

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Acting Director of Planning

DATE: March 12, 2007

SUBJECT: Planning & Zoning Committee Meeting Summary
March 8, 2007

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, March 8, 2007 in Conference Rooms 102/103.

In attendance were: **Chair Mary Brown** (Ward IV); **Councilmember Barry Flachsbart**, (Ward I); **Councilmember Barry Streeter** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Mayor John Nations; Councilmember Bruce Geiger, Ward II; Councilmember Mike Casey, Ward III; Councilmember Connie Fults, Ward IV; City Attorney Rob Heggie; Maurice L. Hirsch, Jr., Planning Commission Chair; Wendy Geckeler, Planning Commissioner; Mike Herring, City Administrator; Ms. Libbey Simpson, Assistant City Administrator for Economic & Community Development; Mike Geisel, Acting Director of Planning; Annissa McCaskill-Clay, Assistant Director of Planning; Aimee Nassif, Senior Planner; and Mary Ann Madden, Planning Assistant.

Chair Brown called the meeting to order at 5:35 p.m.

I. APPROVAL OF MEETING SUMMARY

- A. Approval of the February 22, 2007 Planning and Zoning Committee Meeting Summary

Councilmember Streeter made a motion to approve the Meeting Summary of February 22, 2007. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 to 0.** (Councilmember Flachsbart was not present for the vote.)

II. NEW BUSINESS

- A. **P.Z. 01-2007 Sentrus (17947 Chesterfield Airport Road)**: A request for a change of zoning from "M3" Planned Industrial to "PI" Planned Industrial District for 23.45 acre tract of land located north of Chesterfield Airport Road, east of Goddard (17V520071)

Staff Report

Ms. Aimee Nassif, Senior Planner, stated that the rezoning request is for a 23.45 acre tract of land from "M3" Planned Industrial to "PI" Planned Industrial.

The Department is also reviewing the Site Development Concept Plan and Site Development Section Plan for this site. These plans will be reviewed by the Planning Commission at its March 12th meeting. The Petitioner would like the rezoning, Concept Plan, and Section Plan to be reviewed and moved forward simultaneously. The Petitioner is, therefore, asking that no recommendation be made this evening on the rezoning request.

The Public Hearing was held in January and the issues raised at that time dealt with the uses for the site and uses for Lot 4, with respect to the storage of explosives. All other issues have been addressed.

Planning Commission Report

Planning Chair Hirsch stated that the main issue addressed by the Planning Commission dealt with the bunker, which will store prototype devices. The Commission worked with the Petitioner to insure that the language in the Attachment A was adequate to limit what could be done on site by Sentrus or its successors.

DISCUSSION

Use of Explosives

Ms. Nassif stated that the Attachment A allows for the storage of explosives on the site. No manufacturing or selling of the devices is allowed on site. The storage is allowed only on Lot 4. The Petitioner will have to meet regulations of the Bureau of Alcohol, Tobacco, Firearms, & Explosives with respect to the bunker and the storage of the explosive devices.

Chair Hirsch pointed out that any changes to the bunker, changes in use, or changes in ownership beyond successor, would have to be reviewed by the City.

Since they would be first responders, Councilmember Streeter asked if the Police Department had been involved with this petition. Mr. Geisel stated that the Police Department is advised of all rezoning petitions. The Fire Department has also been advised of this petition.

Councilmember Streeter questioned the construction of a bunker in a flood plain. Mr. Geisel stated that from a regulatory standpoint, the site is not in a flood plain. He noted that there very rigorous requirements for the bunker with respect to its

size and its reinforcement. The physical construction of the bunker is dependent upon the explosives it contains. Any energy from the blast must be contained within the boundaries of the bunker.

Permitted Uses – Restaurants, fast food

Councilmember Streeter expressed opposition to the use of fast food restaurants on this site.

Councilmember Streeter made a motion to amend Section I.B.1.j. of the Attachment A with respect to “Permitted Uses” as follows:

j. Restaurants, fast food

The motion was seconded by Councilmember Hurt and **passed by a voice vote of 2 to 1.** (Chair Brown voted “nay”; Councilmember Flachsbart was not present for the vote.)

