PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 27, 2006

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

I. PRESENT

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

ABSENT

Mr. David Asmus
Ms. Lu Perantoni

Councilmember Mary Brown, Council Liaison
City Attorney Rob Heggie
Mr. Mike Geisel, Acting Director of Planning
Ms. Aimee Nassif, Senior Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Geckeler

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Councilmember Mary Brown, Council Liaison.

IV. PUBLIC HEARINGS - None

V. APPROVAL OF MEETING MINUTES

Commissioner Schenberg made a motion to approve the minutes of the November 13, 2006 Planning Commission Meeting, as corrected on page 7 as shown below:

> Green space is currently at 26% vs. 30% ~~required~~ **as suggested** by the Comprehensive Plan.

The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0.**

VI. PUBLIC COMMENT

RE: P.Z. 17-2006 13506 Olive (Spirit Energy, LLC.)

Petitioner:

1. Mr. Greg Yawitz, #6 Heather Hill Lane, Olivette, MO

and

2. Mr. Jay Chambers, 50 South Bemiston, Clayton, MO presented together stating the following:
   - Currently the site has 0% green space. The Site Plan shows an increase of green space to 17.85%.
   - They have been working in conjunction with Staff and the Missouri Department of Transportation regarding access issues:
     - The Site Plan shows one-way circulation around the building.
     - One curb cut on Olive has been eliminated.
     - At the request of Staff and MoDOT, one curb cut on Olive has been moved to the western edge of the property line.
     - The Site Plan shows medians on both 141 and Olive so the curb cuts on both of these roads are limited to right-in/right-out ingress and egress.

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

- **Regarding the number of lanes on the south side of the building:** There is a drive-thru lane and an escape lane.
- **Regarding the escape lane in relation to the trash pad:** The trash pad shown on the Site Plan is a concrete pad for the dumpster. The trash will be picked up at off hours when the store is not open to avoid traffic conflicts with the visiting public.
- **Regarding seating service:** There will be seating inside the building. The tenant has also requested that they be allowed to have a few tables outside as well.
- **Regarding pedestrian traffic from the grocery store to the subject site:** The Petitioner could stripe some walkway areas for the pedestrians within the parking area of their site. The grocery store and the subject property are two completely independent properties so the Petitioner has no ability to do anything on the grocery store's property. They could attempt to request this from the grocery store for the public's safety.

RE: <u>P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors)</u>

In Opposition:

1. <u>Mr. Tom Fleming</u>, Trustee of Wild Horse Ridge Subdivision, 17067 Rooster Ridge, Chesterfield, MO stated the following:
   - He will attempt to establish the fact that Wild Horse Ridge Subdivision is, in fact, a subdivision and not just a loose-knit group of homes built in Chesterfield prior to the City becoming Chesterfield.
   - He feels it is important to establish this because the Petitioner is claiming that only the last six lots in the subdivision, which were filed on a survey in St. Louis County, are part of the Wild Horse Ridge Subdivision. The Petitioner feels that the ten lots at the north end of the subdivision are not part of their subdivision.
   - Speaker feels that if these ten lots are not recognized as part of their large-lot subdivision, and the zoning petition is approved, then the City runs the risk of setting a precedent for all developers coming into Chesterfield to re-subdivide, rezone, or spot-zone all of the City's large-lot subdivisions.
   - Speaker distributed two documents to the Commission, which have been made a part of the public record:
     - Letter, dated November, 2006, from Robert A. Jackson, Managing Partner of the Wild Bunch Partnership, who established the Wild Horse Ridge Large Lot Subdivision in the mid-1970's. Speaker read the letter for the record.
     - Letter, dated November 27, 2006, from Tom Fleming, Trustee, Wild Horse Ridge Subdivision, attaching the following documents:
       1. Letter and envelope addressed to Mr. Fleming as trustee from the City.
       2. Road Maintenance Agreement signed and filed with St. Louis County on July 29, 1986.
       3. Bank Statement addressed to Wild Horse Ridge Association.
       4. State and Federal income tax return for 2005 filed under the name of Wild Horse Ridge Association.
       5. The legal description from Speaker's Deed of Trust referencing Wild Horse Creek Ridge Subdivision.
   - Speaker stated that all the subject lots have behaved and lived as a subdivision for the last thirty years. They feel they are a large-lot subdivision and are asking the Planning Commission and City Council to protect the large-lot residential area from spot-zoning and redevelopment.

<u>City Attorney Heggie</u> stated that the City has carefully reviewed the documents submitted by Mr. Fleming, along with the subdivision plat filed by the Wild Bunch when the original subdivision was recorded. It is the City's determination that the upper lots are not a part of Wild Horse Ridge Subdivision.

