

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JULY 25, 2005**

The meeting was called to order at 7:10 p.m.

I. PRESENT

Mr. David G. Asmus
Mr. David Banks
Mr. Fred Broemmer
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Thomas Sandifer
Ms. Victoria Sherman
Chairman Stephanie Macaluso

ABSENT

Dr. Maurice L. Hirsch, Jr.

Councilmember Mike Casey, Council Liaison
City Attorney Doug Beach
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Mr. Kyle Dubbert, Project Planner
Mr. Nick Hoover, Project Planner
Ms. Christine Smith Ross, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Sherman

III. PLEDGE OF ALLEGIANCE

Chair Macaluso acknowledged the attendance of Mayor Nations; Councilmember Mike Casey, Council Liaison; and Councilmember Dan Hurt, Ward III.

IV. PUBLIC HEARINGS – Commissioner O'Connor read the “Opening Comments” for the Public Hearing.

- A. P.Z. 10-2005 Petro Mart (Land West One LLC): A request for rezoning from “C-8” Planned Commercial to “PC” Planned Commercial district for a .92-acre parcel located on the south side of Clayton Road, at its intersection with Baxter Road. (Locator Number 21R42-0668)**

Project Planner Christine Smith Ross gave a PowerPoint presentation showing photographs of the subject site and surrounding area. Ms. Smith Ross stated that the proposed uses for the site include:

- Various uses relative to the operation of a carwash, convenience store and gasoline sales.
- Permitted signs
- Stores, shops, markets, service facilities and automatic vending facilities.
- Vehicle washing facilities for automobiles.

The Comprehensive Plan for this parcel calls for “Neighborhood Retail”, a conceptual land use category for a center no larger than 50,000 sq. ft. that provides merchandise and services; and attracts customers from adjacent neighborhoods within Chesterfield who will travel up to ten minutes.

PETITIONER’S PRESENTATION:

1. Mr. John King, Attorney representing the Petitioner, 168 N. Meramec, Clayton, MO gave a PowerPoint presentation and stated the following:

- The petitioner proposes building a new station and convenience store.
- The site currently has four gas pumps; the petitioner proposes maintaining four pumps.
- The current canopy is 5100 sq. ft. in size; the petitioner proposes a new canopy of 2400 sq. ft.
- The current convenience store is 1818 sq. ft.; the proposed convenience store is 2610 sq. ft.
- The current convenience store has no restroom facilities for the public; the proposed convenience store would include public restrooms.
- The current carwash is 1056 sq. ft.; the proposed carwash would be 2531 sq. ft. The carwash is not being widened but is being extended to the east. Currently it takes 4-5 minutes to wash a car; with the proposed facility, a car can be washed in 1.5-2 minutes. The longer tunnel helps to deaden the noise from the carwash.
- The current setback from Baxter Road is 4.33 feet and will remain at 4.33 ft. under the proposal.
- There are two curb cuts to the site – one on Baxter Road and one on Clayton Road.
- Variances will be needed for some of the proposed items because of the changes along Clayton Road.

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

- Direct access from the subject site to the shopping center on Clayton Road will remain open.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Michael McBride, 441 Hill Trail Drive, Ballwin, MO stated the following:
 - His property backs up to the current service station.
 - He has concerns about noise from increased business and asked that a sound-deadening wall be considered for the site.
 - He has concerns about water drainage issues – concerns about gas station water and car wash water coming onto his property. He questioned whether there are any EPA/health issues related to gas station/car wash water.
 - Because of a past robbery at the subject site, he has some safety concerns about his yard being used as a possible escape route. Because of how easy it is to enter his yard from the subject site, he suggested that any sound barrier fence be high enough to deter persons from entering his property.

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

- There is currently a 6' solid white vinyl fence on the subject property. There is about a 2' gap under the fence. This fence does not help with the noise issue.

REBUTTAL:

Mr. King stated that the Petitioner's engineer would meet with Mr. McBride regarding his concerns about water drainage. Regarding the noise issue, it's possible that the fence could be moved in on the subject site and landscaped heavily on the side adjacent to Mr. McBride's property.

