

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 13, 2006**

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

I. PRESENT

ABSENT

Mr. David Asmus
Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Gene Schenberg
Ms. Victoria Sherman
Chairman Maurice L. Hirsch, Jr.

Mayor John Nations
Councilmember Mary Brown, Council Liaison
City Attorney Rob Heggie
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Aimee Nassif, Senior Planner
Mr. Charles Campo, Project Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Banks

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Mary Brown, Council Liaison; and Councilmember Bruce Geiger, Ward II.

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

Due to technical difficulties with the audio/video system, **Commissioner Sherman** made a motion to amend the agenda to review item V.A. before the Public Hearings. The motion was seconded by Commissioner Schenberg and **passed** by a voice vote of 9 to 0.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the October 23, 2006 Planning Commission Meeting. The motion was seconded by **Commissioner Geckeler** and **passed** by a voice vote of 8 to 0 with 1 abstention from Commissioner Asmus.

Commissioner Schenberg made a motion to amend the agenda to review items VII.A. VII.B., and VII.C. before the Public Hearings. The motion was seconded by **Commissioner Sherman** and **passed** by a voice vote of 9 to 0.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Chesterfield Commons East Lot 3 (Ethan Allen), Site Development Section Plan**: A Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan for a 1.995 acre lot of land located at Chesterfield Airport Road and 4,902 feet east of Boone's Crossing.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan with a continuous sidewalk along THF Boulevard and with no bushes on the corner by the man door. The motion was seconded by **Commissioner Sherman**.

Commissioner Banks questioned whether the Commission could vote on the Site Plans prior to the "Public Comment" portion of the meeting. Since no one from the public had submitted a Speaker's Card with respect to any of the items under "Site Plans, Building Elevations and Signs", it was determined that the Commission could vote on these items at this time.

The motion to approve, with conditions, **passed** by a voice vote of 9 to 0.

- B. Drew Station (Monument Sign):** Monument Sign for Drew Station zoned “C-8” Planned Commercial District located north of Baxter Road and east of Clarkson Road at 1662 Clarkson Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Monument Sign The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 9 to 0.**

- C. Imogene’s - Beckmann Properties:** Amended Architectural Elevation, awnings, on an existing building zoned “PI” Planned Industrial District with an “LPA” Landmark Preservation Area on a 1.95 acre tract of land located at 16625 Chesterfield Airport Road and 16635 Chesterfield Airport.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevation. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 9 to 0.**

IV. PUBLIC HEARINGS

- A. P.Z. 14-2006 Westfield Shoppingtown (#7, #148, #150 Chesterfield Mall and #595, #550 and #955 Chesterfield Center):** A request for an amendment to St. Louis County Ordinance 10,241 to allow for a sign package for the following addresses zoned “C8” Planned Commercial District: 7, 148, and 150 Chesterfield Mall and 595, 550 and 955 Chesterfield Center. (18S120147, 18S120169, 18S120158, 18S130070, 18S140277, 19S440172).

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

- Westfield Shoppingtown is requesting an Ordinance Amendment to allow for a sign package.
- The Ordinance Amendment involves only a portion of the Regional Shopping district known as the Chesterfield Mall.
- Six parcels, out of twenty-one parcels governed by Ordinance 10,241, are owned by Westfield.
- Public hearing notices were posted on site on October 25, 2006.
- Issues Identified by the City of Chesterfield:
 1. The request for an Ordinance Amendment is not being petitioned by all of the property owners/parcels governed under this ordinance.

2. There are approximately 6 parcels which are part of this petition. The total number of parcels governed under the same ordinance is approximately 21.
3. The impact of removing a section of a planned district into a separate ordinance in regards to planning and zoning.
4. There are 3 ordinances created by St. Louis County which govern this area.
5. The impact of a sign package on other parcels within this regional shopping district.
6. The impact this project may have on future requests for removing a section of a planned district into a separate ordinance at other locations.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, representing the Petitioners, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
 - Westfield can only petition with respect to those properties that it, or its entities, own. Westfield does not own Dillard's, Federated, or Sears and has no control over the redevelopment of these properties – the requested sign package would not impact them.
 - The Mall attracts customers from all over the region.
 - The Mall has unusual topography – it is not easily visible from any of the roads surrounding it.
 - Over the years, it became necessary to update the Mall and Westfield has begun to do that.
 - During the first phase of renovation, the issue of signage arose. It was discovered that AMC would not be permitted to have any signage on the exterior of its building because of the strict sign requirements of the Sign Ordinance.
 - At that time, Westfield filed an application to add a Sign Package provision to the governing ordinances for the properties. They also sought three variances in front of the Board of Adjustment. The request for signage for AMC was granted. The request to have an additional Westfield sign on a third elevation was denied; the request for one pylon sign at Highway 40 and one pylon sign near the intersection of the Parkway and Clarkson was also denied.
 - If the Sign Package option is not granted, Westfield would have to try to fit any proposed signage within the strict requirements of the existing ordinance. If not, it would result in a series of variance requests to the Board of Adjustment.
 - Sachs Properties has reviewed the subject application and has no issue with it.

2. Mr. Todd Rogan, Westfield, 500 Northwest Plaza, Suite 700, St. Ann, MO stated the following:
 - Westfield has re-invested in the property and has made dramatic changes to the property with the City's assistance.
 - They are requesting a Sign Package, which would be reviewed by the Planning Commission.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. The request for an Ordinance Amendment is not being petitioned by all of the property owners/parcels governed under this ordinance.
2. There are approximately 6 parcels which are part of this petition. The total number of parcels governed under the same ordinance is approximately 21.
3. The impact of removing a section of a planned district into a separate ordinance in regards to planning and zoning.
4. There are 3 ordinances created by St. Louis County which govern this area.
5. The impact of a sign package on other parcels within this regional shopping district.
6. The impact this project may have on future requests for removing a section of a planned district into a separate ordinance at other locations.
7. If the Sign Package is approved, could the AMC sign be adjusted in size? City Attorney Heggie replied that AMC was granted a variance from the Board of Adjustment and its size could not be changed by the Planning Commission or City Council.
8. Provide a general idea of the scope of what is being proposed. Would it include more building signs; redesigning the signs along the perimeter road?
9. Provide a more detailed history of why the Commission allowed sign packages. Are there any restrictions or guidelines on the concept of allowing more flexibility? Ms. Nassif replied that about four years ago, Ordinance #2057 was written, which has some general standards and requirements for a sign package. The Petitioner is required to show how many signs are being requested; the type of signs – whether they're attached or detached wall signs; the locations of the signs; and the colors and materials proposed. There are no specifics as to the number of signs allowed, the size of the signs or materials used. Any Sign Package would be presented to the Planning Commission for review.

10. Were the other site owners notified of this Petition? Ms. Nassif replied that the site was posted and letters were sent to property owners within 225 feet of each parcel.
11. Should only one item of the Ordinance be amended vs. updating the entire Ordinance?

