

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
FEBRUARY 13, 2023**

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

I. ROLL CALL

PRESENT

Commissioner Gail Choate
Commissioner Khalid Chohan
Commissioner John Marino
Commissioner Debbie Midgley
Commissioner Nathan Roach
Commissioner Jane Staniforth
Commissioner Steven Wuennenberg
Chair Guy Tilman

ABSENT

Commissioner Allison Harris

Councilmember Merrell Hansen, Council Liaison
Mr. Nathan Bruns, representing City Attorney Christopher Graville
Ms. Petree Powell, Assistant City Planner
Ms. Alyssa Ahner, Planner
Ms. Mary Ann Madden, Recording Secretary

On behalf of the Planning Commission, Chair Tilman congratulated Justin Wyse and his wife on the birth of their son, Owen.

He then acknowledged the attendance of Councilmember Merrell Hansen, Council Liaison; Councilmember Barb McGuinness, Ward I; Councilmember Mary Monachella, Ward I; Councilmember Aaron Wahl, Ward II; and Councilmember Dan Hurt, Ward III.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS - Commissioner Wuennenberg read the "Opening Comments" for the Public Hearing.

- A. P.Z. 03-2023 City of Chesterfield (Unified Development Code-Article 4):**
An ordinance amending Article 4 of the Unified Development code to create Section 405.01.120 related to licenses, permits, or other approvals for non-compliant properties.

STAFF PRESENTATION:

Planner Alyssa Ahner explained that the proposed ordinance would allow the City to deny any license, permit, or other approval to a person or corporation if the premises to be licensed and/or permitted is in violation of Chapter 405 of the City of Chesterfield Municipal Code. The ordinance would authorize the City to deny any liquor license, business license, or municipal zoning approval for any property which has an open violation.

Any license, permit, or approval that is denied pursuant to this Section may be appealed to the Board of Adjustment within 10 days of the date of the decision to deny the license, permit, or approval is received.

It was also noted that companion Bill No. 3420 is being considered by City Council for licenses, permits, or other approvals for those that are permitting violations of Chapter 215 related to public nuisances.

Staff recommends that the proposed ordinance be considered for adoption to create Section 405.01.120 related to licenses, permits, or other approvals for non-compliant properties.

The proposed ordinance is also on the Agenda under *Unfinished Business* for Planning Commission's consideration.

V. APPROVAL OF MEETING SUMMARY

Commissioner Choate made a motion to approve the Meeting Summary of the January 23, 2023 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and **passed** by a voice vote of 8 to 0.

VI. PUBLIC COMMENT

A. 14319 Olive Blvd (Queatham House, LLC)

Petitioner

1. Mr. Scott Ririe, 13 Bellerive Country Club Grounds, Town & Country, MO

Mr. Ririe explained that they are proposing to open an event center to host events for 10-25 people ranging from birthday parties to painting parties. Wine tastings are also planned for Thursday–Sunday from 11:00 a.m. to 9:00 p.m., and would be served both indoors and outdoors. No immediate plans are in place for music, but would be considered in the future. They do not intend to host any large functions.

Chair Tilman asked Mr. Ririe if he has had the opportunity to meet with neighbors to discuss plans for the site. Mr. Ririe replied that their General Manager attempted to deliver some holiday packages; he also noted that some of the neighbors are “very friendly towards the idea”.

Commissioner Choate referred to information shared at the September Public Hearing wherein it was stated that 15 tables would be set up outdoors, and asked how this equates to 10-25 people being served. Mr. Ririe explained that the “10-25 people” would be served indoors; their plan also included having patrons utilize 15 tables on the

outdoor patio from Thursday-Sunday, but “this was not cut in stone and plans do change”.

Commissioner Chohan asked whether there are any plans for outdoor audio. Mr. Ririe stated that they need to work with an engineering firm to put a plan together, which would then be presented to the City for approval.

In Opposition

1. Ms. Rosemary Rifkin, 14348 Spyglass Ridge, Chesterfield, MO

Ms. Rifkin stated that she is a member of the HOA for The Mansions at Spyglass. She noted that in September, Mr. Kent Higginbotham gave a very detailed presentation of why the residents are opposed to the proposed project. She then highlighted the residents’ ongoing concerns pointing out that the “overwhelming majority” of their community do not want the subject property to be rezoned. Out of the 50 homeowners, 40 residents signed petitions opposing the rezoning.