ISSUES:

1. Access to and effect on neighboring commercial and residential properties.
2. Provide detailed list of the necessary variances.
3. Provide EPA regulations regarding potential run-off of gas, oil and soap.
4. Noise issues and proposed landscaping.
5. Provide parking requirements for service stations.
6. Provide comparison of current green space vs. proposed green space.

Commissioner O'Connor read the Closing Comments for Public Hearing **P.Z. 10-2005 Petro Mart (Land West One LLC)** noting that the earliest possible date the Planning Commission could vote on the subject petition would be August 22, 2005.

- B. P.Z. 12-2005 City of Chesterfield (Adult Entertainment Uses):** An ordinance amending the City of Chesterfield Zoning Ordinance to include Adult Entertainment Uses in the "PC" Planned Commercial District and "PI" Planned Industrial District permitted uses.

Project Planner Christine Smith Ross stated the following:

- Section 1003.140 Planned Commercial District would be amended to allow the following permitted land uses and developments:
Adult bookstore; adult entertainment facility; adult motion picture theater; bathhouse; massage parlor; modeling studio; adult entertainment business or establishment; and specified sexual activities.
- Section 1003.150 Planned Industrial District would be amended to allow the following permitted land uses and developments:
Adult bookstore; adult entertainment facility; adult motion picture theater; bathhouse; massage parlor; modeling studio; adult entertainment business or establishment; and specified sexual activities.

PETITIONER'S PRESENTATION: None

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES: None

Commissioner O'Connor read the Closing Comments for Public Hearing **P.Z. 12-2005 City of Chesterfield (Adult Entertainment Uses)** noting that the earliest possible date the Planning Commission could vote on the subject petition would be August 22, 2005.

V. APPROVAL OF MEETING MINUTES

Commissioner Sherman made a motion to approve the minutes of the July 11, 2005 Planning Commission Meeting. The motion was seconded by Commissioner O'Connor and **passed** by a voice vote of 8 to 0.

VI. PUBLIC COMMENT

1. Mr. Jay Chambers, 50 South Bemiston, St. Louis, MO speaking **for the petitioner** for **P.Z. 04-2005 Spirit Energy, LLC (14804 Clayton Road-Shell)** stated the following:
 - They feel the re-built service station/convenience store with carwash will benefit the community.
 - They intend to landscape the site heavily.

- The proposed building is 3500 sq. ft.
2. Ms. Jessica Boettcher (no address given) speaking **for the petitioner** for **Chesterfield Commons East, Outparcel 1 (Bank of America)** stated she was available for any questions.
 3. Mr. Mike Doster, 17107 Chesterfield Airport Road, Ste. 300, Chesterfield MO speaking **for the petitioner** for **Dugsford Commons Ordinance Amendment (Reliance Bank)** gave a slide presentation showing photographs of the site and surrounding area; along with a photo of the proposed sign. Mr. Doster stated the following:
 - They are requesting an amendment to allow for a free-standing monument sign in front of the bank on Lot 2 of Dugsford Commons.
 - Lot 2 of Dugsford Commons was established as a Planned Commercial District by City of Chesterfield Ordinance #1921 in March, 2003. The ordinance prohibits a free-standing monument sign, which originated with St. Louis County zoning.
 - Currently there is only one free-standing monument sign in the lots that constitute Dugsford Commons, which is shared with and located on the service station property. It is easy for motorists to pass the Bank because of the location of the current sign.

Chair Macaluso suggested that the time feature on the proposed sign be removed.