B. P.Z. 25-2006 Simply Storage (OB Development, LLC): A request for a change of zoning from a Non-Urban "NU" to a Planned Industrial "PI" for an approximately 2.3 acre tract of land located at 17555 and 17551 Chesterfield Airport Road east of the intersection of Long Road and Chesterfield Airport Road. (Locator Numbers 17U140263 and 17U140203)

Project Planner Jennifer Yackley gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Yackley stated the following:

- The Petitioner is requesting the following uses:
 - (k) Business Service Establishments
 - (vv) Restaurants, Fast Food with Drive Through Service
 - (ww) Restaurants, Sit Down
 - (iii) 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.
 - (rrr) Warehousing and storage
- Public Hearing Notices were posted on the site on October 24, 2006.
- Issues under review by the Department:
 1. Open space requirement – Currently the Petitioner does not meet the 30% open space requirement.
 2. Setbacks adjoining "NU" Non-Urban districts – The Zoning Ordinance requires a 25-foot setback when a Planned Industrial District adjoins to Non-Urban.
 3. Adherence to Tree Manual
 4. Parking Calculations
 5. Elevations will be reviewed during the site plan review process
- The subject site is in a Mixed Commercial Use District. The proposed uses meet the Comprehensive Plan's designations.

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

- **Regarding the property immediately to the west:** The land is currently zoned "NU".
- **Regarding the property immediately to the east:** The land is currently zoned "NU". According to the Zoning Ordinance, a 25-foot setback would be required by the Petitioner.

PETITIONER'S PRESENTATION:

1. Mr. Steven W. Polk, Zavradinos & Polk, Inc., Engineers for the Petitioner, 17813 Edison Avenue, Ste. 201, Chesterfield, MO stated the following:
 - The uses on the adjoining properties are either C8 or PC; beyond the adjoining properties, the land is zoned PI and PC.
 - The Planned Industrial District best fits the uses being requested per conversations with the Director of Planning.
 - The requested uses are basically retail and business services, as well as the warehousing and storage facility.
 - The site includes two parcels making up 2.3 acres.
 - The proposal is for 100,658 sq. ft. of building area – just under 90,000 sq. ft. of this area is the Simply Storage facility, which is a three-story rental storage facility. Ten thousand seven hundred (10,700) sq. ft. will front on Chesterfield Airport Road extending back about 60 ft.
 - The front portion of the first floor will be used as retail space; the remainder of the first floor and all of the second and third floors will be storage space.
 - They will work with Staff regarding the setback adjoining the Non-Urban property.
 - The small portion of land adjoining the drive on the western side of the building will remain zoned Non-Urban. The Zoning Ordinance requires a 25-foot setback. The Petitioner thinks that if the non-urban land is ever developed, it will be more in line with a small commercial type use; therefore, they do not feel it is fair to penalize Simply Storage with a 25-foot setback along this property line.
 - They feel the design of the proposed building fits with the style and character of the Chesterfield Valley.
 - They are proposing a drive through the building to provide service access for the retail facilities, along with providing a covered area for customers for Simply Storage.
 - Parking for the site is based on 5 spaces for 1000 sq. ft. of retail space as required by the Ordinance. The Ordinance does not address parking for a use of self-storage. The Petitioner has researched other storage sites around the country and found six cities that do address parking requirements for a storage use. As a result of the research, they have provided seven spaces for the storage on site. Experience shows that approximately 20 vehicles per day would visit the storage facility.
 - Green space is currently at 26% vs. 30% ~~required~~ **as suggested** by the Comprehensive Plan. The green space is comparable to the two existing retail developments to the east, which have 27% green space.
 - The St. Louis County Highway Department has reviewed the subject petition and is in agreement that the site allows for one right lane in and two lanes outs.
 - The Petitioner has proposed a place for cross access on the west side.

- The proposed building has been reviewed with Councilmembers Brown and Fults and the Petitioner has incorporated a number of changes suggested by them.
- They are proposing to spend over \$6 million on the facility and they have made an effort to have all four elevations of the building as attractive as the front of the building because of their visibility.

The following speakers were available for questions:

2. Mr. Jim Exler, Zavrados & Polk, 17813 Edison, Ste. 210, Chesterfield, Mo.
3. Mr. Jared Farmer, Vice President of Development, 10418 Sparkle Court, Orlando, FL.
4. Mr. Roger Strickland, Strickland Construction, 720 Rogors Road, Olathe, KS.

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

- **Regarding use (iii):** Petitioner is willing to better define this use with respect to the language “.. . **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.**”
- **Regarding the loading zones:** The Zoning Ordinance requires four loading spaces so the plan had to represent four areas designated as loading zones. This is not an indication that trucks will be parked there; Simply Storage will not house trucks or RVs in its parking areas.
- **Regarding types of customers:** They expect a good percentage of business customers who would utilize the facility for archive storage. These types of facilities are also used by families moving into the area who have not yet found permanent housing, along with consumer customers.
- **Regarding the drive-thru lane:** The size of the tunnel is approximately 15-16 feet tall and 25 feet wide for use by a small rental truck or small panel truck. The tunnel would not be suitable for use by an 18-wheeler truck. The tunnel is closed at night.
- **Regarding areas designated as “planter”:** They are at ground level.
- **Regarding ingress/egress:** St. Louis County Highway has indicated that the proposed ingress/egress is acceptable to them. The site would have one lane coming into the development with one left-hand turn and one right-hand turn out of the development. The left-hand turn is a center left-hand turn lane.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Open space requirement
2. Setbacks adjoining “NU” Non-Urban
3. Adherence to Tree Manual
4. Parking Calculations
5. Better define the general retail use (iii).
6. Ingress/egress with respect to safety concerns – Ms. Yackley stated that at this time she has not received comments from St. Louis County.
7. Scale of the building in reference to its surroundings.
8. Should another study be required with respect to sound planning and safe planning particularly with the Long Road and Airport Road intersections so close to the proposed development? Should a traffic study be required now or should it be a requirement to be included in the Attachment A to be done prior to the Site Plan?
9. Provide the National Association data with respect to parking for a storage use, along with the types of customers using storage facilities as experienced by other cities across the country.
10. With respect to traffic, review the proposed plan recognizing that the interchange is planned to evolve into a full interchange.
11. Is PI zoning appropriate for this area? Do the uses fit with the requested PI zoning? Review the combination of retail and warehouse/storage uses. Chair Hirsch pointed out that are limits in terms of percentage of retail vs. the more industrial use in a PI District so there would be a balance.
12. Do the types of items being stored change with a PI zoning vs. a PC zoning? Who regulates what will be allowed to be stored? Is there a Fire or Airport concern with respect to flammables? Should the Attachment A limit the kinds of items to be stored with respect to flammables and explosives? City Attorney Heggie stated that it is unlikely that the Monarch Fire Protection District or the Airport would review what is being stored in the units.

Commissioner Asmus read the Closing Comments for the Public Hearings.

VI. PUBLIC COMMENT

REGARDING: P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.)