Their opposition relates to the adverse effects such a rezoning would have on their quality of life such as noise, traffic, lights, and incursion on to their private streets. The proposed rezoning is incompatible with the surrounding residential neighborhoods along Olive Boulevard, and is not consistent with the City’s Comprehensive Plan. There is also concern about the type of future businesses which could move onto the site, along with a concern about a precedent being set that would allow for further commercial development east and west of the site along Olive. The City’s long-term Comprehensive Plan envisions this section of Olive to remain residential. They ask that the City not change the zoning for this site.

2. Ms. Ginny McCook, 14362 Spyglass Court, Chesterfield, MO

Ms. McCook stated that she opposes the rezoning as she enjoys her privacy and quietness.

3. Ms. Mary Louise Smith, 14380 Spyglass Ridge, Chesterfield, MO

Ms. Smith noted concerns about regulations not being followed with respect to the subject site, and comments made by the owner at the public hearing regarding possible off-site parking for events. She also has concerns about outdoor music being played Thursday-Sunday, which is when most people are at home or are entertaining.

4. Mr. David Kendrick, 14193 Cross Trails Drive, Chesterfield, MO

Mr. Kendrick stated that he and his wife, Kelly Kendrick, are 50% partners in the company Statesmen Properties, LLC, which is the owner of record for the property at 14319 Olive Boulevard, and that he opposes the proposed zoning changes.

5. Mr. Kent Higginbotham, 646 Spyglass Summit Drive, Chesterfield, MO

Mr. Higginbotham stated that his home is one of the closest neighbors to the subject site. He noted his agreement with the comments made by Ms. Rifkin, along with his concern about the possibility of increased crime in the area if the rezoning is approved.

6. Ms. June Brown, 14312 Spyglass Ridge, Chesterfield, MO

Ms. Brown noted her agreement with the comments made by Ms. Rifkin. She also has concerns about statements made by the owner regarding the intent to have outside music at the site sometime in the future.

7. Mr. Alfred Brown, 14312 Spyglass Ridge, Chesterfield, MO

Mr. Brown noted his agreement with the comments made by Ms. Rifkin. He asked that the Commission take into consideration that 90% of the residents of The Mansions at Spyglass oppose the rezoning petition.

8. Ms. Lynn Mitchell, 650 Spyglass Summit Drive, Chesterfield, MO

Ms. Mitchell noted her agreement with the comments made by Ms. Rifkin. She also expressed concerns about outdoor music Thursday through Sunday, loud conversation, the serving of alcohol, and lighting on the patio.

9. Mr. John Merjavy, 633 Spyglass Summit Drive, Chesterfield, MO

Mr. Merjavy stated his agreement with the comments made by the previous speakers. He also expressed concerns about his property losing resale value if the subject site is allowed to have outdoor events four times per week.

10. Mr. Mark Gershenson, 14336 Spyglass Ridge, Chesterfield, MO

Mr. Gershenson stated that they bought their home on Spyglass Ridge in order to provide a safe, gated environment for their intellectually-disabled adult son. They made the move so that their son can feel safe as he walks around the neighborhood. Speaker has concerns about the subject site being turned into an event space that serves alcohol, and has concerns for his son's safety if the zoning request is approved. He also expressed concern about the noise that would be generated from outdoor music.

11. Mr. Herman Mitchell, 650 Spyglass Summit Drive, Chesterfield, MO

Mr. Mitchell noted his agreement with the comments made by Ms. Rifkin. He also expressed concern about the building capacity being increased to 49 individuals, along with outdoor entertainment being proposed.

Commissioner Wuennenberg explained that there are two different items being considered on tonight's agenda. The first is a Site Development Plan wherein the existing zoning stays in place, but the landscaping, fence, and patio would be considered. The second item pertains to rezoning the site. The current zoning does not allow outdoor seating.

12. Ms. Sue Hempstead, 14384 Spyglass Ridge, Chesterfield, MO

Ms. Hempstead noted her agreement with the previous comments made, and stated that she lives adjacent to the existing parking lot. She pointed out that the subject property was purchased and renovated without first seeking rezoning or following historical guidelines. She also has concerns that if the site is rezoned, the business on the property could totally change.

