

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
FEBRUARY 14, 2011**

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

I. ROLL CALL

PRESENT

Mr. David Banks
Mr. Bruce DeGroot
Ms. Wendy Geckeler
Ms. Amy Nolan
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Steven Wuennenberg
Chairman G. Elliot Grissom

ABSENT

Mr. Michael Watson

Councilmember Connie Fults, Acting Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Susan Mueller, Principal Engineer
Mr. Shawn Seymour, Senior Planner
Mr. Justin Wyse, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Grissom acknowledged the attendance of Councilmember Connie Fults, Acting Council Liaison and Councilmember Bruce Geiger, Ward II.

IV. PUBLIC HEARINGS – Commissioner Banks read the “Opening Comments” for the Public Hearing.

STAFF PRESENTATION:

- A. **P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC)**: A request for a change of zoning from a “PC” Planned Commercial District to a “PC” Planned Commercial District of 5.2909 acres in size and located on the north side of US Highway 40/Interstate 64 east of its intersection with Chesterfield Parkway and west of its intersection with Timberlake Manor Parkway (18R110745).

STAFF PRESENTATION:

Senior Planner Shawn Seymour gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated the following:

- Public Hearing notification requirements were met per City and State requirements.
- The site is undeveloped and is surrounded by development properties – office structures and residential.
- The site was zoned “PC” Planned Commercial District in 2002 with the passage of Ordinance 1870. The property had previously been zoned “NU” Non-Urban.
- Currently the site only has the permitted use of *Office, general*. The requested change of zoning would permit two additional land uses - *Office, dental* and *Office, medical*.
- The Petitioner is requesting some minor modifications to the Development Standards as noted below:

Development Standard	Existing	Proposed	Description
Building setback from the right-of-way of North Outer Forty	80 feet	65 feet	
Parking setback from the western property line	35 feet	0 feet	Proposed setback would accommodate a shared parking structure and parking drive aisles to the Delmar Gardens property.

- There is no change to the maximum heights of the structures; the density; or overall maximum square footage from what was originally approved.
- There is no direct access to the subject site from North Outer Forty. Cross access easements to the existing developed properties will be utilized for access.
- The Comprehensive Land Use Plan designates the site as *Office*. The proposed change of zoning is consistent with this designation.
- Issues Under Review by Staff:
 - All outside Agency Comment letters have not yet been received.
 - Staff is working on review comments.

DISCUSSION

During discussion, the following points were clarified:

- The proposed 25-foot building setback from the northern property line (*August Hill subdivision*) is identical to the setback approved in 2002.
- The building height limitation for the office building is set at 70 feet, which has not changed from the 2002 approval. The height for the parking structure is also unchanged from 2002 being set at 585 feet from sea level, which would make it sit lower than the residential properties located to the north.
- The Attachment A will be written requiring that the Chesterfield Tree Manual be followed, which will require a buffer between August Hill and the proposed development.

PETITIONER'S PRESENTATION:

Mr. John King, Attorney representing Delmar Gardens, 7701 Forsyth Avenue, Clayton, MO stated the following:

- The proposal is basically the same proposal that was approved in 2002.
- The major change from the original ordinance relates to the parking setback from the west property line (*35 feet to 0 feet*). The proposed change is a result of the ordinance requiring the Petitioner to provide cross access to the properties to the east and west. There is no access to the site from North Outer Forty; the site will have to be accessed from the either the property to the east or west.
- They are proposing 20 surface parking spaces, which will be used primarily as visitor parking for medical/dental patients.
- Green space remains the same at 55%; the F.A.R is 45%; square footage of the building remains the same at 126,760 sq. ft.
- The parking structure is now four levels vs. the original three-level garage. However, the parking structure is three feet lower than what was proposed originally – 582 feet vs. the original 585-foot elevations. The number of spaces has increased from 508 to 633.
- All MSD requirements will be met.
- Heavy landscaping will be done on the site – especially on the north side adjacent to August Hill subdivision.
- A Lighting Plan will be provided to Staff, which will meet the City's ordinance requirements. They will be working with the neighbors to address their concerns regarding the glow that comes off the existing building. They will also try to lower the light glow from the proposed building.

Commissioner Banks thought the original plan called out specific monarch trees to be preserved and asked if the building is designed around these trees. Mr. King indicated that he was not aware of this.

SPEAKERS IN FAVOR:

Mr. Don Mielcarek, speaking as President of the Trustees of the August Hill Homeowners Association, 500 Upper Conway Circle, Chesterfield, MO stated that they have great respect for Delmar Gardens as a builder and as a neighbor, and fully expect that their concerns will be addressed very positively.

Regarding the zoning, it is their understanding that the proposed building would operate primarily from 8:00 a.m. to 6:00 p.m., with a request for early evening hours for physician offices. They have concerns about any extended hour facility – such as an urgent care center which could possibly be open until midnight seven days a week. They feel such a facility would increase traffic and noise, provide excessive lighting needs for safety purposes, and be a detriment to the community.