4. Mr. Joe Valenti 17263 Wild Horse Creek Road, Chesterfield, MO speaking **for the petitioner** for **Dugsford Commons Ordinance Amendment (Reliance Bank)** stated that the location of the proposed sign is in the vicinity of the current temporary sign.
5. Mr. Robert Boland, Architect with ACI Boland, speaking **for the petitioner** for **P.Z. 8-2005 St. Luke's Episcopal Presbyterian Hosptals** stated that they are requesting clarification concerning the use of a 3-D model for this project. He then gave a PowerPoint presentation showing how a 3-D computerized model could be used vs. a 3-D plastic block model. He stated the following:
 - The plastic model is always viewed from the air and is never viewed from ground level.
 - They propose doing a computerized model showing detailed sections of specific views of the site. A digital photograph of the buildings and landscaping could be dropped in on the requested views.
 - They propose presenting detailed sections of the intersection, Old Woods Mill Road and any other requested views.

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

- Contouring can be added in the section views on the computerized model. A detailed Site Plan will be provided with contours.
- A 3-D plastic block model could be prepared in about one month; a 3-D computerized model could be prepared in about two weeks.

- The computerized model would show views first with only the existing landscaping/vegetation and then views with the proposed landscaping.

Commissioner Asmus expressed concern that the computerized model would not accurately depict the heights of the proposed buildings compared to the heights of the neighboring homes. Mr. Boland replied that they could provide a detailed section of the neighboring properties from both the air and ground level, as well as a slice through the middle, which would reflect the height comparisons.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. Chesterfield Commons East, Outparcel 1 (Bank of America)** – Site Development Section Plan, Lighting Plan, Landscape Plan and Architectural Elevations for a 1.09-acre parcel located in a "PC" Planned Commercial District located south of Chesterfield Airport Road, approximately 1000 feet east of its intersection with Chesterfield Commons Drive.

Commissioner Banks, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Lighting Plan, Landscape Plan and Architectural Elevations. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0.**

- B. Chesterfield Commons West, Hardees:** Architectural Elevations for a Drive Thru Canopy for a 1.02 acre parcel located southeast corner of Chesterfield Airport Road and Chesterfield Commons West Drive.

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

- C. Stoney River Legendary Steaks at Drury Plaza:** Amended Site Development Plan, Landscape Plan and Architectural Elevations for a restaurant on a 4.85 acre tract of land, zoned "PC" Planned Commercial District, located adjacent to Chesterfield Mall on the southwest corner of I-64/Hwy 40/61 and MO 340 (Clarkson Rd).

Commissioner Banks, representing the Site Plan Committee, made a motion to hold the Amended Site Development Plan, Landscape Plan and Architectural Elevations at the Petitioner's request. The motion was seconded by Commissioner O'Connor and **passed by a voice vote of 8 to 0.**

- D. **Two Flags Farm**: A record plat for an approximately 6.619-acre tract of land, zoned "NU" Non Urban, located on a private road north of Wilson Manor Drive and south of Chesterfield Lakes Road. The mailing address for this property is 1665 Wilson Avenue.

Commissioner Banks, representing the Site Plan Committee, made a motion to approve the record plat. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0**.

- E. **Westfield Shoppingtown Chesterfield**: Amended Architectural Elevations for a regional shopping center in a "C-8" Planned Commercial District located south of Highway 40/Interstate 64.

Commissioner Banks, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations with two conditions: (1) that the proposed additional lighting will utilize incandescent lamps; (2) that future changes to the elevations at the Westfield Chesterfield Mall shall show all approved changes as of July 25, 2005 and later and shall be reviewed in conjunction with the elevations of the Mall as a whole. The motion was seconded by Commissioner O'Connor and **passed by a voice vote of 8 to 0**.

VIII. OLD BUSINESS

- A. **P.Z. 04-2005 Spirit Energy, LLC (14804 Clayton Road-Shell)**: A request for a change of zoning from a "C-2" Shopping District to a "PC" Planned Commercial District for a .92 acre tract of land located at 14804 Clayton Road, south of Clayton Road and west of Wildwood Parkway. (Locator Number 21R420714). The request contains the following permitted uses:
- (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.
 - (hh) Restaurants, fast food.
 - (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.
 - (ww) Vehicle washing facilities for automobiles.

