

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 8, 1993



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

PRESENT

Mr. Fred Broemmer
Ms. Mary Brown
Ms. Mary Domahidy
Mr. Bill Kirchoff
Ms. Pat O'Brien
Mr. Walter Scruggs
Ms. Victoria Sherman
Chairman Barbara McGuinness
Mr. Douglas R. Beach, City Attorney
Councilmember Susan Clarke
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Mr. Joseph Hanke, Planner II
Ms. Antoinette Hunt, Planner I
Ms. Dorothy Coleman, Department Secretary

ABSENT

Mr. Dave Dalton

INVOCATION - Planning Commissioner Victoria Sherman

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARING - Commissioner O'Brien read the "Opening Comments"

- A. **P.Z. 27-93 Glenn Novack (Old Schoolhouse)**; a request for a change of zoning from "NU" Non-Urban District to "C-8" Planned Commercial District for a 1.22 acre tract of land located north of Old Olive Street Road, approximately 500 feet west of the intersection of Old Olive Street Road and Chesterfield Airport Road. (Locator Number 17W610063) Proposed Use: Restaurant/Bar and Offices.

Joe Hanke, Planner II gave a slide presentation of the proposed site and surrounding area.

Glenn Novack of the Old Schoolhouse, #8 Orange Hill Drive, St. Louis, MO 63017, presented his petition and noted the following:

- The current zoning of "NU" Non-Urban and his request to rezone to "C-8" Planned Commercial District.
- The current uses on the subject tract and described the surrounding structures.
- His intentions to add twenty (20) feet to the rear of the building.
- His plans to keep the appearance of the building the same.

COMMENTS/DISCUSSION BY COMMISSION

In response to comments/concerns expressed by the Commission, the petitioner noted the following:

- Residence will be used as office space.
- There would be no connection between buildings in the parking area.
- The exteriors of the buildings, when renovated, will compliment each other.
- His concern about the vacation of the road behind the buildings.
- Mr. Novack pointed out the need for keeping the road for deliveries and patrons. In response to concerns about the width of the private road, he offered to use the road for one-way traffic.
- The Union Electric substation to the south and west of the subject site is, to his knowledge, intended to remain.
- The size of the parking lot for the Old Schoolhouse will remain the same, new striping will be placed on the asphalt.
- The use of the 100 square foot property west of the buildings will not be disturbed at this time.
- Additional landscaping will be placed according to the City regulations.
- Removal of old trees may occur in connection with improvements along Old Olive Street Road.

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION - None

SPEAKERS NEUTRAL - None

SHOW OF HANDS

IN FAVOR - 1 IN OPPOSITION - 0 NEUTRAL - 0

Chairman McGuinness asked the Director of Planning to come forward and present the Department's report relative to the Old Schoolhouse.

- C. **P.Z. 27-93 Glenn Novack (Old Schoolhouse)**; a request for a change of zoning from "NU" Non-Urban District to "C-8" Planned Commercial District for a 1.22 acre tract of land located north of Old Olive Street Road, approximately 500 feet west of the intersection of Old Olive Street Road and Chesterfield Airport Road. (Locator Number 17W610063) Proposed Use: Restaurant/Bar and Offices.

Planner II Hanke made the following comments:

- Noted that both uses on the site are legal non-conforming uses.
- The petitioner is proposing to add fifteen (15) additional parking spaces with the expansion of the Old Schoolhouse and eleven (11) parking spaces in conjunction with the conversion of the existing residence to an office use.
- Pointed out that the petitioner is seeking to rezone for an office use and expansion of the tavern/restaurant/bar use.
- The property, under current zoning, could remain in its current use.
- Office use would be more compatible with restaurant/bar use and combined, the two uses are appropriate for this area.

- The two access points on Old Olive Street Road would remain, access to Chesterfield Airport Road is recommended to be vacated and the private road abandoned.
- The private road does not have the prescribed width to accommodate a commercial access.
- An easement, along with temporary construction licenses, is recommended which would accommodate the required Booker Ditch across the existing private road.
- Trust fund contributions would be required for the Chesterfield Valley Storm Water Trust Fund and the Chesterfield Valley Road Trust Fund, water and sanitary sewer trust funds in conjunction with the expansion of the Schoolhouse facility and the conversion of the residence to an office use.
- The expansion of the Old Schoolhouse and conversion of the residence to office use combined are more compatible uses. Therefore the rezoning is desirable to bring the two uses in compliance with the current regulations.

