

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
AUGUST 22, 2005**

The meeting was called to order at 7:03 p.m.

I. PRESENT

ABSENT

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

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
Ms. Aimee Nassif, Project Planner
Ms. Mary Ann Madden, Planning Assistant

Chair Macaluso acknowledged the attendance of Mayor John Nations; Councilmember Mike Casey, Council Liaison; Councilmember Bruce Geiger, Ward II; Councilmember Dan Hurt, Ward III; Councilmember Connie Fults, Ward IV; Mr. Dan Layton, past Planning Commissioner; Mr. Mike Herring, City Administrator; and Ms. Libbey Simpson, Assistant City Administrator for Economic & Community Development.

II. INVOCATION: Commissioner Perantoni

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC HEARINGS – Commissioner Broemmer read the “Opening Comments” for the Public Hearings.

- A. **P.Z. 16-2005 City of Chesterfield (Landmark and Preservation Area Procedure)**: A request to amend Section 1003.191 of the Zoning Ordinance to include incentives and to allow for new criteria.

Project Planner Aimee Nassif gave a PowerPoint presentation on the project and stated the following:

- To protect the historic, archeological and architectural character of Chesterfield, the City employs two methods to protect these areas and structures - the Landmark and Preservation Area Procedure and the Historic District.
- Both the Landmark and Preservation Area Procedure (LPA) and the Historic District are treated as overlay districts.
- The zoning procedures for both are the same. Each requires Application and Public Hearing with final approval by the City Council.
- An LPA and an Historic District are both established and governed by a site-specific ordinance.
- In an Historic District, changes cannot be made to the site unless a resolution is passed by City Council. Building permits are not permitted for any alteration, renovation or construction without such a resolution.
- In an LPA, exterior changes to the building or site are made by municipal zoning approval.
- The subject Ordinance Request pertains just to the Landmark and Preservation Area Procedure. The amendment includes the addition of incentives, clarification of the submittal requirements, and clarification of the permitted uses.
- The Ordinance Review Committee and the Landmark Preservation Commission have reviewed the presented draft. The draft includes the addition of incentives to enhance and protect places and areas which represent important elements of the City's historical, cultural, and archeological history.
- The City may approve incentives, in the form of variances, in the following areas:
 1. Parking Requirements
 2. Yard Setbacks
 3. Permitted Uses
 4. Landscaping
 5. Lot Size
 6. Building Height Restrictions
 7. Green Space/Open Space
 8. Tree Preservation
 9. Subdivision of Developable Property
- The proposed amendment also includes a "Development Standards" table. Language has been amended to improve the readability of the ordinance and to clarify the requirements involved in seeking an LPA.

Commissioner Broemmer noted that the incentives are all in the form of variances. He felt that it is important that any requests for variances explain how such a variance would enhance, preserve, and protect the historic significance of the site.

ISSUES

1. Review the wording of Item 3.D in the Draft Language with respect to use of “upon a change in ownership”. (Item 3.D. states: *All previously approved incentives shall expire upon a change in ownership or use, and shall require review and approval by the City of Chesterfield.*)

Commissioner Broemmer read the Closing Comments for Public Hearing **P.Z. 16-2005 City of Chesterfield (Landmark and Preservation Area Procedure)** noting that the earliest possible date the Planning Commission could vote on the subject petition would be September 26, 2005.

- B. **P.Z. 20-2005 City of Chesterfield (Definitions):** A request to amend Section 1003.020 of the Zoning Ordinance for the addition and changes for the following definitions: family, boarding house, lodging house, hotel/motel.

Project Planner Aimee Nassif gave a PowerPoint presentation on the project and noted the proposed definitions for the following:

- **Boarding House** - A building other than a hotel, where for compensation pursuant to previous arrangement, meals, or lodging and meals, are provided for two (2) or more persons.
- **Family** - An individual or married couple and the children thereof (by blood, marriage, adoption, appointed as legal guardian, or foster children) and no more than two (2) other persons related directly to the individual or married couple by blood, marriage, adoption, or appointed as legal guardian; or a group of three (3) or fewer individuals who need not be related by blood or marriage residing together in a dwelling unit as a single non-profit housekeeping unit utilizing not more than two (2) kitchens, except, living units with four (4) or more bedrooms (bedrooms as defined by the applicable City Code), four (4) or fewer unrelated individuals shall constitute a family. This definition shall not be construed to include hotels, clubs, rooming houses, sorority or fraternity homes, or religious congregate living arrangements.
- **Hotel/Motel** - Any structure or building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. Said structure or building is used, maintained, advertised, or held out to the public as a place where sleeping accommodations are furnished for pay compensation to transient guests or permanent guests and is open to the public in contradiction to a boarding house, lodging house, or an apartment, which are herein separately defined.
- **Lodging House** - A building or place where lodging is provided (or which is equipped to provide lodging) by pre-arrangement for a definite period, and for compensation, for more than two (2) persons but for not more than twenty (20) persons in contradiction to hotels open to transients.