Chair Macaluso asked if the sprinkler system is addressed in the Attachment A. Project Planner Christine Smith Ross replied that the sprinkler system is not addressed in Attachment A. However, the landscape plan for this project must comply with the City's Tree Manual, which does require the sprinkler system. The Tree Manual states:

“All landscaped areas, including islands, shall be provided with mechanical and ground irrigation systems.”

Commissioner Banks requested that the “Permitted Use” of “*restaurant, fast food; excluding drive-thru restaurant*” be eliminated. Mr. Jay Chambers stated that the only fast food items they would be serving would be items such as chips, candy bars and hot dogs. The store would not provide seating for dining.

Commissioner Banks made a motion to approve the request for a change of zoning with the elimination of item I.A.2. “Restaurants, fast food; excluding drive-thru restaurant” under “Permitted Use” on page 1 of the Attachment A. The motion was seconded by Commissioner Asmus.

Upon roll call, the vote was as follows:

**Aye: Commissioner Broemmer, Commissioner O’Connor,
Commissioner Perantoni, Commissioner Sandifer,
Commissioner Sherman, Commissioner Asmus,
Commissioner Banks, Chairman Macaluso**

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS

- A. Dugsford Commons Ordinance Amendment (Reliance Bank):** A request for an amendment to City of Chesterfield Ordinance 1921 to permit a free standing business sign within a 1.4-acre "P-C" Planned Commercial District located on Wildhorse Creek Road, approx. 550 feet southeast Long Road.

Project Planner Christine Smith Ross stated that the Petitioner is requesting the following change to Ordinance 1921:

~~*There shall be no freestanding business sign associated with this development.*~~ *One (1) freestanding business sign shall be permitted on this site, as approved by the Planning Commission in conjunction with the Site Development Plan.*

It was noted that the gas station sign will now only be used by the station. The bank signage will no longer be on the sign used by the gas station.

Commissioner Asmus made a motion to approve the request for an ordinance amendment. The motion was seconded by Commissioner Sandifer.

Referring to earlier comments about the possibility of removing the clock from the signage, Commissioner Sherman stated that she hoped such removal would not result in larger lettering for the bank signage

Upon roll call, the vote was as follows:

**Aye: Commissioner O'Connor, Commissioner Perantoni,
Commissioner Sandifer, Commissioner Sherman,
Commissioner Asmus, Commissioner Banks,
Commissioner Broemmer, Chairman Macaluso**

Nay: None

The motion passed by a vote of 8 to 0.

B. P.Z. 8-2005 St. Luke's Episcopal Presbyterian Hospitals: A request for a change of zoning from "NU" Non-Urban District to "MU" Medical Use District for five (5) parcels of land located at the intersection of Woods Mill Road and Conway Road. Total area to be rezoned: 78.6 acres. (Locator Numbers: 18Q240306, 18Q230185, 18Q210211, 18Q140260, 18Q140251)

It was agreed that the 3-D computerized model would be acceptable for this project. It was noted that if the computerized model is not sufficient, the Commission could also request a 3-D plastic block model. The views suggested by the Petitioner would be provided, along with the following views requested by the Commission:

- A view from the residential house that is between the hospital and the church.
- A view of the West Campus showing the roof-line in comparison to adjacent properties
- A view from Brookings Park showing the topography.
- A view of the frontage road and the cross-sections of the land.

Chair Macaluso stated that she would need a perspective from how far away the buildings are being viewed.

Commissioner Sherman requested that when the proposed landscaping is shown, it is shown at the size of the trees as planted – not at the size ten years from now.

X. COMMITTEE REPORTS:

A. Committee of the Whole

Upcoming meetings will be held on August 2 and August 17, 2005 at 5:00 p.m. regarding the Wild Horse Creek Road West Area Sub Study. The Committee will also meet on August 29, 2005 at 5:30 p.m.

B. Ordinance Review Committee – No Report

C. Architectural Review Committee – No Report

D. Landscape Committee – No Report

E. Comprehensive Plan Committee – No Report

F. Procedures and Planning Committee – No Report

G. Landmarks Preservation Commission – No Report

XI. ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

Lynn O'Connor, Secretary