Councilmember Hurt asked if there are any differences between “PI” zoning and “PC” zoning with respect to restaurant uses. Ms. Nassif replied that there are no differences.

Mr. Geisel pointed out that the Committee’s packet includes a diagram of “Select Permitted Uses” west of Long Road for property that has been rezoned within the last six years.

Sentrus Road

It was noted that Sentrus Road will be a public street.

Cross Access to the West of the Site

Discussion was held on whether cross access to the west of the site should be required. Councilmembers Streeter and Hurt felt that cross access to the west should be required.

Mr. Geisel stated that a corridor would have to be defined where the cross access would be provided. Development would not be permitted in any area where land is being preserved for cross access. As lots develop along the west side, the City could accommodate a corridor by making sure setbacks are established that would allow a thru-roadway.

(Councilmember Flachsbart joined the meeting at this point.)

Mr. Mike Doster, representing the Petitioner, asked that they be given an opportunity to review the cross access issue and present their proposal at the next meeting.

Councilmember Streeter made a motion to hold P.Z. 01-2007 Sentrus (17947 Chesterfield Airport Road) until the next meeting of the Planning & Zoning Committee. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4 to 0.**

- B. **P.Z. 05-2007 Spirit of St. Louis Corporate Center (18199 and 18299 Chesterfield Airport Road):** A request for a change of zoning from "M3" Planned Industrial to "PC Planned Commercial District for 32.2 acre tract of land located north of Chesterfield Airport Road, east of Spirit of St. Louis Boulevard. (17V420047)

Comments from the Executive Director of St. Louis County Economic Development Commission

Chair Brown introduced Mr. Dennis Coleman, Executive Director of the St. Louis County Economic Development Commission.

Mr. Coleman stated he wanted to applaud the great public partnership the County has with the City of Chesterfield through Mayor Nations, City Administrator Mike Herring, and Libbey Simpson, Assistant City Administrator for Economic & Community Development. The County is also very pleased with the development team of Gundaker Commercial and Duke Realty.

Mr. Coleman noted that the development will add improved ingress and egress to Spirit Airport via the exit and entrance ramps onto I-64, which have become a part of the subject development. The road improvements will provide greater access to the subject site and to the whole western end of the Valley.

He feels that the Class A office space being developed is particularly exciting because currently there is a dearth of that kind of space throughout the County.

Mr. Coleman requested that the Committee consider expediting review of the petition.

Staff Report

Ms. Nassif stated that the subject petition is for the old jail site, which is currently zoned "M3" Planned Industrial. The request is for a rezoning to "PC" Planned Commercial. The Public Hearing for the petition was held on February 12, 2007. The majority of issues, which arose from the Public Hearing, dealt with uses.

Ms. Nassif noted that the Attachment A has the uses divided into two sections. There is one list of uses for those lots within 600' of Chesterfield Airport Road; and a separate list of uses for the remaining parcel.

Planning Commission recommended approval by a vote of 7 to 0.

Planning Commission Report

Chair Hirsch stated that the Commission was impressed with the proposed development and how it would allow better ingress and egress to I-64 and how it would benefit the City in terms of the ball fields on the other side of the highway.

Uses were the main issue and the Commission sorted them down to what they felt was an acceptable level.

Comments from the Mayor

Mayor Nations stated that he was delighted to see this project come forward. It has been a priority of his to have this site developed. He noted that the County has been great to work with throughout the process that started two years.

Mayor Nations pointed out that there is a timing issue involved with the development and requested that the petition be expedited.

Chair Brown stated that she will be asking for first and second readings of the petition at the next City Council meeting. Mayor Nations noted that the Council does not meet on the first Monday in April, which requires the two readings at the next meeting in order for the petitioner to meet his deadlines.

DISCUSSION

Road Improvements – Spirit of St. Louis Blvd.

Councilmember Streeter asked if Spirit of St. Louis Boulevard will be improved, especially from the site's west exit to Chesterfield Airport Road. He noted that the road will be handling a lot more traffic with this development.