During discussion, the following points were clarified:

- **Boarding of college students:** Space could be rented to one individual but could not be a group arrangement.
- **Assistants to the elderly:** Regarding assistants to the elderly, it is assumed that the elderly person would be compensating the individual/individuals to live with him/her rather than charging the individual rent as a boarder.
- **Renting a Home:** Regarding college students, a home could be rented to three or less students. If the home has four bedrooms, four unrelated individuals could rent the home but not eight unrelated individuals. The definition is designed to avoid renting to different individuals on a nightly basis.
- **Family members:** No more than two additional family members (other than parents and children) would be allowed in the same household, i.e, uncle, grandparent, grandchild, etc.

ISSUES:

1. **Review the definition of “Family”.** Suggestion: Re-word the language to state: “An individual or married couple and the children thereof (by blood, marriage, adoption, appointed as legal guardian, or foster children) and no more than two (2) other persons related directly to the individual or married couple by blood, marriage, adoption, or appointed as legal guardian; or a group of three (3) or fewer individuals who need not be related by blood or marriage residing together in a dwelling unit as a single non-profit housekeeping unit utilizing not more than two (2) kitchens, ~~except, living units with four (4) or more bedrooms (bedrooms as defined by the applicable City Code),~~ **except four (4) or fewer individuals living in a unit with four or more bedrooms,** four (4) or fewer unrelated individuals shall constitute a family. This definition shall not be construed to include hotels, clubs, rooming houses, sorority or fraternity homes, or religious congregate living arrangements.
2. **Review the definition of “Hotel/Motel”:** It was noted that some establishments do not require ingress/egress to rooms through a lobby if a pass card is utilized.

Commissioner Broemmer read the Closing Comments for Public Hearing **P.Z. 20-2005 City of Chesterfield (Definitions)** noting that the earliest possible date the Planning Commission could vote on the subject petition would be September 26, 2005.

- C. **P.Z. 21-2005 STAGES St. Louis Performing Arts Center:** A request for an “MAA” Museum and Arts Area Procedure in a 7.854-acre “C-8” Planned Commercial District located on Chesterfield Parkway West, near the intersections of Chesterfield Parkway and Highway 40 (16185 Chesterfield Parkway West/18S410163)

The requested use is a Performing Arts Center

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

- The City's Comprehensive Plan designates the area as being located in the Urban Core.
- The Urban Core is the area known as Chesterfield Village, centered at the intersection of I-64/US 40 and Clarkson Road/Olive Boulevard and primarily served by the Chesterfield Parkway.
- Land uses for the Urban Core include a mixture of high-density residential, retail, and office uses containing the highest density development in Chesterfield.
- Section 1003.141 City of Chesterfield Zoning Ordinance provides the procedure for establishment of Museum and Arts Areas.
- Designation as a museum and arts areas qualifies property for additional uses beyond those permitted or conditional uses in the zoning district in which the property is located.
- Setbacks for an MAA area are established in the conditions of the governing ordinance that is created for this particular area.
- Parking requirements must meet those set forth in the Zoning Ordinance.
- **Sign Criteria:** Gross square footage of all signs on the lot can not exceed two times the lineal feet of the lot frontage.
- Marquee signs may not project more than one foot beyond the length of the building on either side.
- Horizontal and vertical projection of signs must be approved on the Preliminary Plan.
- Street banners are permitted, however dimensions and time limitations for them must be established in the "MAA" Ordinance.