The following concerns relate to the building plans and were forwarded to Delmar Gardens with a copy to the Planning Commission:

- **Lighting:** They would expect that walkway lights, along with lighting on top of the garage, would be downward facing, would have bulb shields, and would be of lowest impact on the residential side. Their other major concern is the architectural lighting proposed on the rear of the building. They request that this lighting be “absolutely minimal” – they do not understand why lighting a building above 10-15 feet is needed for safety when pathway lights could be augmented or a covered walkway constructed between the building and the garage. There is still a concern about the lighting on the neighboring building that belongs to Delmar Gardens.
- **Docking Facilities:** They are requesting that any docking facilities located in the rear of the building be adequately buffered from the residential community.
- **Buffer Zone:** They do not feel that 25 feet is an adequate buffer zone. They are requesting (1) that their property line remain intact; (2) that an additional 15 feet into Delmar Gardens’ property remain intact in terms of current plantings and ground level; (3) that this area be supplemented with sizeable evergreen plantings to provide a protective shield from the garage; (4) that additional buffering be done in certain areas where the topography permits; and (5) that there be a continuation of the fence around the property.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

Ms. Laura Lueking, 15021 Conway Road, Chesterfield, MO stated that she does not oppose the addition of medical and dental offices, but would like the sight plane and the elevations reviewed with respect to what the neighboring subdivisions will see.

Chair Grissom noted that the sight plane and elevations will be reviewed by the Architectural Review Board and the Planning Commission as part of the Site Plan review.

REBUTTAL:

Mr. King declined a rebuttal.

ISSUES:

Of the points that were raised, Mr. Seymour noted that the following issue was the only one not germane to the Site Plan Review process:

1. Hours of operation with an urgent care land use.

Ms. Aimee Nassif, Planning & Development Services Director, stated that due to the past history of the site and the residential behind it, Staff would be reviewing the development standards such as lighting, hours of operation, building height, etc. during the creation of the Attachment A. She noted that these items are in the existing ordinance and will be moved into the new ordinance after Staff review. In addition, many of the site plan issues raised this evening – such as trees, landscaping, lighting, parking requirements, etc. – are reviewed in detail during the site plan review.

Addressing Commissioner Banks' earlier questions about monarch trees on the site, Mr. Seymour stated that Staff has reviewed the Tree Stand Delineation and has found discrepancies and will further study this issue.

Commissioner Banks read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Proctor made a motion to approve the minutes of the **January 10, 2011 Planning Commission Meeting**. The motion was seconded by Commissioner Nolan and **passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT

A. P.Z. 11-2010 & P.Z. 12-2010 Chesterfield Senior Living (Rodney Henry)

Petitioner:

Mr. Brandon Harp, Principal at Civil Engineering Design Consultants representing Plan Provisions, 11402 Gravois, St. Louis, MO requested that P.Z. 11-2010 and P.Z. 12-2010 be held in order to have ample time to address the comments in the Staff Report.

City Attorney Heggie asked whether any of the Commission members had any issues they would like to share with Mr. Harp at this time.

Commissioner Geckeler asked if another meeting could be scheduled to discuss the issues and history of the area. Ms. Nassif stated that if the project was not going to be held this evening, Staff had a very lengthy presentation prepared to explain the full history of the site, including photos, renderings, requirements, etc., which will be presented at the Issues Meeting. It was then agreed that the next time these petitions are on the agenda, they will be for issues only – with no vote being taken the same evening.

Ms. Nassif asked if there were any issues, other than those outlined in the Staff Report, which the Commission would like to share with the Petitioner at this time.

Councilmember Connie Fults stated that the residents' main concerns relate to the density, the quality of the development, and how it fits into the character of the surrounding neighborhoods. The density has to be reduced and the impact to the surrounding area must be acceptable to the neighboring residents.

Commissioner DeGroot asked whether the proposed walking trail through the bluffs would involve removing trees. Mr. Harp stated that the intent is to provide a mulched woodchip nature trail for hiking, which would meander through existing trees – there is no intent to remove any trees in the construction of the trail.

Ms. Nassif added that Staff is discussing the proposed trail with the Petitioner with respect to whether it can be engineered safely without causing any erosion or other land disturbance problems to the bluff.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Chesterfield Village Parcels C-119 & C-148 (P.Z. 26-2008 Time Extension)**: A request for a twenty-four (24) month extension of time to submit a Site Development Plan for a 3.038 and a 10.895 acre tracts of land zoned "C8" Planned Commercial District located on the southwest and southeast corners respectively of the Baxter Road and Wild Horse Creek Road intersection.

Commissioner Proctor, representing the Site Plan Committee, made a motion recommending approval of the request for a twenty-four month extension of time to submit a Site Development Plan for **Chesterfield Village Parcels C-119 & C-148**. The motion was seconded by Commissioner Geckeler and **passed** by a voice vote of 8 to 0.

VIII. OLD BUSINESS

- A. **P.Z. 11-2010 Chesterfield Senior Living (Rodney Henry):** A request for a change of zoning from a "PC" Planned Commercial District to an "R-4" Residence District for an 8.04 acre tract of land located north of Wild Horse Creek Road and west of Long Road (18V510138).

Chair Grissom stated that the Petitioner has asked that P.Z. 11-2010 and P.Z. 12-2010 be held; and that a separate vote would be required for each petition.

Commissioner Banks made a motion to hold P.Z. 11-2010 Chesterfield Senior Living (Rodney Henry). The motion was seconded by Commissioner Geckeler and **passed** by a voice vote of 8 to 0.

- B. **P.Z. 12-2010 Chesterfield Senior Living (Rodney Henry):** A request for a change of zoning from an "R-4" Residence District to a "PUD" Planned Unit Development District for an 8.04 acre tract of land located north of Wild Horse Creek Road and west of Long Road (18V510138).

Commissioner Puyear made a motion to hold P.Z. 12-2010 Chesterfield Senior Living (Rodney Henry). The motion was seconded by Commissioner Nolan and **passed** by a voice vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:36 p.m.

Michael Watson, Secretary