

## MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: August 3, 2004

SUBJECT: Planning and Zoning Committee Meeting Summary from August 2, 2004

A Special Meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Monday, August 2, 2004, in Conference Room 101. In attendance were: Chair Bruce Geiger (Ward II); Councilmember Jane Durrell (Ward I); and Councilmember Connie Fults (Ward IV). Also in attendance were Mayor John Nations; Planning Commission Chair Victoria Sherman; Jade Garner Bute, former Councilmember (Ward II); Jerry Ebest, Dierbergs Real Estate; Michael Mindlin, Suttle Mindlin Architecture; Ken Capps, Capitol Land Company; Pat Cunningham, Capitol Land Company; Director of Planning Teresa Price; Senior Planner Annissa McCaskill-Clay; Project Planner Michael Hurlbert; and Mary Ann Madden, Planning Assistant.

Chair Geiger called the meeting to order at 5:30 p.m.

### I. OLD BUSINESS

- A. **P.Z. 11-2003 Capitol Land Company**: a request for a change of zoning from a "C-8" Planned Commercial District to a "PC" Planned Commercial District for 6.494 acre tract of land located north of Lea Oaks Drive, east of Clarkson Road, west of Old Baxter Road, and south of Chesterfield Parkway East.

Project Planner Michael Hurlbert stated that the Petitioner has come forward with some requested amendments to the Attachment A. Mr. Hurlbert and the Committee reviewed these issues, along with the Proposed Amendments to the Attachment A and to the Green Sheets amendments. The Issues discussed are as follows:

1. **The current Attachment "A" limits the size of a sit down restaurant to 7,000 square feet for the entire development. The petitioner requests that this be limited to Buildings A and C so that a coffee shop may be part of the bookstore in Building B.**

Staff has no issue with the proposed change. The Proposed Amendment will make the coffee shop ancillary use to the bookstore in Building B and will limit the square footage of 7,000 sq. ft. to Buildings A and C only.

- **Proposed Amendment A – SECTION I. PERMITTED USES:**  
Amend Section I.B.1 (page 2) to read “*Restaurants, sit, down, in Buildings A & C shall be limited in size not to exceed 7,000 square feet.*”

Councilmember Geiger made a motion to amend Section I.B.1 to read “*Restaurants, sit down, shall be limited to Buildings A & C and shall be limited in size not to exceed a total of 7,000 square feet.*” Councilmember Durrell seconded the motion **and it passes by a voice vote of 3 to 0.**

- **Proposed Amendment C – SECTION I. PERMITTED USES:**  
Amend Section I.B.5 to read “**A coffee shop shall be allowed as an ancillary use in Building B.**”

Councilmember Fults made a motion to approve the proposed amendment to Section I.B.5 as presented. Councilmember Durrell seconded the motion **and it passes by a voice vote of 3 to 0.**

2. **The current Attachment “A” limits the hours of operation for all uses to between 7:00 a.m. to 9:30 p.m. The petitioner would like to extend the hours to accommodate the bookstore in Building B to 11:00 p.m. Monday through Saturday, and to 10:00 p.m. on Sunday.**

Staff recommends that the hours be changed to the hours requested by the petitioner, which would be in accordance with the hours of other area Barnes & Noble Bookstores. The petitioner pointed out that the hours of 9:30 – 11:00 p.m. are a significant shopping time for bookstores. Discussion occurred concerning restaurant closing times.

- **Proposed Amendment B – SECTION I. PERMITTED USES:**  
Amend Section I.B.3 (page 2) to read “*Hours of operation for all uses in Buildings A & C shall be between 7:00 a.m. and 9:30 p.m. Hours of operation for Building B shall be as follows:*

*Monday through Saturday - 9:00 a.m. to 11:00 p.m.*

*Sunday - 9:00 a.m. to 10:00 p.m.*

It was agreed that the first proposed sentence above of Section I.B.3 is acceptable. Councilmember Geiger made a motion to amend the second sentence above of Section I.B.3, to read “*Hours of operation for the use of Building B as a bookstore shall be:*

*Sunday through Thursday - 9:00 a.m. to 10:00 p.m.*

*Friday & Saturday - 9:00 a.m. to 11:00 p.m.*

Councilmember Fults seconded the motion.