Petitioner:

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
 - The site is zoned M3 and they are requesting a rezoning to PC.
 - They have deleted “use (o)” with respect to recreational facilities.

- They have modified “use (r)” and “use (v)” to take out the sales of automobiles and other motor vehicles.
- They have better defined the term “goods or services of any kind” by adding specific language.
- Regarding trees, they have preserved trees M1, M2 and M68.
- Regarding the open space requirement, they have submitted information indicating where 30% open space is the norm along Airport Road. There are a number of developments that are at 30%, which have the same uses as being proposed with this petition. They feel it would be appropriate to be consistent with those developments to have the subject overall development at 30% open space.
- The Department is proposing 30% open space at the outparcels on Airport Road and 40% open space at the rear of the property. The rear of the property will not be as visible from Airport Road as the parcels along Airport Road. Because the rear of the property abuts light industrial and warehousing type uses, they feel that 30% at the rear of the property would provide adequate open space and would be consistent with other developments along Airport Road.

REGARDING: P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors)

Petitioner:

The following speakers were available for questions:

1. Mr. Jean Magre, The Sterling Company, 5055 New Baumgartner Road, St. Louis. MO.
2. Mr. Mike Falkner, 5091 New Baumgartner Road, St. Louis, MO.

Speakers in Opposition:

1. Col. Lee McKinney, representing Trustees of Bentley Place Subdivision, 1323 Bentley Place Drive, Chesterfield, MO stated the following:
 - The Bentley Place homeowners that back onto Wild Horse Ridge Road own more than one-half of the road.
 - The Petitioner maintains that the easement gives them the right to build a 24-foot wide road but the homeowners of Bentley Place do not agree with this position.
 - There is only a 20-foot wide easement granted to access Wild Horse Ridge Road from Bentley Place Drive. This easement is across common ground, which is owned by Bentley Place Subdivision. The Subdivision has no intention of agreeing to let the developer use this access to construct a 24-foot wide road.
 - The Petitioner maintains that residents of Wild Horse Ridge Road are not part of a subdivision. Mr. Tom Fleming, Trustee of the Wildwood Subdivision, has indicated to the Speaker that they are recognized by the City of Chesterfield as an existing legal subdivision.

- Speaker does not feel that the Petitioner has clearly established that they have the legal right to use the existing easements to provide the 24-foot wide road required by the Wild Horse Fire Protection District.
2. Mr. Mark Steinbrecher, 17117 Chaise Ridge Road, Chesterfield, MO
and
 3. Mr. Tim Rohlman, 17123 Chaise Ridge Road, Chesterfield, MO presented together and stated the following:
 - They represent the Country Place Subdivision.
 - Their two lots abut the subject property.
 - They expressed concern about the following issues:
 - Lot Sizes: The lot sizes are considerably less than one acre even though the Petitioner is requesting “E-One Acre” zoning. Speakers’ lot sizes are 45,000 sq ft. while the proposed lots backing up to their lots are as small as 32,000 sq. ft.
 - Storm Water Run-off and Erosion: They do not feel this issue has been addressed. Speakers question the Petitioner’s statement that only one acre, of the four-acre site, will be disturbed. The dry creek bed is totally owned by residents of the Country Place Subdivision. There is no easement or public access to the creek bed. They have concern that water will run into this creek bed and erode their properties. The residents of Country Place Subdivision are adamantly against any storm water run-off from the Mayer Subdivision into their privately-owned creek bed. If the plan moves forward, Country Place Subdivision intends to put up a buffer zone around the creek bed to prevent any water from the Mayer Subdivision running into it. They feel that the addition of driveways, sidewalks, streets, patios, pools, and roofs will increase the water run-off tremendously.
 - Removal of Trees: They have concern that residents will remove trees on the proposed site for yards and pools causing increased run-off.

REGARDING: Tech Park II (THF Chesterfield Four Development) Ordinance Amendment

Petitioner:

1. Mr. John Wagner, 17107 Chesterfield Airport Road, Chesterfield, MO stated he would be addressing the requested amendments to the Ordinance:
 - Amend the green space percentage from 28% to 30% open space. They are requesting a 1.5% decrease in open space; the parking spaces exceed the City’s requirements by providing 935 spaces. Regarding the removal of green space, 22,000 sq. ft would be removed with the majority of it being removed along Edison Avenue. An additional 8,324 sq. ft. of sidewalk is being proposed for the development.

- **Structure Setback:** They are requesting a 100-foot structure setback from the eastern boundary vs. 140 foot setback.
- **Parking Setback:** They are requesting a 20-foot setback from Edison Avenue right-of-way vs. a 75-foot setback. The proposed 20-foot setback is consistent with the Tech Park I Development just to the east of the proposed site.

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

- **Regarding green space:** The green space calculation includes the detention area.
- **Regarding parking:** All the parking on the complex will be shared between the theater, the flex building, and Home Depot.

VIII. OLD BUSINESS

- A. **P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.):** A request for a change of zoning from “M3” Planned Industrial District to “PC” Planned Commercial District for a 7.8 acre parcel of land located on Chesterfield Airport Road at its intersection with Goddard Avenue. (18026 Chesterfield Airport Road/17V230055)
The request contains the following permitted uses:

- (b) Animal hospitals, veterinary clinics, ~~and kennels~~.
- (e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
- (g) Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages;
 - (iii) Confections.
- (h) Barber shops and beauty parlors.
- (i) Bookstores.
- (m) Child care centers, nursery schools, and day nurseries.
- (o) Dry cleaning drop-off and pick-up stations.
- (p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
- (q) Film drop-off and pick-up stations.
- (s) Financial institutions.
- (v) Hotels and motels.
- (x) Medical and dental offices.
- (z) Offices or office buildings.
- (cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of

- wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- (ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
 - (hh) Restaurants, fast food
 - (ii) Restaurants, sit down
 - (kk) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
 - (mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
 - (nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
 - (pp) Permitted signs (See Section 1003.168 'Sign Regulations').
 - (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.

Mr. Charles Campo, Project Planner, stated that this petition was held at the October 23, 2006 meeting at the request of the Petitioner in order to allow the Petitioner to meet with Staff to resolve some of the issues. Mr. Campo then reviewed the issues:

- The Petitioner has **deleted** “use (o)” regarding recreational facilities.
- The Petitioner has **revised** “use (r)” to read: “**Rental, and leasing, of new and used vehicles**”
- The Petitioner has **revised** “use (v)” to remove: “**including indoor sale of motor vehicles**”.
- The Petitioner has submitted a list of proposed uses to limit “**goods and services**”.
- The Petitioner has elected **to keep** drive up facilities for the “restaurant, fast food” use.
- The Petitioner has requested that they not be “locked in” to specific square footage for each lot. They propose to maintain the overall square footage listed on the site. Staff has no objection to the Petitioner’s suggestion. The following language has been inserted into the Attachment A:

1. FLOOR AREA:

Total building floor area shall not exceed 51,930 square-feet for the overall development, with the following restrictions:

- (a) There shall be no more than three (3) lots adjacent to Chesterfield Airport Road. Said lots shall comprise no more than 15,490 square-feet of building space;
 - (b) There shall be no more than two (2) lots south of the interior connector road, adjacent to Eads Avenue. Said lots shall comprise no more than 36,440 square-feet of building space.
- The Petitioner has requested the following change to Section 5.a. of the Attachment A regarding open space:

~~A minimum of thirty percent (30%) open space is required for this development overall with the exception that Lot 5 shall be developed in accord with City of Chesterfield Ordinance 1747.~~

- The Petitioner has agreed to preserve Tree M68 in the Landscape Plan.