Planner II Hanke noted that Page Five (5) of the conditions (Attachment A), Section 4, Item r - recommended be revised to read: "Building elevations for additions/new construction and/or renovation, shall be as approved by the Planning Commission in conjunction with the Site Development Plan."

COMMENTS/DISCUSSION BY COMMISSION

- The sidewalk which connects the buildings are to be removed. Location of any new sidewalks will be taken up at the Site Development Plan stage.
- According to St. Louis County comments, no sidewalks are required along Old Olive Street Road required according to St. Louis County comments.

Planner II Hanke noted that St. Louis County has plans for improvements to drainage facilities and storm sewers, etc., on Olive Street Road. In addition, a cul-de-sac near The Wedge is proposed and along with the realignment of the intersection of Old Olive Street Road and Chesterfield Airport Road. Sidewalks would be a part of the improvements made by St. Louis County.

- The new road realignment would be to the west of Old Schoolhouse property.

- The widening of the private road to commercial width standards would necessitate the acquisition of more property.
- The Booker Study indicates that the ditch in this area is to be a five (5) foot wide flat bottom ditch and would not strictly be used for conveyance purposes but also for storage of stormwater.

Planner II Hanke noted that the Public Works Department believes that the portion of the ditch across the private road, which would connect to The Wedge property needs to be in place. This can best be accomplished, once development occurs, by dedication of an easement along with establishment of an escrow to guarantee construction of the ditch.

Commissioner Kirchoff asked if the petitioner could provide an alternate connection between drainage area/storage areas on both sides of the private road.

Planner II Hanke responded that alternatives to the ditch prescribed in the Booker Study had been viewed favorably in other cases by the Public Works Department.

Commissioner Brown inquired as to whether the parking could be located on the side rather than in the front or back.

Planner II Hanke noted that:

- circulation would be difficult to maintain in the rear and trees are being preserved in the front.

Commissioner Domahidy made a motion to **approve** the rezoning, subject to the conditions in Attachment A, as amended (Section 4, Item r on Page 5), with the amendment on Page Five, Item "r". The motion was seconded by Commissioner Kirchoff.

Upon a roll call the vote with one amendment to the conditions was as follows: Commissioner Broemmer, yes; Commissioner Brown, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman McGuinness, yes.

The motion passed by a vote of 8 to 0.

APPROVAL OF THE MINUTES

Commissioner Kirchoff made a motion to **approve** the minutes from the meeting of October 25, 1993. The motion was seconded by Commissioner Scruggs and **passed** by a voice vote of 8 to 0.

PUBLIC COMMENTS:

#1 Ms. Redia McGrath, 18423 Olive Street Road, St. Louis, MO 63017.

Ms. McGrath noted that she believed she was in violation of the Zoning Ordinance. She explained that dirt and rock had been hauled onto the front of The Wedge property without a grading permit. Originally she was told that the Public Works Department would provide her with an application form. However, she was told that she would not be able to receive a grading permit.

She added that she would have applied for a grading permit had she known one was needed.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner McGuinness noted that the Department of Planning has followed a policy established by the Commission, of pulling an item from the agenda if there is a pending violation on a property. She also pointed out that there will be discussion by the Director of Planning on this issue in the New Business portion of the meeting.

#2 Dr. John Hoppin, 14301 Conway Road, St. Louis, MO 63017.

Mr. Hoppin made the following comments regarding P.Z. 25-93 Naidu:

- Appeared before the Commission stating concerns about the property to the west of his. He sent a written statement to the City Council concerning those.
- His concerns were the water table and water shed of the Conway Road area.
- The lot structure doesn't change his concern regarding those items. He stated that raising the elevation of the adjacent property would displace water onto his property.
- Secondary concerns would be in relation to the large home size on small lots. Two story homes would need to be built on these small lots and concerned with the privacy of his home after the homes are built.

COMMENTS/DISCUSSION BY COMMISSION - None

#3 Tennie Hoppin, 14301 Conway Road, St. Louis, MO 63017.

Ms. Hoppin made the following comments regarding P.Z. 25-93 Naidu:

- Pointed out the letter addressed to the City Council.
- Pointed out the new development in Conway Meadows.
- Development of properties is being done in the name of progress and it seems to be turning into greed.

COMMENTS/DISCUSSION BY COMMISSION

- There was a question raised as to what Ms. Hoppin might suggest putting on this piece of property.

Ms. Hoppin suggested putting one or two homes on this property. Made reference to Cookshire subdivision.

#4 Larry Wurm, 7810 Forsyth, Clayton, MO 63105.