13. Ms. Elena Kratz, 651 Spyglass Summit Drive, Chesterfield, MO

Ms. Kratz stated her concerns about the outdoor music being proposed for the subject site noting that her house is in close proximity to it.

The following individuals chose not to speak but noted their agreement with comments already made and their opposition to the petition:

14. Ms. Terri Wynn, 14324 Spyglass Ridge, Chesterfield, MO

15. Mr. Bill Wynn, 14324 Spyglass Ridge, Chesterfield, MO

16. Ms. Judith Schlesinger, 667 Spyglass Summit Drive, Chesterfield, MO

17. Ms. Susan O'Neill, 664 Spyglass Summit Drive, Chesterfield, MO

18. Ms. Anne Kirkpatrick, 14354 Spyglass Court, Chesterfield, MO

19. Mr. Keith Maddox, 659 Spyglass Summit, Chesterfield, MO

20. Ms. Bonnie Vickar, 14352 Spyglass Ridge, Chesterfield, MO

21. Ms. Kelly Kendrick, 14193 Cross Trails, Chesterfield, MO

22. Ms. Victoria Higginbotham, 646 Spyglass Summit Drive, Chesterfield, MO

23. Mr. Andrew Smith, 14380 Spyglass Ridge, Chesterfield, MO

24. Ms. Sylvia Murphy, 609 Spyglass Summit Drive, Chesterfield, MO

25. Mr. Subra Vadlamani, 14350 Spyglass Court, Chesterfield, MO

26. Mr. Robert Rifkin, 14348 Spyglass Ridge, Chesterfield, MO

27. Ms. Marge Merjavy, 633 Spyglass Summit Drive, Chesterfield, MO

28. Ms. March Hart, 14633 Los Padres Court, Chesterfield, MO

VII. SITE PLANS, BUILDING ELEVATIONS, PLATS, AND SIGNS

- A. **14319 Olive Blvd (Queatham House, LLC) SDP:** A Site Development Plan and Landscape Plan for a 2-acre tract of land zoned "NU" Non-Urban District with a Historic Overlay located north of Olive Blvd (16R310974).

Commissioner Wuennenberg addressed the residents in the audience explaining that any vote on the Site Development Plan would not change the zoning of the site. It would merely bring the existing outdoor changes of the property into compliance with City code with respect to the patio and fence.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of the Site Development Plan and Landscape Plan for **14319 Olive Blvd (Queatham House, LLC)**. The motion was seconded by Commissioner Staniforth.

Discussion

During discussion, the following information was provided.

Exterior Changes

Planner Alyssa Ahner stated that the exterior changes made to the site should have been submitted to the City for site plan review prior to being constructed. Those changes included: (1) the six-foot tall privacy fence on the western property line; and (2) the patio.

Uses

The existing ordinance (Ord. 1960) currently allows *residential, restaurant, museum, and retail shop* uses with some restrictions. The existing ordinance does not allow an outdoor restaurant use.

Occupancy

Ms. Ahner explained that the petitioner worked with St. Louis County in determining an approximate occupancy of 49 people, which is based on square footage and other safety matters. Ms. Ahner further explained that the current ordinance limits the indoor seating for the restaurant to 25. If the property stays under the existing zoning, there would be no outdoor dining or outdoor music allowed.

Site Violations

After the September public hearing, the City was notified that some site work had taken place at the property. The City sent a Notice of Violation to the property owner explaining that the fence, landscaping, and patio would require site plan review. Additionally, since the site is a historical property, the renovations would have to go through a review process by the Chesterfield Historic & Landmarks Preservation Committee. The petitioner was directed to apply for the Certificate of Appropriateness retroactively, and to apply for site plan review retroactively. Since then, the Certificate of Appropriateness has been granted.

Commissioner Midgley noted her concern about these items being brought forward retroactively.

The vote to approve the Site Development Plan and Landscape Plan passed by a voice vote of 7 to 1 with Commissioner Midgley voting “no”.

VIII. UNFINISHED BUSINESS

- A. **P.Z. 04-2022 14319 Olive Blvd (Queathem House, LLC):** A request for a zoning map amendment from a “NU” Non-Urban District with a Historic Overlay to a “PC” Planned Commercial District with a Historic Overlay for a 2-acre tract of land located north of Olive Blvd (16R310974).