Chair Hirsch summarized the issues at this point:

- Language in the Attachment A regarding “Floor Area” would need to be revised relative to discussions in the previous Work Session.
- The Attachment A at this time allows for drive-thru restaurants.
- If the Commission chooses to allow 30% open space for the entire development, it would take a separate motion and a 2/3 majority vote of the Commission.

Commissioner Asmus made a motion to approve P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.) with the exclusion of drive-up facilities for the “restaurant, fast food” use; and with the following changes to the Attachment A: (changes in red)

Section I.D. Floor Area, Height, Building Requirements

1. FLOOR AREA:

Total building floor area shall not exceed 51,930 square-feet for the overall development, with the following restrictions:

- (a) There shall be no more than three (3) lots adjacent to Chesterfield Airport Road. **Buildings on** said lots shall comprise no more than 15,490 square-feet;

- (b) There shall be no more than two (2) lots south of the interior connector road, adjacent to Eads Avenue. **Buildings on** said lots shall comprise no more than 36,440 square-feet.

The motion was seconded by Commissioner Perantoni.

DISCUSSION

Discussion was held on the portion of the motion to exclude the drive-up facilities for the “restaurant, fast food” use. Commissioner Perantoni stated she did not object to the fast food restaurant but objected to the drive-thru portion of it. Commissioner Asmus pointed out that there are number of drive-thru restaurants on the eastern side of this area and felt they should be limited on the western side.

Commissioner Banks made a motion to amend the motion to allow drive-up facilities for the “restaurant, fast food” use. The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote on the amended motion to allow drive-up facilities was as follows:

**Aye: Commissioner Banks, Commissioner Broemmer,
Commissioner O’Connor, Commissioner Schenberg,
Chairman Hirsch**

**Nay: Commissioner Asmus, Commissioner Geckeler,
Commissioner Perantoni, Commissioner Sherman,**

The motion passed by a vote of 5 to 4.

Commissioner Asmus asked that City Council pay particular attention to how close the above vote was concerning the drive-thru. Chair Hirsch stated that the vote is always reported at the Planning & Zoning Committee with both sides explained.

Chair Hirsch asked if anyone wanted to make a motion allowing 30% open space for the entire development. No motion was made.

Upon roll call, the vote on the motion to approve P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.) with the change to Attachment A regarding the “Floor Area” was as follows:

**Aye: Commissioner Banks, Commissioner Broemmer,
Commissioner Geckeler, Commissioner O’Connor,
Commissioner Schenberg, Commissioner Sherman,**

Commissioner Asmus, Chairman Hirsch

Nay: Commissioner Perantoni

The motion passed by a vote of 8 to 1.

- B. P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors):** A request for a change of zoning from a “NU” Non-Urban district to an “E-One Acre” Estate District for a 4.3 acre tract of land located at the northwest corner of Wildhorse Creek Ridge Road and Cripple Creek Road.

ISSUES:

1. Subdivision – Ms. Yackley stated that the subject parcel is not part of any recorded subdivision. There are individuals who believe it is part of the Wild Horse Ridge Subdivision but the record plat does not show it to be part of that subdivision. From the City’s standpoint, it is an independent, privately-owned lot that is not part of any recorded subdivision with St. Louis County.
2. Storm Water Run-off/Erosion – Ms. Yackley reported that the Department of Public Works has reviewed the issue of storm water run-off. It has been determined that the run-off will be adequately controlled and will not impact the dry creek bed. Their comments are included in the Attachment A
3. Road Easements – Ms. Yackley stated that Exhibit A of the Staff Report shows a common ground easement. The Petitioner believes they could widen Wild Horse Ridge Road within this easement. There is also a question of an easement running all the way down Wild Horse Ridge Road. The Petitioner has provided documents which they believe show this easement does exist, which would give them the right to expand the road.
4. Lot Size – Ms. Yackley stated that the zoning is “E-One Acre”. The lots in front of the proposed development are stand-alone “NU” lots with a minimum size of three acres.
5. Review whether buffering can be provided between the roadway and the backs of Bentley Place properties.
6. City Attorney Heggie was asked to determine if there has been any definitive conclusion as to whether the subject parcel is, or is not, a part of a subdivision and how it is defined.
7. Is the road easement shared with the utility easement that runs across the back? Are they two separate non-overlapping easements? Ms. Yackley replied that there is a 20-foot electrical easement.
8. Would the proposed road that gives access to the properties be built upon the electrical easement? Would the electrical utilities be above ground or below ground?

IX. NEW BUSINESS

- A. **Tech Park II (THF Chesterfield Four Development) Ordinance Amendment**: A request for an amendment to City of Chesterfield Ordinance Number 1928 for an amendment to the greenspace requirement, structure setbacks and parking setbacks for Chesterfield Commons Four an approximately 21.6 acre tract of land, zoned "PI" and located east of the intersection of Chesterfield Airport Road and Public Works Drive.

Ms. Jennifer Yackley stated that the Petitioner is seeking three amendments as follows:

1. **Section D. Building Requirements**: Requires a minimum of 28% greenspace. The petitioner is requesting a change to allow for a minimum of 30% open space.
2. **Section E. Structure Setbacks**: Requires a 140-foot structure setback from the eastern boundary. The petitioner requests a 100-foot structure setback from the eastern boundary.
3. **Section E. Parking Setbacks**: Requires a 75-foot parking setback from Edison Avenue right-of-way. The petitioner requests a 20-foot setback from Edison Avenue right-of-way.

Commissioner Schenberg made a motion to approve the three requested amendments for **Tech Park II (THF Chesterfield Four Development) Ordinance Amendment**. The motion was seconded by Commissioner Sherman.

Upon roll call, the vote was as follows:

Aye: Commissioner Geckeler, Commissioner O'Connor, Commissioner Perantoni, Commissioner Schenberg, Commissioner Sherman, Commissioner Asmus, Commissioner Banks, Chairman Hirsch

Nay: Commissioner Broemmer

The motion passed by a vote of 8 to 1.

X. COMMITTEE REPORTS

- A. **Committee of the Whole**

- B. Ordinance Review Committee** - The Ordinance Review Committee will be reviewing several items. Whole chapters of the Unified Development Code will be presented for review.
- 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 9:12 p.m.