Mr. Geisel replied that Spirit of St. Louis Boulevard will be improved. In order to get the ramp onto the highway, there will be widenings and turn lanes involved to allow the thru-movement. The specific improvements are shown on the plans and will be part of the entire permitting process with MoDOT. The ramp improvements, as well as the interior road improvements, are noted both in the Attachment A and in the Traffic Study provided by Crawford, Bunte, Brammeier, which, too, is referenced in the Attachment A.

Councilmember Streeter asked if the Traffic Study indicates that traffic generated by the proposed development can be handled by Spirit of St. Louis Boulevard. Mr. Geisel replied that the road will be able to handle the traffic comfortably.

Councilmember Streeter made a motion to amend Section I.M. of the Attachment A regarding "Traffic Study" as follows:

Road improvements shall be made in accordance with the Crawford, Bunte, Brammeier Traffic Study, dated February 9, 2007.

The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4 to 0.**

Private Streets within the Development

Since the streets within the development do not serve any public purpose, other than for this site, the City will not accept them. This is in keeping with the City's policy of not accepting the burden of streets that are site improvements.

Proposed Uses – Vehicle Service Facilities

Discussion was held on the following uses:

- k. Not more than one (1) 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.
- l. Not more than one (1) vehicle repair facilities for automobiles.
- m. Not more than one (1) vehicle service centers for automobiles.
- n. Not more than one (1) vehicles washing facilities for automobiles.

Concern was expressed that the Attachment A allows for four types of facilities that deal with vehicles.

Councilmember Streeter made a motion to amend Section I.B.1. of the Attachment A regarding “Permitted Uses” by adding the following:

- o. No more than two uses, from use k., l., m., or n., are permitted.**

The motion was seconded by Councilmember Hurt.

The Petitioner indicated that they do not have a major issue with the amendment.

Councilmember Hurt stated that, in the past, the Council had discussed that development west of Long Road would be primarily Planned Industrial. He expressed concern over some of the proposed uses on those lots within 600’ of Chesterfield Airport Road.

Councilmember Fults stated that, although some past discussions took place, none of the uses were ever deleted from the available choices that are allowed under the Planned Commercial zoning.

Chair Brown noted that there was a disagreement on the Council about development west of Long Road – not everyone agreed that it should be primarily “PI”.

Councilmember Flachsbart made a motion to amend the above motion as follows:

- o. ~~No more than two~~ Zero uses, from use k., l., m., or n., are permitted.**

The motion to amend died due to the lack of a second.

The motion to amend Section I.B.1. of the Attachment A **passed by a voice vote of 3 to 1.** (Councilmember Flachsbart voted “nay”.)

Proposed Uses – Fast-Food Restaurants

Councilmember Streeter made a motion to amend Section I.B.1. of the Attachment A regarding “Permitted Uses” as follows:

- ~~h. Restaurants, fast food~~**

The motion was seconded by Councilmember Flachsbart.

Mayor Nations stated that thought needs to be given to how the buildings operate and the synergy they create. He felt that if fast food restaurants are not allowed as a use in connection with the proposed buildings, the traffic on Chesterfield Airport Road will be increased. He feels that the restaurant use would almost become an ancillary use of the proposed buildings.

Chair Brown agreed with Mayor Nations and questioned why the Committee members would want to put more traffic on Chesterfield Airport Road for people traveling to lunch.

Councilmember Streeter felt it was Council's intent to keep restaurants east of Long Road; and to keep light industrial west of Long Road. He felt that if one fast-food restaurant is allowed, more fast-food restaurants will be proposed.

Responding to the Mayor's comments, Councilmember Flachsbart stated that cafeterias and sit-down restaurants are allowed on this site.

Mr. Mike Hejna, Gundaker Commercial, stated that this area of the City is currently grossly under-served for food services. To the extent that there's a market for highest and best use from a real estate standpoint, they will be proposing fast-food restaurants for this location to service the marketplace. Restaurants on the site would limit the amount of traffic heading east into the other already-congested area for restaurant use. Not allowing fast-food restaurants would de-value the property and they would be opposed to an amendment prohibiting fast-food restaurants.

Councilmember Streeter did not feel there is a problem with expecting employees of the subject site to drive east to the Valley for lunch.

Councilmember Flachsbart felt the real issue is the amount of additional traffic that would be generated from places, other than the subject site, that would be using the fast-food restaurants. He felt fast-food restaurants are not in character for this area and would make the area "look junky".