It was clarified that the closing time for the restaurant use is 9:30 p.m.

Mayor Nations stated that he opposes extending the hours of operation past 9:30 p.m. as this development is directly across the street from single-family detached residential. He expressed concern that the other stores in the development would request longer operating hours also.

After general discussion regarding the hours of operation, a voice vote was taken and the motion **passes by a vote of 3 to 0.**

3. **Petitioner would like to revise the building and parking setbacks from Clarkson Road (State Route 340) by adding the word “proposed” right-of-way. Petitioner also believes that the parking setback for Building B from Old Baxter Road should be consistent with the “Green Sheet” amendment of fifty (50) feet.**

Staff, in consultation with the Department of Public Works, has no issue with the proposed change.

- **Proposed Amendment E – SECTION VII. SPECIFIC CRITERIA, A. Structure Setbacks:**  
Amend Section VII.A.3 (page 6) to read “*One hundred and thirty-five (135) feet from the **proposed** right-of-way of Clarkson Road (Missouri State Highway 340).*”

Councilmember Durrell made a motion to approve the proposed amendment to Section VII.A.3 as presented. Councilmember Fults seconded the motion **and it passes by a voice vote of 3 to 0.**

- **Proposed Amendment F – SECTION VII. SPECIFIC CRITERIA, B. Parking and Loading Space Setbacks:**  
Amend Section VII.B.1 (page 6) to read “*Fifty (50) feet from the **current** right-of-way of Old Baxter Road.*”

Project Planner Hurlbert stated that the Green Sheet has an amendment for the building setback of 50 feet – it was amended from 45 to 50 feet – and so the structure was pushed back 5 feet from Baxter. However, the loading area was not so this amendment brings it up to 50 feet, even with the building.

Councilmember Fults made a motion to approve the proposed amendment to Section VII.B.1 as presented. Councilmember Geiger seconded the motion **and it passes by a voice vote of 3 to 0.**

- **Proposed Amendment G – SECTION VII. SPECIFIC CRITERIA, B. Parking and Loading Space Setbacks:**  
Amend Section VII.B.3 (page 6) to read “*Forty (40) feet from the **proposed** right-of-way of Clarkson Road (Missouri State Highway 340).*”

Councilmember Durrell made a motion to approve the proposed amendment to Section VII.B.1 as presented. Councilmember Fults seconded the motion **and it passes by a voice vote of 3 to 0.**

4. **The current Attachment “A” calls out the inclusion of Norway Spruce trees to be planted in the buffer along Old Baxter Road. The petitioner would like to add the words “White Pines” in addition to the Norway Spruce.**

Staff has no issue with the proposed change. Councilmember Geiger stated that the Council would like to see a variety of trees used.

➤ **Proposed Amendment H – SECTION VII. SPECIFIC CRITERIA, H. Landscape Plan:**

*Amend Section VII.H.3 (page 8) to read “There shall be a densely screened landscape buffer along the eastern edge of the site that shields the proposed building from the existing neighborhoods adjacent to Old Baxter Road. The landscape buffer should include a 3’ high berm and preservation of the existing trees with 85% of any additional trees in the landscape buffer area consisting of evergreen species, specifically to include Norway Spruce **and White Pine varieties, and shrubbery.**”*

Councilmember Fults made a motion to approve the proposed amendment to Section VII.H.3 as presented. Councilmember Durrell seconded the motion **and it passes by a voice vote of 3 to 0.**

5. **The current Attachment “A” limits the total vertical height of all light standards to fourteen (14) feet. The petitioner would like to add the words “excluding the base” to that requirement.**

Staff has no issue with the proposed change. Councilmember Fults asked if all the lights would be flat-lens fixtures, fully-shielded and pointing downward. Mr. Hurlbert responded that they would be. Councilmember Geiger stated that the goal is to have a consistent lighting scheme for the entire development.