David Banks, Secretary

CORRECTED 11/27/06
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**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 13, 2006**

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

I. PRESENT

ABSENT

Mr. David Asmus
Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Gene Schenberg
Ms. Victoria Sherman
Chairman Maurice L. Hirsch, Jr.

Mayor John Nations
Councilmember Mary Brown, Council Liaison
City Attorney Rob Heggie
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Aimee Nassif, Senior Planner
Mr. Charles Campo, Project Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Banks

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Mary Brown, Council Liaison; and Councilmember Bruce Geiger, Ward II.

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

Due to technical difficulties with the audio/video system, **Commissioner Sherman** made a motion to amend the agenda to review item V.A. before the Public Hearings. The motion was seconded by Commissioner Schenberg and **passed** by a voice vote of 9 to 0.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the October 23, 2006 Planning Commission Meeting. The motion was seconded by **Commissioner Geckeler** and **passed** by a voice vote of 8 to 0 with 1 abstention from Commissioner Asmus.

Commissioner Schenberg made a motion to amend the agenda to review items VII.A, VII.B., and VII.C. before the Public Hearings. The motion was seconded by **Commissioner Sherman** and **passed** by a voice vote of 9 to 0.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Chesterfield Commons East Lot 3 (Ethan Allen), Site Development Section Plan**: A Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan for a 1.995 acre lot of land located at Chesterfield Airport Road and 4,902 feet east of Boone's Crossing.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan with a continuous sidewalk along THF Boulevard and with no bushes on the corner by the man door. The motion was seconded by **Commissioner Sherman**.

Commissioner Banks questioned whether the Commission could vote on the Site Plans prior to the "Public Comment" portion of the meeting. Since no one from the public had submitted a Speaker's Card with respect to any of the items under "Site Plans, Building Elevations and Signs", it was determined that the Commission could vote on these items at this time.

The motion to approve, with conditions, **passed** by a voice vote of 9 to 0.

- B. Drew Station (Monument Sign):** Monument Sign for Drew Station zoned “C-8” Planned Commercial District located north of Baxter Road and east of Clarkson Road at 1662 Clarkson Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Monument Sign The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 9 to 0.**

- C. Imogene’s - Beckmann Properties:** Amended Architectural Elevation, awnings, on an existing building zoned “PI” Planned Industrial District with an “LPA” Landmark Preservation Area on a 1.95 acre tract of land located at 16625 Chesterfield Airport Road and 16635 Chesterfield Airport.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevation. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 9 to 0.**

IV. PUBLIC HEARINGS

- A. P.Z. 14-2006 Westfield Shoppingtown (#7, #148, #150 Chesterfield Mall and #595, #550 and #955 Chesterfield Center):**
A request for an amendment to St. Louis County Ordinance 10,241 to allow for a sign package for the following addresses zoned “C8” Planned Commercial District: 7, 148, and 150 Chesterfield Mall and 595, 550 and 955 Chesterfield Center. (18S120147, 18S120169, 18S120158, 18S130070, 18S140277, 19S440172).

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

- Westfield Shoppingtown is requesting an Ordinance Amendment to allow for a sign package.
- The Ordinance Amendment involves only a portion of the Regional Shopping district known as the Chesterfield Mall.
- Six parcels, out of twenty-one parcels governed by Ordinance 10,241, are owned by Westfield.
- Public hearing notices were posted on site on October 25, 2006.
- Issues Identified by the City of Chesterfield:
 1. The request for an Ordinance Amendment is not being petitioned by all of the property owners/parcels governed under this ordinance.

2. There are approximately 6 parcels which are part of this petition. The total number of parcels governed under the same ordinance is approximately 21.
3. The impact of removing a section of a planned district into a separate ordinance in regards to planning and zoning.
4. There are 3 ordinances created by St. Louis County which govern this area.
5. The impact of a sign package on other parcels within this regional shopping district.
6. The impact this project may have on future requests for removing a section of a planned district into a separate ordinance at other locations.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, representing the Petitioners, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
 - Westfield can only petition with respect to those properties that it, or its entities, own. Westfield does not own Dillard's, Federated, or Sears and has no control over the redevelopment of these properties – the requested sign package would not impact them.
 - The Mall attracts customers from all over the region.
 - The Mall has unusual topography – it is not easily visible from any of the roads surrounding it.
 - Over the years, it became necessary to update the Mall and Westfield has begun to do that.
 - During the first phase of renovation, the issue of signage arose. It was discovered that AMC would not be permitted to have any signage on the exterior of its building because of the strict sign requirements of the Sign Ordinance.
 - At that time, Westfield filed an application to add a Sign Package provision to the governing ordinances for the properties. They also sought three variances in front of the Board of Adjustment. The request for signage for AMC was granted. The request to have an additional Westfield sign on a third elevation was denied; the request for one pylon sign at Highway 40 and one pylon sign near the intersection of the Parkway and Clarkson was also denied.
 - If the Sign Package option is not granted, Westfield would have to try to fit any proposed signage within the strict requirements of the existing ordinance. If not, it would result in a series of variance requests to the Board of Adjustment.
 - Sachs Properties has reviewed the subject application and has no issue with it.

2. Mr. Todd Rogan, Westfield, 500 Northwest Plaza, Suite 700, St. Ann, MO stated the following:
 - Westfield has re-invested in the property and has made dramatic changes to the property with the City's assistance.
 - They are requesting a Sign Package, which would be reviewed by the Planning Commission.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. The request for an Ordinance Amendment is not being petitioned by all of the property owners/parcels governed under this ordinance.
2. There are approximately 6 parcels which are part of this petition. The total number of parcels governed under the same ordinance is approximately 21.
3. The impact of removing a section of a planned district into a separate ordinance in regards to planning and zoning.
4. There are 3 ordinances created by St. Louis County which govern this area.
5. The impact of a sign package on other parcels within this regional shopping district.
6. The impact this project may have on future requests for removing a section of a planned district into a separate ordinance at other locations.
7. If the Sign Package is approved, could the AMC sign be adjusted in size? City Attorney Heggie replied that AMC was granted a variance from the Board of Adjustment and its size could not be changed by the Planning Commission or City Council.
8. Provide a general idea of the scope of what is being proposed. Would it include more building signs; redesigning the signs along the perimeter road?
9. Provide a more detailed history of why the Commission allowed sign packages. Are there any restrictions or guidelines on the concept of allowing more flexibility? Ms. Nassif replied that about four years ago, Ordinance #2057 was written, which has some general standards and requirements for a sign package. The Petitioner is required to show how many signs are being requested; the type of signs – whether they're attached or detached wall signs; the locations of the signs; and the colors and materials proposed. There are no specifics as to the number of signs allowed, the size of the signs or materials used. Any Sign Package would be presented to the Planning Commission for review.

10. Were the other site owners notified of this Petition? Ms. Nassif replied that the site was posted and letters were sent to property owners within 225 feet of each parcel.
11. Should only one item of the Ordinance be amended vs. updating the entire Ordinance?

