Residence District located at 14701 Olive Boulevard, east of the intersection of Ladue Road and Olive Boulevard.

Commissioner Nolan, representing the Site Plan Committee, made a motion to hold the Amended Architectural Elevations for St. Luke's Rehabilitation Hospital until the Petitioner can review the façade to see how it can be made to look more like the original approved submission and to submit any new plans to the Architectural Review Board for review before coming back to the Site Plan Committee. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0**.

VIII. OLD BUSINESS

A. P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.): A request for an amendment to City of Chesterfield Ordinance 2377, to revise the parking setback from the northern boundary of the development and to revise the parking setback from an internal street for a 7.698 acre tract of land located north of U.S. Highway 40 and east of Boone's Crossing (17T520073).

Project Planner Shawn Seymour stated that the amendment to Ordinance 2377 contains two changes regarding parking setbacks:

- The parking setback from the northern boundary of the "PC" District is currently 170 feet; the Petitioner is requesting a setback of 60 feet.
- The parking setback from the principal internal street is currently 15 feet; the Petitioner is requesting a setback of 10 feet.

The Public Hearing for this petition was held January 12, 2009 at which time one issue was identified. The City had requested an easement at the northern end of the development along the levee. The Petitioner and the property owner are agreeable to granting this easement as indicated in the letter of July 2, 2009 from Summit Development Group. Staff has no outstanding issues.

Commissioner Grissom made a motion to approve P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.). The motion was seconded by Commissioner Proctor.

Upon roll call, the vote was as follows:

Aye: Commissioner Proctor, Commissioner Puyear, Commissioner Grissom, Chairman Hirsch

Nay: Commissioner Watson, Commissioner Banks, Commissioner Geckeler, Commissioner Nolan, Commissioner Perantoni

The motion failed by a vote of 4 to 5.

B. P.Z. 05-2009 River Crossing (Lot C, Holiday Inn & Suites): A request for an amendment to City of Chesterfield Ordinance Number 2469 for an increase in building height and maximum development square footage and a decrease in the openspace requirement for River Crossing Development, zoned "PC" Planned Commercial Development, located on the north side of Chesterfield Airport Road, at its intersection with Arnage Boulevard, containing 15.841 acres of land. (17U520061, 17U520072, 17U240066, 17U240077, 17U240088, 17U520171, 17U520182, 17U520193)

Ms. Annissa McCaskill-Clay, Lead Senior Planner, stated that Ordinance No. 2469 was approved on July 21, 2008. The Public Hearing was held on June 22, 2009 at which time amendments were being requested to the maximum height, the minimum open space, and the maximum square footage for the overall development. At the Public Hearing, Staff was directed to review heights of buildings in the area comparable to the River Crossings development. This information has been provided in the Staff Report.

It was clarified that the building height of Amini's refers "to the tip" of the dome. The building height of the Galaxy Theater refers to the top-most portion of the structure – the front elevation of this building is taller than the rear elevation and, for the most part, is a large rectangle.

If approved, the maximum height of the buildings would be 48 feet, or four stories, whichever is less for each of the eight sites. It was noted that most of the lots are already built.

The reduction of the open space refers to an average for the entire site.

Commissioner Perantoni stated that she will be voting against the petition because of the maximum height being requested.

Commissioner Perantoni then pointed out that the Bentley site has a locator number on the Site Plan that does not match a locator number in the bill title.

Ms. McCaskill-Clay replied that the locator numbers on the Public Hearing Notice and in the bill title are from St. Louis County Recorder's information. The Petitioner will be notified of the discrepancy.

Commissioner Watson made a motion to approve P.Z. 05-2009 River Crossing (Lot C, Holiday Inn & Suites) with the following amendment to page 2 of the Attachment A regarding "Height": (Amendment shown in **bold)**

> The maximum height for buildings, exclusive of roof screening and parapets, shall not exceed three (3) stories or forty-five (45) feet, whichever is less **with the exception that Lot C (17U520061) shall not exceed four (4) stories or forty-eight (48) feet, whichever is less.**

The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

Aye: Commissioner Puyear, Commissioner Watson, Commissioner Geckeler, Commissioner Grissom, Commissioner Nolan, Commissioner Proctor, Chairman Hirsch

Nay: Commissioner Banks, Commissioner Perantoni

The motion passed by a vote of 7 to 2.

C. P.Z. 09-2009 City of Chesterfield (Comprehensive Plan Amendment): A proposal to update selected sections of the City of Chesterfield Comprehensive Plan relative to the following elements: Plan Policies, Land Use, Land Use Plan, Transportation, and Chesterfield Valley Policies for Development.

Ms. Aimee Nassif, Planning & Development Services Director, stated that the Public Hearing was held on June 8, 2009 at which time a brief overview of all the amendments was given, as proposed by the City of Chesterfield Comprehensive Plan Committee, along with several residents of the community. The elements that were amended are the Plan Policies, Land Use, Land Use Plan, Transportation, and Chesterfield Valley Policies. No issues were raised at the Public Hearing.

Commissioner Banks noted a "typo" in the Resolution, which will be corrected.

Commissioner Puyear made a motion to approve P.Z. 09-2009 City of Chesterfield (Comprehensive Plan Amendment). The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

Aye: Commissioner Watson, Commissioner Banks, Commissioner Geckeler, Commissioner Grissom, Commissioner Nolan, Commissioner Perantoni, Commissioner Proctor, Commissioner Puyear, Chairman Hirsch

Nay: None

The motion passed by a vote of 9 to 0.

Ms. Nassif stated that after the Resolution is corrected, it will be presented to the Chair and Secretary for signature. It will then be certified with St. Louis County Recorder of Deeds Office and copies will be made available to the Commission. She then thanked Staff for their hard work in this endeavor.

Chair Hirsch and Commissioner Watson added their appreciation to Staff for their work on this project.

IX. NEW BUSINESS

A. Training Session for Planning Commission

The annual Training Session for the Planning Commission has been scheduled for **Wednesday, September 2nd from 5:30-7:30 p.m.**

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:05 p.m.

_____

Michael Watson, Secretary