Petitioner:

1. Mr. Jean Magre, The Sterling Company, Engineers for the project, 5055 New Baumgartner Road, St. Louis, MO stated he was available for questions.

Commissioner Geckeler asked why the Petitioner has chosen not to clear the entire four-acre site. Mr. Magre replied that the intent of Mayer Homes is to maintain as much of the site in its natural state as possible and to minimize any impact that development would have on the watershed in the area.

2. Mr. Mike Falkner, Barry Development, 5091 New Baumgartner Road, St. Louis, MO stated he was available for questions.

Councilmember Brown asked Mr. Falkner to address the issue of storm water run-off with respect to clearing that could occur in the future. Mr. Falkner replied that they will be working closely with Staff and MSD regarding storm water issues. Basically, any additional improvements to the lots will require review by the City. If it is determined that additional measures are necessary, then the property owners will have to address those concerns at that time.

RE: P.Z. 21-2006 Precision Plaza (Precision Properties, LLC)

Petitioner:

1. Mr. Bill Decker, Arcturis, 1910 Pine Street, St. Louis stated the following:
   - Regarding the Commission's question pertaining to the definition of **". . . goods and services of any kind"**, the Petitioner intends to maintain the restrictions as best as possible.

RE: P.Z. 24-2006 Monarch Center (158 Long Road)

Petitioner:

1. Mr. Brandon Harp, Civil Engineering Design Consultants, 1102 Gravois Road, St. Louis, MO stated he would be addressing issues raised at the October 23rd Public Hearing:
   - Pedestrian Circulation throughout the Site: This has been provided. The internal pedestrian circulation connects to Long Road, travels easterly on the south side of the east/west main driveway, crosses different driveways with pedestrian crosswalks, and links the different buildings together with sidewalks and pedestrian striping at different crossings.
   - Eliminate use (c) "Apartments and Dwellings" and use (y) "Mortuaries": They have agreed to eliminate these two uses.
   - Open Space: The City's Ordinance requires 40% open space for retail development unless creative architectural amenities to the Site Plan are

demonstrated. The Petitioner currently has 33% open space – the 7% difference breaks down to approximately 30,600 sq. ft.

- Speaker noted that every bay of the parking lot has been broken up with a landscape island running north and south longitudinally, in addition to the end caps. This far exceeds what is typically required for trees and green space in a parking lot under the Tree Ordinance. The internal landscape islands are about six feet wide; the end landscape islands are ten feet wide.
- Additional green space is also provided on the western part of the campus.
- They ask for consideration of the decreased open space in view of the additional green space being provided on the parking lot.

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

- **Regarding the proposed number of square feet in the building to the right of the primary retail structure:** The proposed square footage is 5800 sq. ft. Commissioner Banks noted that one of the reasons the City has green space requirements is to control density.
- **Regarding the number of trees on the site:** There is one tree located on the site and is shown on the Tree Stand Delineation. There is one tree in the County right-of-way along Long Road, which the County will be removing as part of its road widening. The trees in the northwest section are off the subject property and the Petitioner does not have the right to remove them.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. 1364 Stillhouse Creek Road: Residential Addition on an existing home zoned "R-1A" Residence District located at 1364 Stillhouse Creek Road in the Shenandoah Subdivision.

Commissioner O'Connor, representing the Site Plan Committee, made a motion to approve the Residential Addition. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 7 to 0**.

B. Larry Enterprises/Lynch Hummer - Record Plat: Record Plat for a 37.70 acre parcel zoned "PI" Planned Industrial District and "NU-FP" Non-Urban Flood Plain. The site is located on the north side along North Outer Forty and West of Boone's Crossing.

Commissioner O'Connor, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 7 to 0**.

C. **The Wedge - Amended Site Development Plan**: An amended site development plan and request for free standing signage for a 1.95 acre parcel zoned "C-8" Planned Commercial District, located between Old Olive Street Road and Chesterfield Airport Road at 18423 Old Olive Street Road.

Commissioner O'Connor, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan and Free Standing Signage. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 7 to 0**.

VIII. OLD BUSINESS

A. **P.Z. 17-2006 13506 Olive (Spirit Energy, LLC.):** A request for a change of zoning from "C2" Commercial District to a "PC" Planned Commercial District for an approximately 0.31 acre tract of land located at 13506 Olive Blvd. at the southwest corner of Olive Blvd. and Woods Mill Road.

Ms. Jennifer Yackley, Project Planner, stated that the Public Hearing was held on August 14, 2006. The Petitioner has submitted a revised plan, which is included in the meeting packet.