B. P.Z. 25-2006 Simply Storage (OB Development, LLC): A request for a change of zoning from a Non-Urban "NU" to a Planned Industrial "PI" for an approximately 2.3 acre tract of land located at 17555 and 17551 Chesterfield Airport Road east of the intersection of Long Road and Chesterfield Airport Road. (Locator Numbers 17U140263 and 17U140203)

Project Planner Jennifer Yackley gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Yackley stated the following:

- The Petitioner is requesting the following uses:
 - (k) Business Service Establishments
 - (vv) Restaurants, Fast Food with Drive Through Service
 - (ww) Restaurants, Sit Down
 - (iii) 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.
 - (rrr) Warehousing and storage
- Public Hearing Notices were posted on the site on October 24, 2006.
- Issues under review by the Department:
 1. Open space requirement – Currently the Petitioner does not meet the 30% open space requirement.
 2. Setbacks adjoining "NU" Non-Urban districts – The Zoning Ordinance requires a 25-foot setback when a Planned Industrial District adjoins to Non-Urban.
 3. Adherence to Tree Manual
 4. Parking Calculations
 5. Elevations will be reviewed during the site plan review process
- The subject site is in a Mixed Commercial Use District. The proposed uses meet the Comprehensive Plan's designations.

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

- **Regarding the property immediately to the west:** The land is currently zoned "NU".
- **Regarding the property immediately to the east:** The land is currently zoned "NU". According to the Zoning Ordinance, a 25-foot setback would be required by the Petitioner.

PETITIONER'S PRESENTATION:

1. Mr. Steven W. Polk, Zavradinos & Polk, Inc., Engineers for the Petitioner, 17813 Edison Avenue, Ste. 201, Chesterfield, MO stated the following:
 - The uses on the adjoining properties are either C8 or PC; beyond the adjoining properties, the land is zoned PI and PC.
 - The Planned Industrial District best fits the uses being requested per conversations with the Director of Planning.
 - The requested uses are basically retail and business services, as well as the warehousing and storage facility.
 - The site includes two parcels making up 2.3 acres.
 - The proposal is for 100,658 sq. ft. of building area – just under 90,000 sq. ft. of this area is the Simply Storage facility, which is a three-story rental storage facility. Ten thousand seven hundred (10,700) sq. ft. will front on Chesterfield Airport Road extending back about 60 ft.
 - The front portion of the first floor will be used as retail space; the remainder of the first floor and all of the second and third floors will be storage space.
 - They will work with Staff regarding the setback adjoining the Non-Urban property.
 - The small portion of land adjoining the drive on the western side of the building will remain zoned Non-Urban. The Zoning Ordinance requires a 25-foot setback. The Petitioner thinks that if the non-urban land is ever developed, it will be more in line with a small commercial type use; therefore, they do not feel it is fair to penalize Simply Storage with a 25-foot setback along this property line.
 - They feel the design of the proposed building fits with the style and character of the Chesterfield Valley.
 - They are proposing a drive through the building to provide service access for the retail facilities, along with providing a covered area for customers for Simply Storage.
 - Parking for the site is based on 5 spaces for 1000 sq. ft. of retail space as required by the Ordinance. The Ordinance does not address parking for a use of self-storage. The Petitioner has researched other storage sites around the country and found six cities that do address parking requirements for a storage use. As a result of the research, they have provided seven spaces for the storage on site. Experience shows that approximately 20 vehicles per day would visit the storage facility.
 - Green space is currently at 26% vs. 30% ~~required~~ **as suggested** by the Comprehensive Plan. The green space is comparable to the two existing retail developments to the east, which have 27% green space.
 - The St. Louis County Highway Department has reviewed the subject petition and is in agreement that the site allows for one right lane in and two lanes outs.
 - The Petitioner has proposed a place for cross access on the west side.

- The proposed building has been reviewed with Councilmembers Brown and Fults and the Petitioner has incorporated a number of changes suggested by them.
- They are proposing to spend over \$6 million on the facility and they have made an effort to have all four elevations of the building as attractive as the front of the building because of their visibility.

The following speakers were available for questions:

2. Mr. Jim Exler, Zavrados & Polk, 17813 Edison, Ste. 210, Chesterfield, Mo.
3. Mr. Jared Farmer, Vice President of Development, 10418Sparkle Court, Orlando, FL.
4. Mr. Roger Strickland, Strickland Construction, 720 Rogors Road, Olathe, KS.

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

- **Regarding use (iii):** Petitioner is willing to better define this use with respect to the language “.. . **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.**”
- **Regarding the loading zones:** The Zoning Ordinance requires four loading spaces so the plan had to represent four areas designated as loading zones. This is not an indication that trucks will be parked there; Simply Storage will not house trucks or RVs in its parking areas.
- **Regarding types of customers:** They expect a good percentage of business customers who would utilize the facility for archive storage. These types of facilities are also used by families moving into the area who have not yet found permanent housing, along with consumer customers.
- **Regarding the drive-thru lane:** The size of the tunnel is approximately 15-16 feet tall and 25 feet wide for use by a small rental truck or small panel truck. The tunnel would not be suitable for use by an 18-wheeler truck. The tunnel is closed at night.
- **Regarding areas designated as “planter”:** They are at ground level.
- **Regarding ingress/egress:** St. Louis County Highway has indicated that the proposed ingress/egress is acceptable to them. The site would have one lane coming into the development with one left-hand turn and one right-hand turn out of the development. The left-hand turn is a center left-hand turn lane.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Open space requirement
2. Setbacks adjoining “NU” Non-Urban
3. Adherence to Tree Manual
4. Parking Calculations
5. Better define the general retail use (iii).
6. Ingress/egress with respect to safety concerns – Ms. Yackley stated that at this time she has not received comments from St. Louis County.
7. Scale of the building in reference to its surroundings.
8. Should another study be required with respect to sound planning and safe planning particularly with the Long Road and Airport Road intersections so close to the proposed development? Should a traffic study be required now or should it be a requirement to be included in the Attachment A to be done prior to the Site Plan?
9. Provide the National Association data with respect to parking for a storage use, along with the types of customers using storage facilities as experienced by other cities across the country.
10. With respect to traffic, review the proposed plan recognizing that the interchange is planned to evolve into a full interchange.
11. Is PI zoning appropriate for this area? Do the uses fit with the requested PI zoning? Review the combination of retail and warehouse/storage uses. Chair Hirsch pointed out that are limits in terms of percentage of retail vs. the more industrial use in a PI District so there would be a balance.
12. Do the types of items being stored change with a PI zoning vs. a PC zoning? Who regulates what will be allowed to be stored? Is there a Fire or Airport concern with respect to flammables? Should the Attachment A limit the kinds of items to be stored with respect to flammables and explosives? City Attorney Heggie stated that it is unlikely that the Monarch Fire Protection District or the Airport would review what is being stored in the units.

Commissioner Asmus read the Closing Comments for the Public Hearings.

VI. PUBLIC COMMENT

REGARDING: P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.)