Mr. Wurm, on behalf of the petitioners, Dr. and Mrs. Naidu, made the following comments regarding P.Z. 25-93 Naidu:

- He feels very comfortable with the possible impact on surrounding properties and feels that it would be a compliment to the area, relative to the proposed lot sizes and the quality of the homes.

COMMENTS/DISCUSSION BY COMMISSION

- Clarification was made regarding the proposed three (3) lots. The one facing Conway will be 15,000 square feet and the other two will each have approximately 18,000 square feet of useable area. The frontage will be determined by the setbacks, approximately 100 feet. Smallest house will be 3,500 square feet.
- The homes will be in scale with the surrounding R-2 and R-1A development. Side or rear entry garages will be available to compliment the homes.

- There is no common ground. The useable space will be approximately 18,000 square feet. There will be no development on the far side of the creek, the individual lot owners will own the property on the other side of the creek.
- High wires are approximately 200 feet to the north.
- Facing the property, the trees along the back of the property are along the creek bank, most will be maintained, the decayed or dying ones will be removed.

City Attorney Beach left meeting at 7:40 p.m.

- The back of the homes will be on the south side of the creek.
- The north side of the property is all flood plain. Development would not be feasible. A bridge would need to be built to cross the creek if development would be considered on the north side of the creek.

OLD BUSINESS - None

NEW BUSINESS

- A. **P.Z. 25-93 Naidu**; "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-2" 15,000 Square Foot Residence District and "FPR-2" Flood Plain 15,000 Square Foot Residence District; north side of Conway Road, east of the intersection of Conway Road and White Road.

Planner I Toni Hunt presented the request for the change in zoning from "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-2" 15,000 Square Foot Residence District and "FPR-2" Flood Plain 15,000 Square Foot Residence District. Ms. Hunt stated that the petitioner proposes to develop the 2.9 acre tract with detached single family houses.

An issue to consider would be the appropriateness of the "R-2" 15,000 square foot Residence District Zoning for this site.

The Department notes that the development pattern in the area includes single family lots in the "R-1A" 22,000 square foot Residence District and "R-2" 15,000 square foot residence district to the north, "R-3" 10,000 square foot Residence District to the west and a "NU" Non-Urban District zoned lot and

"R-3" District zoned attached single family and detached single family to the east and across Conway Road to the south, "R-3" District zoned attached single family and single family lots.

The Department of Planning is of the opinion that the rezoning request for "R-2" Zoning District is appropriate. Considering the zoning of the surrounding developments, and the consistency of the proposed density with the other developments fronting Conway Road to the south and west of the subject site.

Ms. Hunt noted that the Department would like to point out at this time the Planning Commission cannot recommend nor the City Council include conditions of approval as the petitioner is only requesting a rezoning of the property, not a special procedure, nor approval of a preliminary plan. However, the Department has identified a number of issues which will be considered by the Department at the time of the preliminary plat review.

Ms. Hunt noted that access, handling of storm water and detention, the Flood Plain Study and size and configuration of lots are items which needed to be considered. These items as well as the concerns & comments of adjacent property owners, the various public agencies and any concerns of the Planning Commission will be considered at the time of the preliminary and Record Plat review. Recommendation for approval of petition requested.

COMMENTS/DISCUSSION BY COMMISSION

- There was discussion about a comparison to amending the zoning from "R-2" to "FPR-2".
 - What does the "FPR-2" designation mean?
 - Flood Plain Zoning District, in order to build within this area the ground elevation must be raised out of Flood Plain
 - In a "R-2" District a minimum of 15,000 square feet must be maintained outside the flood plain.
- Question was raised as to the implications of zoning at "R-2" as compared to "R-1".

Director Duepner pointed out the setbacks in relation to "R-1", "R-1A" and "R-2" zoning and what the minimum lot sizes would be.

- In a Flood Plain zoning district the minimum lot size out of the flood plain must meet or exceed the minimum lot area required by the underlying zoning district.

Commissioner Kirchoff suggested changing the zoning to "R-1A", this would allow two (2) to three (3) lots.

- There was question raised as to what a Flood Plain Study would clarify if it were to be completed first before coming to the Commission for rezoning.
- Clarified that Flood Plain Study would include impacts on adjacent properties.
- It was expressed that this site should have a PEU with conditions.
- It was noted that to allow for a PEU on the subject tract there would need to be a minimum of five (5) lots.
- Concern was raised by the Commission to maintain the character and aesthetics of the tract.

Commissioner O'Brien made a motion to **approve** the rezoning to "R-2" and "FPR-2". The motion was seconded by Commissioner Sherman.