ISSUES:

1. MoDOT-related issues
2. The traffic study is still outstanding.
3. Open space
4. Ingress/egress off Olive and 141 with respect to curb cuts and cross access with the neighboring property. City Attorney Heggie stated that cross access is a private matter between the two property owners. The issue of curb cuts needs to be addressed by the Highway Department. Commissioner Broemmer stated he was not comfortable with the current proposal considering the curb cuts and cross access concerns.
5. Turning radius at the curve of 141 and Olive.

Mr. Mike Geisel was asked to give a definition of the "S curb". He stated that an "S curb" is a six-inch battered curb, which would act as an outside barrier. It is mountable in an emergency, but it is intended to be a vertical curb separation. The S curb is not a rolled curb which a vehicle could typically roll over.

Mr. Geisel further stated that there is an existing curb cut between the proposed curb cut and Route 141, which is being removed. The existing access will be obliterated and replaced with a vertical curb to prevent access.

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.

Ms. Jennifer Yackley, Project Planner, stated that the Public Hearing was held on August 28, 2006. Staff is requesting three amendments to the Attachment A regarding setbacks. Staff has reviewed the Preliminary Plan and recommends measuring the setbacks from the roadway easement as opposed to the property line.

Responding to questions from the Commission, Staff replied as follows:

Regarding the residents' concerns about Monarch Fire District's requirements on easements and right-of-way: Ms. Yackley stated that before the Site Plan is approved by the City, it will have to be reviewed and approved by Monarch Fire District.

Regarding whether disclosures will be given to prospective property owners pertaining to water runoff issues related to landscaping: Mr. Geisel stated that the existing Attachment A does not waive the storm water requirements. It very clearly states that detention will be required as determined by the City of Chesterfield and the Metropolitan St. Louis Sewer District. If there is an increase in the storm water run-off of two cubic feet per second or more, detention will be required regardless of the amount of clearing that takes place. During the Improvement Plan review for this site, the City will require that the Petitioner depict reasonable development of the site - including the homes, the yard areas, and the streets to make sure the run-off threshold is not close to being approached. If so, detention will be required immediately.

Mr. Geisel went on to say that if detention is required for small sites where small amounts of storm water runoff are increased, the site would have to be re-graded in order to get the water to a detention basin. Such re-grading is a much greater disturbance than desired for a variety of reasons.

In those cases where the storm water runoff is being increased, there are multiple ways of addressing it – such as micro-detention – which would keep the runoff from exceeding the two cubic feet per second threshold.

Regarding turf areas being more pervious than areas with a lot of brush and shrubs: Mr. Geisel stated that, typically, forested areas or heavily-vegetated areas do not have grass growth on the ground because of the lack of sunshine – these sites usually have hard, beaten-down areas where water hits it and runs off. A lawn area, typically, is more pervious than a heavily-vegetated

area. To clear a heavily-forested or shrub area could actually decrease the run-off but this would depend on the prior, and subsequent, condition of the site.

Commissioner Schenberg made a motion to approve P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors) with the following three amendments to Section I.E. of the Attachment A regarding "Setbacks":

1. a. ~~Fifty (50)~~ **Twenty–five (25) feet from the** ~~eastern property line of this E-1 Acre Estate District bearing S 00° 55' 33"W~~ **Wild Horse Ridge Road roadway easement.**

1. b. ~~Fifty-five (55)~~ **Twenty-five (25) feet from the** ~~southern property line of this E-1 Acre Estate District bearing N 89° 54' 27" W~~ **Cripple Creek Road roadway easement.**

2. a. Front yard setback: Twenty-five (25) feet from ~~any roadway~~ **the roadway easement.**

The motion was seconded by Commissioner Sherman.

Upon roll call, the vote was as follows:

Aye: Commissioner O'Connor, Commissioner Schenberg, Commissioner Sherman, Commissioner Banks, Commissioner Broemmer, Chairman Hirsch

Nay: Commissioner Geckeler

The motion passed by a vote of 6 to 1.

C. P.Z. 21-2006 Precision Plaza (Precision Properties, LLC): A request for a change of zoning from "NU" Non-Urban to "PI" Planned Industrial for an approximately 14.28 acre tract of land located at 496 N. Eatherton north of the intersection of Wings Corporate Drive and Eatherton Road.

Ms. Jennifer Yackley stated that the Public Hearing was held September 11, 2006.

Commissioner Banks made a motion to approve P.Z. 21-2006 Precision Plaza (Precision Properties, LLC). The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

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

Nay: None

The motion <u>passed</u> by a vote of 7 to 0.