PETITIONER'S PRESENTATION:

1. Mr. Chuck Foster, Architect for STAGES, 1111 S. Glenstone, Springfield, MO introduced Frank Ferguson of Northstar; Ron Gibbs, Managing Director for STAGES; and Jeanne Armiller, Attorney with Husch, Eppenberger who were all available for additional questions. Mr. Foster stated the following:
 - STAGES was started in 1987 as a non-profit organization doing live-performance musical theater. They are currently located in Kirkwood, MO.
 - The proposed theater is 84,000 sq. ft. consisting of two live-performance theaters. One is 730-seat theater and the other is a 200-seat theater.
 - A future third theater is possible.
 - An Academy is located on the theater campus, which would teach vocal, dance, and drama for both children and adults.
 - All the administrative offices are on site. The support space for the theaters would include dressing rooms, orchestra rooms, the green rooms, rehearsal rooms, shops for building stage sets and a recording room.
 - Required parking for the site is 300; they propose 390 spaces.

Responding to questions from the Commission, Mr. Foster clarified the following:

- The front elevation of the building lines up with the curb cuts. Going on to the 40 West ramp, one would see the north elevation - the side with the Academy.
- The marquee for the theater will be on the front elevation of the building. No signage will be at the entrance to the site.
- The plans for STAGES are in process at this time.
- The City's parking ordinance requires 1 parking stall/4 people. The parking lot has been designed for 1 parking stall/2 people. Parking is also provided for 8 busses.

Mayor Nations expressed his delight at seeing this project progressing. He stated that STAGES is a tremendous regional asset and the City is looking forward to it coming to the Parkway. It will be the cornerstone of the entire Towne Centre area.

ISSUES

- 1 The number of parking spaces on the site
- 2 Signage size
- 3 The use of street banners
- 4 Clarification of street banners as signs
- 5 Ordinance 2061 provides several uses and ancillary uses that are available in the "MAA." Provide which uses will be utilized on the site.
- 6 Provide the height of the proposed performing arts center.
- 7 Provide signage information, including: the gross square footage for all signage; the number, location and dimensions of all banners and the duration for which they will be utilized; dimension and size of the marquee for the performing arts center; the location of any and all proposed awnings; any horizontal and vertical projections for signage on the site.

Chair Macaluso made a motion to suspend the rules to eliminate the Issues Meeting and go directly to the Vote Meeting on September 12, 2005. The motion was seconded by Commissioner Hirsch.

Teresa Price, Director of Planning, pointed out that the Attachment A has not yet been prepared for the MAA. If there are no Issues, the Attachment A could be presented at the next meeting. The Attachment A would be written following the requirements of the MAA. The Attachment A would also include the use of street banners and signage criteria.

Chair Macaluso stated that if there are Issues when the Attachment A is presented, the vote can be delayed.

Commissioner O'Connor suggested that this procedure be forwarded to Ordinance Review for future clarification.

The motion passed by a voice vote of 9 to 0.

Commissioner Broemmer read the Closing Comments for Public Hearing **P.Z. 21-2005 STAGES St. Louis Performing Arts Center** noting that the earliest possible date the Planning Commission could vote on the subject petition would be September 12, 2005.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the **August 8, 2005 Planning Commission Meeting**. The motion was seconded by Commissioner Hirsch.

Commissioner Perantoni corrected page 1 of the minutes as follows:

“Councilmember Bruce Geiger, Ward ~~III~~, II.”

The minutes were approved, as corrected, by a voice vote of 9 to 0.

VI. PUBLIC COMMENT

1. Mr. Thom Sehnert, 16806 Chesterfield Airport Road, Chesterfield, MO speaking **as the petitioner** for **Annie Gunn’s/Smokehouse Market Expansion** stated he was available for questions.
2. Mr. Lenny Meers, J. R. Grimes Consulting Engineers, 12300 Old Tesson Road, Ste 300D, St. Louis, MO speaking **in favor** of **Annie Gunn’s/Smokehouse Market Expansion** stated the following:
 - He is presenting on behalf of Tom and Jane Sehnert.
 - Additional trees will be planted that will bring all parking spaces within 50’ of a tree in accordance with the ordinance.
 - With respect to the parking spaces by the retaining wall, Speaker stated that all spaces are within 50’ of a tree but would be willing to add one more if so directed.
 - The trees would be Red Maple.
3. Mr. George Stock, 257 Chesterfield Business Parkway, Chesterfield, MO **in favor** of **P.Z. 2-2005 & P.Z 3-2005 Briarcliffe Villas (GHH Investment, LLC)** had already left the meeting.
4. Mr. Brett Hardesty, 232 Chesterfield Industrial Blvd, Chesterfield, MO speaking **as the petitioner** for **P.Z. 2-2005 & P.Z. 3-2005 Briarcliffe Villas (GHH Investment, LLC)** stated the following:
 - In the Work Session, it was mentioned that the lots of Briarcliffe Villas are 6300 sq. ft. Speaker clarified that the Villas are 7500 sq. ft. as shown on the Plan.