Chair Brown stated that she didn't feel that all the restaurants in front of Chesterfield Commons "looked junky". It was noted that, by the City's definition, most of these restaurants are classified as "fast-food". The Planning Commission and Architectural Review Board give attention to the elevations and landscaping for these restaurants to keep them attractive.

Councilmember Fults pointed out that there are already fast-food restaurants west of Long Road and she didn't feel this Petitioner should be denied this use.

Councilmember Casey pointed out that the Westport area has integrated restaurants in its development to accommodate people who work in that area. He

felt this is a good concept and stated that he not opposed to fast-food restaurants west or east of Long Road.

Ms. Nassif stated that the American Planning Association defines “fast-food restaurant” as a restaurant that serves its food on disposable products. It was noted that St. Louis Bread Co. would be defined as “fast-food”.

The motion to eliminate “restaurants, fast-food” passed by a vote of 3 to 1. (Chair Brown voted “nay”.)

Councilmember Hurt made a motion to forward P.Z. 05-2007 Spirit of St. Louis Corporate Center (18199 and 18299 Chesterfield Airport Road), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Streeter and **passed** by a voice vote of 3 to 1. (Councilmember Flachsbart voted “no”.)

**Note: One bill, as recommended by the Planning Commission, will be needed for the March 19, 2007 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 05-2007 Spirit of St. Louis Corporate Center (18199 and 18299 Chesterfield Airport Road).]

III. PROTEST PETITION HEARING

- A. **P.Z. 5-2005 Winter Wheat Place (Dollar Building Company):** A request for a change of zoning from “NU” Non-Urban District to E-One Acre for a 4.0 acre tract of land located on Winter Wheat Road, 3000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. (18U220092)

PETITIONER’S PRESENTATION:

Mr. Mike Doster, representing the Petitioner, gave a slide presentation and stated the following:

- The subject site is not part of a platted subdivision.
- The zoning for the surrounding subdivisions was noted as follows:
 - Country Place to the west – R1
 - Bentley Place to the north – R1/R1A
 - Westchester Manor – E3
 - Chesterfield Estates to the east – R1
 - The subdivision where Tom Fleming resides - NU
- The average lot size of the surrounding developments was noted as follows:
 - Chesterfield Estates (partial) – 0.65 acres
 - Country Place (partial) – 1.05 acres
 - Bentley Place – 0.72 acres

- Westchester Manor – 0.60 acres
- The three lots being proposed for Winter Wheat are two at 1.30 acres and one at 1.40 acres, which are significantly greater than the average lot size of the surrounding subdivisions.
- The City's Land Use Plan shows the subject site to be in the area designated as "Residential Single-Family, One Acre Density". The subject proposal complies with this designation.

Councilmember Flachsbart stated that the average lot size noted in the slide presentation does not mean the required density of the developments. Mr. Doster stated that if density requirements were compared, Winter Wheat would be superior to the surrounding subdivisions.

Councilmember Hurt noted that of the subdivisions presented in the slide show, only one (Country Place) touches the subject site. He noted that the other properties that do touch the subject site are zoned "NU" and are 3-4 acres in size. Mr. Doster stated that they limited their study to those properties that have been developed. They view "NU" as not being a legal zoning category so they did not think it was appropriate to compare the subject site to "NU" property. Mayor Nations stated that the City recognizes "NU" as a holding category, as established by the County's 1965 zoning ordinance.

SPEAKERS IN OPPOSITION:

1. Mr. Tom Fleming, Trustee for Wild Horse Ridge subdivision, stated the following:
 - His subdivision is considered a "hybrid" being a product of St. Louis County. All of the lots in his neighborhood were developed by the organization known as "The Wild Bunch". Half-way through the sale of these lots, County changed its requirements from a metes and bounds requirement to a platted subdivision.
 - Some lots were sold as platted while the rest remained unplatted – but they were all basically part of the same neighborhood.
 - Their neighborhood consists of all 3-plus acre lots. The character of the subdivision has been in place for about 30 years.
 - Wild Horse Ridge subdivision consists of 8 residences, all of which are on 3 or more acres.
 - They feel one-acre zoning would be inconsistent with the character of their existing neighborhood.
 - The Department of Public Works has evaluated the topography of the remaining area, directly south of the site, and has indicated that, due to the challenging terrain, it would be difficult to achieve density of one acre lots.
 - Because the entire subdivision of 61 acres is not participating in the subject petition, but only 4 acres, they consider it "spot zoning".
 - The Protest Petition has been filed with a significant majority of the contiguous property owners, within 185 feet, signing the petition.