Upon a roll call the vote was as follows: **Commissioner Broemmer, no; Commissioner Brown, no; Commissioner Domahidy, yes; Commissioner Kirchoff, no; Commissioner O'Brien, no; Commissioner Scruggs, yes; Commissioner Sherman, no; Chairman McGuinness, no.**

The motion was **denied** by a vote of 6 to 2.

Commissioner O'Brien made a motion to **approve** the rezoning to "R-1A", subject to the amendment. The motion was seconded by Commissioner Sherman.

Upon a roll call the vote on the amendment was as follows: **Commissioner Broemmer, yes; Commissioner Brown, yes; Commissioner Domahidy, no; Commissioner Kirchoff, yes; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman McGuinness, yes.**

The motion **passed** by a vote of 7 to 1.

Director Duepner informed the Commission in depth on the situation at The Wedge in relation to the violation being issued to Ms. McGrath. He also stated that the Planning Commission had the option to pull the item from the agenda.

Commissioner Brown made a motion to sustain from pulling P.Z. 26-93 Glenn Novack/Redia McGrath (The Wedge) from the agenda. The motion was seconded by Commissioner O'Brien. **The motion passed by a voice vote of 8 to 0.**

- B. **P.Z. 26-93 Glenn Novack/Redia McGrath (The Wedge)**; "NU" Non-Urban District to "C-8" Planned Commercial District; north of Old Olive Street Road at Chesterfield Airport Road.

Planner II Hanke presented the Department report. He noted that the petitioners are requesting to rezone a 1.96 acre tract of land on the north side of Old Olive Street Road at Chesterfield Road from "NU" Non-Urban District to "C-8" Planned Commercial District.

He noted that the petitioners seek rezoning for the expansion of the existing service station/convenience store facility which would include the construction of a canopy, one (1) additional gas pump and a minor increase of parking and circulation area.

Mr. Hanke stated that the property had been utilized as a service station with accessory uses prior to the adoption of St. Louis County Zoning Ordinance of 1965.

He also noted that rather than reestablishing the uses/structures as they existed prior to the flooding of July 30, the owners seek rezoning to allow an expansion to the service station/convenience store structure - a canopy - on the site via rezoning to "C-8" Planned Commercial District.

Relative to improvements to Old Olive, he noted that St. Louis County is planning to eliminate the Old Olive Street Road connection with Aviation Museum Road, resulting in a cul-de-sac adjacent to the south of the subject property. He explained that an existing encroachment of a fence and patio into the Old Olive Street Road right-of-way must be removed when the improvements occur. He noted, however, that the dedication of right-of-way and associated easements shall be completed prior to issuance of an occupancy permit.

Planner II Hanke explained that the Department believes the expansion now proposed to be minor and therefore does not recommend construction of that portion of the "Booker Ditch" system which would normally be required as a part of development within the Chesterfield Valley.

On behalf of the Department, he recommended that the developer be required to contribute to the Chesterfield Valley Stormwater Trust Fund and water and sewer trust funds. It as noted that contribution to the Chesterfield Valley Road Trust Fund be required in the event the floor area of the service station/convenience store is expanded.

COMMENTS/DISCUSSION FROM COMMISSION

Commissioner Domahidy sought clarification as to the location of the proposed cul-de-sac.

Commissioner Brown left meeting at 8:15 p.m.

Planner II Hanke explained that the proposed cul-de-sac would be located east of the easterly-most Old Olive Street Road entrance to the property and should not adversely affect access.

Commissioner Brown returned to meeting 8:20 p.m.

Commissioner Kirchoff made a motion to **approve** the rezoning, subject to the conditions attached. The motion was seconded by Commissioner Scruggs.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Brown, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman McGuinness, yes.

The motion was approved by a vote of 8 to 0.

- C. **P.C. 25-82 Chesterfield Fire Protection District**; a request for amendment of "M-3" Planned Industrial District; west side of Long Road, south of Chesterfield Airport Road.

Senior Planner Laura Griggs-McElhanon presented the Department report and recommended amendments to the governing Resolution for this development. The Department recommended the following additional amendment:

- 4(a) No new building or structure, excluding permitted signs, lighting and fences, shall be located within the following setbacks:
- i. Sixty (60) feet from Long Road.

- ii. Ten (10) feet from the rear property line.
- iii. Twenty-five (25) feet from the side property lines.

Commissioner Domahidy made a motion to **approve** the amendment, subject to the addition relative to amending condition 4(a). The motion was seconded by Commissioner Sherman.