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

- **Regarding water run-off issues:** All the water is retained on site and piped all the way down. It is not allowed to go over the bluff. In addition, the three ravines and gorges to the west, which are currently eroding Hog Hollow, will be filled in and stabilized.
 - **Regarding the 30' buffer between residential and commercial:** The petitioner will address this as an issue.
 - **Regarding Suburban Lawn:** Petitioner feels Suburban Lawn has an encroachment on their property and they have made an adjustment. Petitioner does not feel this is an issue. The buffer is being kept totally natural and not being touched at all.
5. Ms. Joy McMillen, 17107 Chesterfield Airport Road, Chesterfield, MO speaking **as the petitioner** for **P.Z. 2-2005 & P.Z. 3-2005 Briarcliffe Villas (GHH Investment, LLC)** stated she would cede her time.
6. Mr. Chris DeGuentz, Director of Community Planning & Design for Fischer & Frichtel, 695 Trade Center Boulevard, Chesterfield, MO speaking **as the petitioner** for **P.Z. 06-2005 Wild Horse Creek Investors (18217 Wild Horse Creek Road)** stated the following:
- Sound attenuation within the structures' attics will be provided.
 - Regarding woodland preservation – they have employed techniques to preserve most of the site's natural features, including preserving 53 of 67 Monarch trees; preserving the steep wooded slopes on the bluff; and preserving a major percentage of the woodland, well over the 30% requirement.
 - The 66" Oak tree on the site represents a significant hazard to purchasers and will have to be removed.

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

- There is one water detention area.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Annie Gunn's/Smokehouse Market Expansion (Thomas & Jane Sehnert)**: An Amended Site Development Plan, Landscape Plan, Lighting Plan and Architectural Elevations for parcels containing 2.90 acres of private property and Saint Louis County right-of-way located south of Chesterfield Airport Road and west of Baxter Road. (17T240201)

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Amended Site Development Plan, Landscape Plan, Lighting Plan and Architectural Elevations. The motion was seconded by Commissioner Perantoni.

Commissioner Banks amended the motion to require that trees be added to the plan to insure that all parking spaces are within 50' of a tree, and one additional tree to be added along the retaining wall. Commissioners Hirsch and Perantoni accepted the amendment to the motion. **The motion, as amended, passed by a voice vote of 9 to 0.**

- B. Long Road Crossing (Lot 1) ATM/Drive-Thru Canopy: An Amended Site Development Section Plan and Architectural Elevations for a 2.36 acre tract of land zoned "PC" Planned Commercial, located north of Chesterfield Airport Road and west of Long Road. (17U130583)**

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Amended Site Development Section Plan and Architectural Elevations. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 9 to 0.**

- C. Spirit Trade Center Lot 12: An Amended Site Development Concept Plan for an office complex (4 buildings) on Lot 12 of Spirit Trade Center, zoned "M-3" Planned Industrial. The site is located south of Chesterfield Airport Road, north of Edison, east of Spirit Drive, on the west side of Trade Center Blvd.**

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Amended Site Development Concept Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0.**

- D. Spirit Trade Center Lot 12: A Site Development Section Plan, Landscape Plan, and Lighting Plan for an office complex (4 buildings) on Lot 12 of Spirit Trade Center, zoned "M-3" Planned Industrial. The site is located south of Chesterfield Airport Road, north of Edison, east of Spirit Drive, on the west side of Trade Center Blvd.**

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Site Development Section Plan, Landscape Plan, and Lighting Plan with the condition that there will be more than one species of evergreen. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0.**

(Mayor Nations left the meeting at 8:10 p.m.)

VIII. OLD BUSINESS

- A. **P.Z. 2-2005 Briarcliffe Villas (GHH Investment, LLC)**: A request for a change of zoning from “R-2” Residence District to “R-3” Residence District for two (2) tracts of land totaling 29.4 acres located on Olive Boulevard, in the property formerly known as Chesterfield Grove Nursing Home. (16R340151, 16R340207)

and

- B. **P.Z. 3-2005 Briarcliffe Villas (GHH Investments, LLC)**: A request for a Planned Environment Unit (PEU) Procedure within an “R-3” Residence District for two (2) tracts of land totaling 29.4 acres located on Olive Boulevard, in the property formerly known as Chesterfield Grove Nursing Home. (16R340151, 16R340207)

ISSUES: (It was noted that the following traffic issues remain open because the Traffic Study is still under review by Public Works. If necessary, Public Works will add conditions to be placed in the Attachment A.)