- Both the Planning & Zoning Committee and City Council voted unanimously to deny the Mayer Homes petition for E-One zoning on 4-plus acres, which is directly north of the subject site.
 - The subject site is closer to Wild Horse Ridge than Mayer Homes.
 - Using the same logic used to deny the Mayer Homes development, they are asking that this petition be denied also.
 - The residents of Wild Horse Ridge will be moving forward to try to have all of their properties rezoned to “Large Lot Residential”.
2. Col. Lee McKinney, Bentley Place Subdivision, stated the following:
- He appreciates the decision the Committee made with respect to Mayer Homes. He commended the Committee in maintaining the character of the neighborhood by denying that petition.
 - He urged the Committee to deny the subject petition.
3. Mr. Michael Jette, Rooster Ridge Road, stated the following:
- He purchased his lot with the understanding he was purchasing in a large lot neighborhood. He was never told that his property was at risk.
 - He feels the subject petition would change the character of the neighborhood and affect the current wildlife.
 - He asked that the Committee deny the petition.

The Protest Hearing was closed at this time.

IV. OLD BUSINESS

- A. P.Z. 5-2005 Winter Wheat Place (Dollar Building Company):** A request for a change of zoning from “NU” Non-Urban District to E-One Acre for a 4.0 acre tract of land located on Winter Wheat Road, 3000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. (18U220092)

Staff Report

Ms. Anissa McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint Presentation and stated that the Public Hearing for the project was held on June 13, 2005. Vote on the petition did not occur until January 22, 2007 – the Planning Commission recommended approval by a vote of 6 to 1.

The Petitioner is requesting one-acre zoning and is proposing three detached homes on four acres. The average lot size in the Attachment A is 1.30 acres. They are proposing 39% tree retention on the site. Access to the site would be via an improved Cripple Creek Road and Winter Wheat Road.

The original Attachment A of 2006 had been prepared previously to the Mayer Manors proposal coming forward. Once Mayer Manors came forward, the Public Works Department revised the improvements to incorporate some of the things that would have to be done for the entire section. This is reflected on page 4 of the Attachment A.

Since Mayer Manors was denied, Chair Brown asked how the road improvements for the subject petition would be affected. Mr. Geisel replied that as a stand-alone development, the proposed three homes are required to construct the improvements to Cripple Creek Road and Winter Wheat Road along its western boundary. They are not required to improve the access all the way up to Bentley Place. The requirements are half-width along the east/west road and full-width along the north/south road.

Planning Commission Report

Chair Hirsch stated that the Planning Commission was aware of the Planning & Zoning Committee's action on Mayer Manors. He had reported to the Commission the arguments made at the Protest Hearing and the Committee's vote of 4 to 0 to deny that petition.

The Planning Commission had the same issues they had with Mayer Manors but felt the subject petition is a reasonable zoning for this area and recommended approval by a vote of 6 to 1.

Commissioner Wendy Geckeler stated she was unable to attend the Planning Commission meeting when the vote was taken on the subject petition. She is opposed to the petition and would have voted against it.

DISCUSSION

Councilmember Streeter stated that on the Mayer Manors petition, he voted against it because he felt it was not in keeping with the surrounding neighborhoods. He recognizes Wild Horse Ridge as "a neighborhood" and agrees with those residents that Mayer Manors, and the subject petition, would change the character of the area.

Based on the fact that the subject petition is not in character with the majority of the surrounding neighborhoods, Councilmember Flachsbart made a motion to deny P.Z. 5-2005 Winter Wheat Place (Dollar Building Company) with a recommendation that the Petitioner consider LLR zoning. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4 to 0.**

V. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

VI. ADJOURNMENT

The meeting adjourned at 6:55 p.m.