Upon a roll call the vote on the amendment was as follows: Commissioner Broemmer, yes; Commissioner Brown, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman McGuinness, yes.

The motion was **approved** by a vote of 8 to 0.

- E. **P.Z. 18 & 19-93 Nooning Tree Partnership**; "NU" Non-Urban District to "R-3" 10,000 Square Foot Residence District and Planned Environment Unit Procedure in the "R-3" 10,000 Square Foot Residence District; south side of Olive Boulevard, east of the intersection of Appalachian Trail and Olive Boulevard.

Senior Planner Laura Griggs-McElhanon stated the Department recommends this item be **held**. The Department has been in contact with the petitioners, and they have been working on this, but have not submitted a revised plan.

Commissioner Sherman made a motion to **hold** this item. The motion was seconded by Commissioner Broemmer. **The motion passed by a voice vote of 8 to 0.**

SITE PLANS, BUILDING ELEVATIONS AND SIGNS

There were no Site Plans scheduled for this meeting.

COMMITTEE REPORTS

- A. **Ordinance Review Committee - No report.**

B. Architectural Review Committee

A meeting is scheduled for Tuesday, November 9, 1993, at 8:00 a.m. in the City Council Conference Room.

C. Site Plan/Landscape Committee

A meeting is scheduled for Thursday, November 18, 1993, at 4:00 p.m. in the City Council Conference Room.

D. Comprehensive Plan Committee

A meeting is tentatively scheduled for Wednesday, November 17, 1993, at 5:00 p.m. Ms. Domahidy referenced the letter received from Councilmember Hrabko, referencing the west area.

E. Procedures & Planning Committee

A meeting was held Wednesday, November 3, 1993 at 8:02 a.m. in the City Council Conference Room.

3. Timing for submittal of the landscape plan.

A motion was made by Commissioner Scruggs and seconded by Commissioner Brown to maintain the current process. The motion was **approved** by a vote of 8 to 0.

1. Process for reconsideration.

A motion was made by Commissioner Scruggs and seconded by Commissioner Brown to adopt the recommendation. The motion was **passed** by a vote of 8 to 0.

2. Policy on Comprehensive Plan Update Process

A motion was made by Commissioner Scruggs and seconded by Commissioner Brown to advise the Planning and Zoning Committee, in writing, of the commencement of the update process and refer the update to the Planning and Zoning Committee after the public hearing for comment, before going to

Planning Commission for a vote. The motion was passed by a vote of 8 to 0.

4. Time Extension for Site Plans

A motion was made by Commissioner Scruggs and seconded by Commissioner Brown that two (2) years be granted as a standard for extension of time, noting, however, that the Planning Commission would review each matter on an individual basis, and could approve an extension of less time. The motion was passed by a vote of 8 to 0.

There was a consensus among the Planning Commissioners of the appropriateness of Committee members asking questions during the public comment portion of the Commission meeting. It was generally agreed that, questions seeking clarification of comments by the speaker at public comment portion, could be asked. It was noted that the Chair would need to monitor this situation; also, the issue of the public comment process would come up for review within several months by the Commission as a whole.

A motion was made by Commissioner Scruggs to adopt the practice established during the public comment portion of the Planning Commission meeting, the motion was seconded by Commissioner Brown. The motion was adopted by a vote of 8 to 0.

A motion was made by Commissioner Scruggs and seconded by Commissioner Brown that the Department be directed to send notices of public hearings to the Trustees of the subdivisions adjoining of site (i.e., within 200 feet).

COMMENTS/DISCUSSION BY COMMISSIONERS

- There was discussion about the distance that should be used from the site in sending out public hearing notices to adjoining property owners.

Director Duepner noted that 185 feet is the distance required for the protest to be submitted under State Statutes. The Department does go beyond the road if the property is adjacent to a major roadway. He also noted that the property is posted and additional signs are posted for informational services. The public hearing notices are published in the Countian and Suburban Journals.

Director Duepner clarified a question regarding trustees, noting the City Clerk's office is responsible for maintaining the trustee list.

The motion was approved by a vote of 8 to 0.

There was further discussion among the Planning Commission regarding the policy for not allowing an item on the agenda if a violation has been issued or not. The Commissioner's decided that it would be good policy to notify them previous to the item being discussed at the meeting before it is pulled off the agenda.

Director Duepner noted that the 1994 Planning Commission Calendar is being put together. Completion is awaiting the City Council's decision on their schedule.

Commissioner Kirchoff suggested making the public hearing signs that are posted bigger, and possibly changing the color.

The meeting adjourned at 8:50 p.m.



Walter Scruggs, Secretary

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