1. Will anything be done with the median island in front of the development on Olive? It was noted that the Petitioner’s Traffic Study does not recommend this.
2. Traffic concerns generated by the number of units in the development. Petitioner does not feel that the number of units is an issue for the area. Hog Hollow Road already has traffic issues and they do not feel the number of units will substantially increase traffic.
3. The possibility of a stop light to handle traffic in the area. It was noted that the Petitioner’s Traffic Study does not recommend this. They are suggesting some turning lanes that would allow for a separation and deceleration as one would go on to the subject site.
4. Issue #3 under trees to remain open regarding the number of Monarch trees to be preserved and removed per the suggestions from Mr. Rocca.
5. Make sure the minimum lot size is utilized.
6. Issue #2 regarding density to remain open. Should this be an R-2 zoning rather than R-3?
7. Insure that there is heavy screening between commercial and residential. Consider fencing and screening the fence.
8. How much of the buildable plateau will be on grade and how much will utilize fill?
9. As a comparison, provide any records from Spyglass that have similar percentages. Did Spyglass use the natural terrain or did they grade and fill?
10. Sidewalks along Olive. Make sure that the sidewalk is connected – shouldn’t start and end on this property.

Staff was directed to prepare Attachment A for the next Planning Commission meeting.

- C. **P.Z. 06-2005 Wild Horse Creek Investors (18217 Wild Horse Creek Road)**: A request for a change of zoning from “NU” Non-Urban District to “E-2” Estate Residence District for 25.1 acre tracts of land located north of Wild Horse Creek Road, east of Eatherton. (19W540025, 18W210024)

Project Planner Aimee Nassif stated the following:

- The Public Hearing was held on April 11, 2005.
- Most issues have been addressed.
- Outstanding issues concern the preservation of trees on site. The Commission has been provided with letters from the City’s tree arborist and the tree specialist hired by the petitioner.

Responding to questions from the Commission, Ms. Nassif stated the following:

- The Attachment A does not presently spell out any specific trees to be preserved but this can be included.

Commissioner Hirsch made a motion to accept the zoning request for P.Z. 06-2005 Wild Horse Creek Investors (18217 Wild Horse Creek Road) with the Attachment A. The motion was seconded by Commissioner Asmus.

Chair Macaluso expressed concern that the report provided by the City’s arborist did not give the Commission any “ammunition” to save specific trees and questioned whether he actually visited the site. In the future, she felt the Commission needed to direct Mr. Rocca to visit the subject site.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 8 to 0. (Commissioner Sandifer was not present for the vote.)

- D. **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 Aimee Nassif stated the following:

- A Public Hearing was held July 25, 2005.
- No issues were brought up at the Public Hearing.

Commissioner Banks made a motion to approve the ordinance amendment for P.Z. 12-2005 City of Chesterfield (Adult Entertainment Uses). The motion was seconded by Commissioner Sherman.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 8 to 0. (Commissioner Sandifer was not present for the vote.)

IX. NEW BUSINESS

Commissioner Asmus proposed that the Commission research the idea of how to encourage developers to provide financial support for public art in Chesterfield. He asked that this concept be referred to the appropriate Committee for study and recommendations. Councilmember Casey stated he would like the City Attorney's opinion on how such a concept could be structured since it would a monetary contribution.

Commissioner O'Connor asked that the Ordinance Review Committee look at the Museum and Arts District and review the procedure of putting an overlay on an area.

Chair Macaluso updated the Commission on the decisions made at the last Planning & Zoning Committee. Regarding Kendall Bluffs, the Committee is requiring that all the roofs be 30-year architectural shingles, which would give a break in the monotony by providing a varied color. Regarding the Flowers development off of Wilson Road, the Committee required that the easement off Griffith Lane be a permanent easement of 26 ft. in width.

X. COMMITTEE REPORTS:

A. Committee of the Whole

The Committee of the Whole will meet on August 29, 2005 at 5:00 p.m. The Committee will also meet on September 14 at 5:00 p.m. to discuss the bowtie area.

B. Ordinance Review Committee

C. Architectural Review Committee

D. Landscape Committee

E. Comprehensive Plan Committee

F. Procedures and Planning Committee

G. Landmarks Preservation Commission

XI. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Lynn O'Connor, Secretary