Petitioner:

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
 - The site is zoned M3 and they are requesting a rezoning to PC.
 - They have deleted “use (o)” with respect to recreational facilities.

- They have modified “use (r)” and “use (v)” to take out the sales of automobiles and other motor vehicles.
- They have better defined the term “goods or services of any kind” by adding specific language.
- Regarding trees, they have preserved trees M1, M2 and M68.
- Regarding the open space requirement, they have submitted information indicating where 30% open space is the norm along Airport Road. There are a number of developments that are at 30%, which have the same uses as being proposed with this petition. They feel it would be appropriate to be consistent with those developments to have the subject overall development at 30% open space.
- The Department is proposing 30% open space at the outparcels on Airport Road and 40% open space at the rear of the property. The rear of the property will not be as visible from Airport Road as the parcels along Airport Road. Because the rear of the property abuts light industrial and warehousing type uses, they feel that 30% at the rear of the property would provide adequate open space and would be consistent with other developments along Airport Road.

REGARDING: P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors)

Petitioner:

The following speakers were available for questions:

1. Mr. Jean Magre, The Sterling Company, 5055 New Baumgartner Road, St. Louis. MO.
2. Mr. Mike Falkner, 5091 New Baumgartner Road, St. Louis, MO.

Speakers in Opposition:

1. Col. Lee McKinney, representing Trustees of Bentley Place Subdivision, 1323 Bentley Place Drive, Chesterfield, MO stated the following:
 - The Bentley Place homeowners that back onto Wild Horse Ridge Road own more than one-half of the road.
 - The Petitioner maintains that the easement gives them the right to build a 24-foot wide road but the homeowners of Bentley Place do not agree with this position.
 - There is only a 20-foot wide easement granted to access Wild Horse Ridge Road from Bentley Place Drive. This easement is across common ground, which is owned by Bentley Place Subdivision. The Subdivision has no intention of agreeing to let the developer use this access to construct a 24-foot wide road.
 - The Petitioner maintains that residents of Wild Horse Ridge Road are not part of a subdivision. Mr. Tom Fleming, Trustee of the Wildwood Subdivision, has indicated to the Speaker that they are recognized by the City of Chesterfield as an existing legal subdivision.

- Speaker does not feel that the Petitioner has clearly established that they have the legal right to use the existing easements to provide the 24-foot wide road required by the Wild Horse Fire Protection District.
2. Mr. Mark Steinbrecher, 17117 Chaise Ridge Road, Chesterfield, MO
and
 3. Mr. Tim Rohlman, 17123 Chaise Ridge Road, Chesterfield, MO presented together and stated the following:
 - They represent the Country Place Subdivision.
 - Their two lots abut the subject property.
 - They expressed concern about the following issues:
 - Lot Sizes: The lot sizes are considerably less than one acre even though the Petitioner is requesting “E-One Acre” zoning. Speakers’ lot sizes are 45,000 sq ft. while the proposed lots backing up to their lots are as small as 32,000 sq. ft.
 - Storm Water Run-off and Erosion: They do not feel this issue has been addressed. Speakers question the Petitioner’s statement that only one acre, of the four-acre site, will be disturbed. The dry creek bed is totally owned by residents of the Country Place Subdivision. There is no easement or public access to the creek bed. They have concern that water will run into this creek bed and erode their properties. The residents of Country Place Subdivision are adamantly against any storm water run-off from the Mayer Subdivision into their privately-owned creek bed. If the plan moves forward, Country Place Subdivision intends to put up a buffer zone around the creek bed to prevent any water from the Mayer Subdivision running into it. They feel that the addition of driveways, sidewalks, streets, patios, pools, and roofs will increase the water run-off tremendously.
 - Removal of Trees: They have concern that residents will remove trees on the proposed site for yards and pools causing increased run-off.

REGARDING: Tech Park II (THF Chesterfield Four Development) Ordinance Amendment

Petitioner:

1. Mr. John Wagner, 17107 Chesterfield Airport Road, Chesterfield, MO stated he would be addressing the requested amendments to the Ordinance:
 - Amend the green space percentage from 28% to 30% open space. They are requesting a 1.5% decrease in open space; the parking spaces exceed the City’s requirements by providing 935 spaces. Regarding the removal of green space, 22,000 sq. ft would be removed with the majority of it being removed along Edison Avenue. An additional 8,324 sq. ft. of sidewalk is being proposed for the development.

- **Structure Setback:** They are requesting a 100-foot structure setback from the eastern boundary vs. 140 foot setback.
- **Parking Setback:** They are requesting a 20-foot setback from Edison Avenue right-of-way vs. a 75-foot setback. The proposed 20-foot setback is consistent with the Tech Park I Development just to the east of the proposed site.

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

- **Regarding green space:** The green space calculation includes the detention area.
- **Regarding parking:** All the parking on the complex will be shared between the theater, the flex building, and Home Depot.

VIII. OLD BUSINESS

- A. **P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.):** A request for a change of zoning from “M3” Planned Industrial District to “PC” Planned Commercial District for a 7.8 acre parcel of land located on Chesterfield Airport Road at its intersection with Goddard Avenue. (18026 Chesterfield Airport Road/17V230055)
The request contains the following permitted uses:

- (b) Animal hospitals, veterinary clinics, ~~and kennels.~~
- (e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
- (g) Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages;
 - (iii) Confections.
- (h) Barber shops and beauty parlors.
- (i) Bookstores.
- (m) Child care centers, nursery schools, and day nurseries.
- (o) Dry cleaning drop-off and pick-up stations.
- (p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
- (q) Film drop-off and pick-up stations.
- (s) Financial institutions.
- (v) Hotels and motels.
- (x) Medical and dental offices.
- (z) Offices or office buildings.
- (cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of

- wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- (ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
 - (hh) Restaurants, fast food
 - (ii) Restaurants, sit down
 - (kk) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
 - (mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
 - (nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
 - (pp) Permitted signs (See Section 1003.168 'Sign Regulations').
 - (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.

Mr. Charles Campo, Project Planner, stated that this petition was held at the October 23, 2006 meeting at the request of the Petitioner in order to allow the Petitioner to meet with Staff to resolve some of the issues. Mr. Campo then reviewed the issues:

- The Petitioner has **deleted** “use (o)” regarding recreational facilities.
- The Petitioner has **revised** “use (r)” to read: “**Rental, and leasing, of new and used vehicles**”
- The Petitioner has **revised** “use (v)” to remove: “**including indoor sale of motor vehicles**”.
- The Petitioner has submitted a list of proposed uses to limit “**goods and services**”.
- The Petitioner has elected **to keep** drive up facilities for the “restaurant, fast food” use.
- The Petitioner has requested that they not be “locked in” to specific square footage for each lot. They propose to maintain the overall square footage listed on the site. Staff has no objection to the Petitioner’s suggestion. The following language has been inserted into the Attachment A:

1. FLOOR AREA:

Total building floor area shall not exceed 51,930 square-feet for the overall development, with the following restrictions:

- (a) There shall be no more than three (3) lots adjacent to Chesterfield Airport Road. Said lots shall comprise no more than 15,490 square-feet of building space;
 - (b) There shall be no more than two (2) lots south of the interior connector road, adjacent to Eads Avenue. Said lots shall comprise no more than 36,440 square-feet of building space.
- The Petitioner has requested the following change to Section 5.a. of the Attachment A regarding open space:

~~A minimum of thirty percent (30%) open space is required for this development overall with the exception that Lot 5 shall be developed in accord with City of Chesterfield Ordinance 1747.~~

- The Petitioner has agreed to preserve Tree M68 in the Landscape Plan.