D. <u>P.Z. 24-2006 Monarch Center (158 Long Road):</u> A request for a change of zoning from "NU" Non-Urban to "PC" Planned Commercial District for 10.14 acre tract of land located north of Edison Road, east of Long Road.
Proposed Uses include:

(b.) Animal hospitals, veterinary clinics, and kennels.
(c.) Apartment dwelling units in building primarily designated for occupancy by one (1) or more of the permitted commercial uses, wherein occupancy of the dwelling unit shall be limited to the owner, manager, or employee of the permitted use or uses and their respective families. A minimum of 800 square feet of contiguous open space for the dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling unit, shall be provided on the premises for the exclusive use of occupants of such apartment.
(e.) Associated work and storage areas required by a business, firm, or service to carry on business operations.
(f.) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
(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.
(j.) Broadcasting studios for radio and television.
(l.) Cafeterias for employees and guests only.
(m.) Child care centers, nursery schools, and day nurseries.
(n.) Colleges and universities.
(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.

(r.) Fishing tackle and bait shops. Open storage and display are prohibited.

(s.) Financial Institutions.

(w.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
ii. Placed underground; or
iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

(x.) Medical and dental offices.

(y.) Mortuaries.

(z.) Offices or office buildings.

(aa.) Outdoor advertising signs (additional to provisions of Section 1003.168)

(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.

(dd.) Police, fire and postal stations.

(ee.) Public utility facilities.

(gg.) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.

(hh.) Restaurants, fast food.

(ii.) Restaurants, sit down.

(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”)
(qq.) Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
(rr.) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or serves of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
(vv.) Vehicle service centers for automobiles.
(ww.) Vehicle washing facilities for automobiles.

Chair Hirsch stated that the issue regarding open space would require a separate motion with six votes in favor for passage.

Ms. Yackley reported that the only open issue on this petition pertains to the open space requirement.

Chair Hirsch asked if the Petitioner would be willing to remove the use of “bait shops” from the Attachment A. The Petitioner agreed to its removal.

Commissioner Sherman asked what the square footage is for the 7% difference in open space between the required 40% and the proposed 33%. Ms. Yackley replied that the 7% difference works outs to 30,641 sq. ft.

Chair Hirsch asked for Staff’s recommendation on the issue of open space. Ms. Aimee Nassif, Senior Planner, stated that a review was made of the Tree Manual, along with the open space and green space of neighboring properties. The Petitioner’s proposal exceeds open space and green space of the neighboring sites, which have an average of 28-30% open space. The proposal also exceeds the requirements of the Tree Manual. The proposal has increased green space in the parking lot. They are also including additional trees in the parking area significantly above and beyond the requirements of the Tree Manual. The Petitioner is also proposing a very unique design on Buildings C and D to include increased pedestrian areas and a plaza. All the buildings are connected by sidewalks to provide safe pedestrian traffic throughout the development. Staff recommended approval of the requested 33% open space.

Mr. Geisel added that the entrances along Edison Avenue do not enter directly into a parking lot – they enter directly into a drive aisle. This allows several hundred feet for vehicular traffic entering the area from Edison before encountering a conflict with a parking stall. The Petitioner could have placed parking in these areas, or added green space, but by keeping it a drive aisle, they have significantly increased the safety of motorists entering the site by avoiding conflict with cars backing in and out of parking spaces.

Commissioner Sherman made a motion to allow 33% open space for the retail development as opposed to 40% open space. The motion was seconded by Commissioner O'Connor.

Commissioner Sherman stated that she is in favor of the reduced open space because of the unique design of the development and because the site exceeds the open space of neighboring properties.

Commissioner Banks agreed that there can be trade-offs of decreased open space for good planning but he objected to the amount of decrease being requested.

Upon roll call, the vote to allow 33% open space was as follows:

Aye: Commissioner Sherman, Commissioner O'Connor, Commissioner Schenberg, Chairman Hirsch

Nay: Commissioner Banks, Commissioner Broemmer, Commissioner Geckeler

Chair Hirsch stated that the motion needed six "ayes" to pass so **the motion failed by a vote of 4 to 3.**

Commissioner O'Connor made a motion to approve P.Z. 24-2006 Monarch Center (158 Long Road) and to amend the Attachment A by deleting "bait shops" from use (r). The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

Chair Hirsch announced that the Planning Commission Officers will be meeting with City Administration Mike Herring and Mr. Geisel to discuss the Planning Department and the process in terms of its restructuring. They will also be reviewing the current processes. If any Commissioner has anything particular he/she would like discussed at this meeting, he/she should contact one of the Officers.

XI. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

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David Banks, Secretary