➤ **Proposed Amendment I – SECTION VII. SPECIFIC CRITERIA, J. Lighting Requirements:**

*Amend Section VII.J.3 (page 9) to read “In order to be compatible with the adjacent property to the north, all light standards within this development shall not exceed a total vertical height of fourteen (14) feet, **exclusive of the base.**”*

Councilmember Fults made a motion to approve the proposed amendment to Section VII.J.3 as presented. Councilmember Durrell seconded the motion **and it passes by a voice vote of 3 to 0.**

6. **The current Attachment “A” requires that the light standards shall be turned off by 10:00 p.m. The petitioner requests that this be changed to thirty minutes later than the latest hour of operation per day, based on hours of operation changing as stated previously.**

Staff has no issue with the proposed change.

➤ **Proposed Amendment J – SECTION VII. SPECIFIC CRITERIA, J. Lighting Requirements:**

*Amend Section VII.J.4 (page 9) to read “All light standards located on the parking structure, other than those for security purposes, shall be turned off no later than thirty (30) minutes after the latest hour of operation per day within the development.”*

Councilmember Fults made a motion to approve the proposed amendment to Section VII.J.4 as presented. Councilmember Durrell seconded the motion **and it passes by a voice vote of 3 to 0.**

7. **The current Attachment “A” requires that “all utilities shall be installed underground.” The petitioner would like to add the words “with the exception of existing utilities.”**

Staff’s response is that the language in the Attachment “A” is the standard verbiage placed in all new Planned District ordinances. Davis Street has this same wording requiring all utilities be installed underground.

Mr. Ebest, of Dierberg’s Real Estate, stated that all the utilities that would service the buildings would be underground. The transmission line is the issue as it would be very expensive to install it underground. He pointed out that this line is above ground at Davis and Drew Station. Planning Director Price stated that a letter has been sent to Davis asking when their utilities would be installed underground to bring them into compliance with their Ordinance.

➤ **Proposed Amendment O – SPECIFIC CRITERIA, N. Miscellaneous:**  
*Amend Section VII.N.3 (page 10) to read “All utilities, with the exception of those currently existing, shall be installed underground. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site.”*

After general discussion concerning this issue, Councilmember Geiger recommended leaving the language as is and requested that Staff work with the petitioner to determine what the potential cost would be to install the transmission line underground both along Clarkson and Old Baxter. Councilmember Fults stated that the cost should be compared to the expense incurred by all the other developers who have had to install utilities underground.

It was agreed to leave the wording as written in the Attachment A, requiring the utilities to be buried.

8. **The current Attachment “A” requires that “the St. Louis County Department of Highways and Traffic” must be notified prior to issuance of any zoning approval for foundation or building permits. The petitioner requests that this agency be removed from the ordinance as they will not be involved in this project.**

Staff has no issue with the proposed change with the intention that the Missouri Department of Transportation replaces it.

- **Proposed Amendment P – SECTION XV. VERIFICATION PRIOR TO BUILDING PERMITS, B.:**  
Amend Section XV.B. (page 5) to read “*Prior to issuance of zoning approvals for foundation or building permits, the City of Chesterfield must receive approvals from the Missouri Department of Transportation and the Metropolitan St. Louis Sewer District.*”

Councilmember Fults made a motion to approve the proposed amendment to Section XV.B as presented. Councilmember Durrel seconded the motion **and it passes by a voice vote of 3 to 0.**

9. **The petitioner has requested a change to the “Green Sheet” amendments that were approved on March 18, 2004 by the Planning and Zoning Committee due to an omission of Building A height requirements.**

Staff has no issue with the proposed change.