Chair Hirsch summarized the issues at this point:

- Language in the Attachment A regarding “Floor Area” would need to be revised relative to discussions in the previous Work Session.
- The Attachment A at this time allows for drive-thru restaurants.
- If the Commission chooses to allow 30% open space for the entire development, it would take a separate motion and a 2/3 majority vote of the Commission.

Commissioner Asmus made a motion to approve P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.) with the exclusion of drive-up facilities for the “restaurant, fast food” use; and with the following changes to the Attachment A: **(changes in red)**

Section I.D. Floor Area, Height, Building Requirements

1. FLOOR AREA:

Total building floor area shall not exceed 51,930 square-feet for the overall development, with the following restrictions:

- (a) There shall be no more than three (3) lots adjacent to Chesterfield Airport Road. **Buildings on** said lots shall comprise no more than 15,490 square-feet;

- (b) There shall be no more than two (2) lots south of the interior connector road, adjacent to Eads Avenue. **Buildings on** said lots shall comprise no more than 36,440 square-feet.

The motion was seconded by Commissioner Perantoni.

DISCUSSION

Discussion was held on the portion of the motion to exclude the drive-up facilities for the “restaurant, fast food” use. Commissioner Perantoni stated she did not object to the fast food restaurant but objected to the drive-thru portion of it. Commissioner Asmus pointed out that there are number of drive-thru restaurants on the eastern side of this area and felt they should be limited on the western side.

Commissioner Banks made a motion to amend the motion to allow drive-up facilities for the “restaurant, fast food” use. The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote on the amended motion to allow drive-up facilities was as follows:

**Aye: Commissioner Banks, Commissioner Broemmer,
Commissioner O’Connor, Commissioner Schenberg,
Chairman Hirsch**

**Nay: Commissioner Asmus, Commissioner Geckeler,
Commissioner Perantoni, Commissioner Sherman,**

The motion passed by a vote of 5 to 4.

Commissioner Asmus asked that City Council pay particular attention to how close the above vote was concerning the drive-thru. Chair Hirsch stated that the vote is always reported at the Planning & Zoning Committee with both sides explained.

Chair Hirsch asked if anyone wanted to make a motion allowing 30% open space for the entire development. No motion was made.

Upon roll call, the vote on the motion to approve P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.) with the change to Attachment A regarding the “Floor Area” was as follows:

**Aye: Commissioner Banks, Commissioner Broemmer,
Commissioner Geckeler, Commissioner O’Connor,
Commissioner Schenberg, Commissioner Sherman,**

Commissioner Asmus, Chairman Hirsch

Nay: Commissioner Perantoni

The motion passed by a vote of 8 to 1.

- B. P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors):** A request for a change of zoning from a “NU” Non-Urban district to an “E-One Acre” Estate District for a 4.3 acre tract of land located at the northwest corner of Wildhorse Creek Ridge Road and Cripple Creek Road.

ISSUES:

1. Subdivision – Ms. Yackley stated that the subject parcel is not part of any recorded subdivision. There are individuals who believe it is part of the Wild Horse Ridge Subdivision but the record plat does not show it to be part of that subdivision. From the City’s standpoint, it is an independent, privately-owned lot that is not part of any recorded subdivision with St. Louis County.
2. Storm Water Run-off/Erosion – Ms. Yackley reported that the Department of Public Works has reviewed the issue of storm water run-off. It has been determined that the run-off will be adequately controlled and will not impact the dry creek bed. Their comments are included in the Attachment A
3. Road Easements – Ms. Yackley stated that Exhibit A of the Staff Report shows a common ground easement. The Petitioner believes they could widen Wild Horse Ridge Road within this easement. There is also a question of an easement running all the way down Wild Horse Ridge Road. The Petitioner has provided documents which they believe show this easement does exist, which would give them the right to expand the road.
4. Lot Size – Ms. Yackley stated that the zoning is “E-One Acre”. The lots in front of the proposed development are stand-alone “NU” lots with a minimum size of three acres.
5. Review whether buffering can be provided between the roadway and the backs of Bentley Place properties.
6. City Attorney Heggie was asked to determine if there has been any definitive conclusion as to whether the subject parcel is, or is not, a part of a subdivision and how it is defined.
7. Is the road easement shared with the utility easement that runs across the back? Are they two separate non-overlapping easements? Ms. Yackley replied that there is a 20-foot electrical easement.
8. Would the proposed road that gives access to the properties be built upon the electrical easement? Would the electrical utilities be above ground or below ground?

IX. NEW BUSINESS

- A. **Tech Park II (THF Chesterfield Four Development) Ordinance Amendment**: A request for an amendment to City of Chesterfield Ordinance Number 1928 for an amendment to the greenspace requirement, structure setbacks and parking setbacks for Chesterfield Commons Four an approximately 21.6 acre tract of land, zoned "PI" and located east of the intersection of Chesterfield Airport Road and Public Works Drive.

Ms. Jennifer Yackley stated that the Petitioner is seeking three amendments as follows:

1. **Section D. Building Requirements**: Requires a minimum of 28% greenspace. The petitioner is requesting a change to allow for a minimum of 30% open space.
2. **Section E. Structure Setbacks**: Requires a 140-foot structure setback from the eastern boundary. The petitioner requests a 100-foot structure setback from the eastern boundary.
3. **Section E. Parking Setbacks**: Requires a 75-foot parking setback from Edison Avenue right-of-way. The petitioner requests a 20-foot setback from Edison Avenue right-of-way.

Commissioner Schenberg made a motion to approve the three requested amendments for **Tech Park II (THF Chesterfield Four Development) Ordinance Amendment**. The motion was seconded by Commissioner Sherman.

Upon roll call, the vote was as follows:

Aye: Commissioner Geckeler, Commissioner O'Connor, Commissioner Perantoni, Commissioner Schenberg, Commissioner Sherman, Commissioner Asmus, Commissioner Banks, Chairman Hirsch

Nay: Commissioner Broemmer

The motion **passed** by a vote of 8 to 1.

X. COMMITTEE REPORTS

- A. **Committee of the Whole**

- B. Ordinance Review Committee** - The Ordinance Review Committee will be reviewing several items. Whole chapters of the Unified Development Code will be presented for review.
- 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 9:12 p.m.

David Banks, Secretary