- **Proposed Amendment D to the Green Sheet – SECTION II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS:**  
Amend Section II.A.2.c to read “*Building height of A Retail Shops shall not exceed twenty-four (24) feet with the exception that the architectural element elevations shall not exceed **thirty-two (32) feet.***”

Councilmember Durrell made a motion to approve the proposed amendment to Section II.A.2.c as presented. Councilmember Fults seconded the motion **and it passes by a voice vote of 3 to 0.**

10. **The petitioner has requested a change to the “Green Sheet” amendments that were approved on March 18, 2004 by the Planning and Zoning Committee due to the revision of the architectural elevations for Building B.**

Staff has no issue with the proposed changes.

- **Proposed Amendment L to the Green Sheet – SECTION VII. SPECIFIC CRITERIA, K. Architectural Elevations:**  
*Amend Section VII.K.4 to completely remove “A mansard will be installed on Building B Book Store and will be covered with architectural asphalt shingles consistent with the adjacent property (Davis Street). The mansard shall be constructed along the entire length of the rear of the building and as much of each side of the building as is architecturally appropriate as recommended by the Architectural Review Board and approved by the Planning Commission. The mansard will have a soffit.”*

Councilmember Durrell made a motion to approve the proposed amendment to Section VII.K.4 as presented. Councilmember Fults seconded the motion **and it passes** by a voice vote of 3 to 0.

- **Proposed Amendment N to the Green Sheet – SECTION VII. SPECIFIC CRITERIA, K. Architectural Elevation:**  
*Amend Section VII.K.7 to read “Faux windows will be added to the south side elevation of Building B as reviewed by the Architectural Review Board and approved by the Planning Commission.”*

Councilmember Fults made a motion to approve the proposed amendment to Section VII.K.7 as presented. Councilmember Durrell seconded the motion **and it passes** by a voice vote of 3 to 0.

11. **At the Planning and Zoning Committee meeting on July 22, 2004 a request was made to change to the “Green Sheet” amendments that were approved on March 18, 2004 by the Planning and Zoning Committee to use the word “reviewed” in place of “recommended”.**

Staff has no issue with these proposed changes.

- **Proposed Amendment K to the Green Sheet – SECTION VII. SPECIFIC CRITERIA, K. Architectural Elevations:**  
*Amend Section VII.K.3 to read “The exterior building materials shall be brick, consistent with the adjacent property **to the north**. The exterior materials on each side may include EFIS materials as may be architecturally appropriate as **reviewed** by the Architectural Review Board and approved by the Planning Commission.”*

Councilmember Durrell made a motion to approve the proposed amendment to Section VII.K.3 as presented. Councilmember Fults seconded the motion **and it passes** by a voice vote of 3 to 0.

➤ **Proposed Amendment M to the Green Sheet – SECTION VII.  
SPECIFIC CRITERIA, K. Architectural Elevations:**

Amend Section VII.K.6 to read “*Faux windows may be added to the rear of the C Retail Shops building if determined to be architecturally appropriate as **reviewed** by the Architectural Review Board and approved by the Planning Commission. **The window locations are contingent upon the final placement of required exit doors and utilities.***”

Councilmember Durrell made a motion to approve the proposed amendment to Section VII.K.6 as presented. Councilmember Fults seconded the motion **and it passes by a voice vote of 3 to 0.**

For clarification, Project Planner Hurlbert stated that the Green Sheet amendments that were not amended will go forward with these changes.

Councilmember Durrell made a motion to forward to Council **P.Z. 11-2003 Capitol Land Company**, with amendments. Councilmember Fults seconded the motion **and it passes by a voice vote of 3 to 0.**

**Note: One bill, as recommended by the Planning Commission,  
will be needed for the August 16, 2004 City Council Meeting.  
See Bill #**

## **II. ADJOURNMENT**

The meeting adjourned at 6:30 p.m.