Due to technical difficulties, Chair Tilman announced that the PowerPoint presentation for this petition would be added to the City’s website as a link on the agenda for this meeting.

Planner Alyssa Ahner provided the following information about the petition.

Public Hearing

A public hearing was held on September 12, 2022, after which a letter was sent to the petitioner providing a concise list of the issues raised by both Planning Commission and residents. A notice of violation was also sent to the petitioner. In order to work towards remediating the open violations retroactively, the petitioner submitted a Site Development Plan for review under the existing zoning (Ordinance 1960) and applied for a Certificate of Appropriateness.

Chesterfield Historic & Landmark Preservation Committee (CHLPC)

At their December 12, 2022 meeting, the CHLPC passed the following motions:

- 1) To approve the repainted shutters.
- 2) To deny the mural that was painted on the north elevation.
- 3) To approve the fencing installed along the western property line.
- 4) To hold the decision regarding the flagstone patio.

After the petitioner provided additional information to the CHLPC, the project was reviewed again on January 11, 2023 at which time the CHLPC passed the following motions:

- 1) To approve the flagstone patio.
- 2) To approve the mural with the condition that it not be repainted once it starts to deteriorate.

Permitted Uses

Updates have been made to the Permitted Uses since the September public hearing (updates shown in red)

1. Banquet facility - Events shall not exceed 49 persons and/or the occupancy limit for the site, whichever is less.
2. Restaurant, sit-down - Seats shall not exceed 49 and/or the occupancy limit for the site, whichever is less.
3. Retail sales establishment, community
4. Farming, livestock, and stables. Farming includes cultivation and sale of crops, plants, and domestic animals with no salesrooms
 - i. The square footage and location shall be depicted on the Site Plan as approved by Planning Commission.
 - ii. Livestock and stable use shall be prohibited.
 - iii. Farming shall exclude the domestic animals use.

Ms. Ahner stated that the Permitted Uses allows the proposed grape vineyard being requested by the petitioner.

	Proposed Structure Setbacks*	Proposed Parking Setbacks**
Front yard	50 feet	50 feet
Side yard	35 feet	25 feet
Rear yard	35 feet	25 feet

*An additional 2/3 affirmative vote would be required to allow the existing structure within the structure setbacks.

**An additional 2/3 affirmative vote would be required to allow the existing parking area within the parking setbacks.

Hours of Operation		
Existing	Retail Use	7 a.m. to 6 p.m. – 7 days a week
	Restaurant Use (indoor only)	7 a.m. to 4 p.m. – 7 days a week
Proposed	11 a.m. to 9 p.m. - Thursday through Sunday	

Sound Requirements

The Attachment A legislation includes the following clause:

A sound plan for outdoor music shall be provided and will be as approved by the City of Chesterfield Planning Commission. No outdoor music shall be permitted without an approved sound plan.

Discussion

Responding to questions from the Commission, Ms. Ahner provided the following information:

- Approximate occupancy is 49, which includes employees and guests. The exact occupancy cannot be finalized until the square footage and other safety measures have been completed. The occupancy is for the site, which includes the outdoors.
- There is not any existing parking lot lighting on the site. If lighting is desired, a lighting plan would need to be submitted and would need to adhere to the City's Unified Development Code.
- Currently there are two light poles in the middle of the patio.

Commissioner Tilman stated that the City is in receipt of a letter from David and Kelly Kendrick of 14193 Cross Trails Drive which states that in their ownership position, they are opposed to making a change to the current zoning. He then asked Mr. Kendrick if he was able to provide any additional information on the matter.

Mr. Kendrick stated that as a 50% partner in Statesmen Properties, LLC, the owner of record, he is objecting to the requested zoning change. He added that he was not present at the previous public hearing because he was not aware of the rezoning request, and further stated that he has not been involved with any of the changes made to the property.

Attorney Nathan Bruns offered the following options to the Commission:

- Make a recommendation to City Council, who will have final determination on the zoning; or
- Make a motion to postpone voting until the next Planning Commission meeting

Commissioner Midgley made a motion to postpone voting on P.Z. 04-2022 14319 Olive Blvd (Queathem House, LLC) until the next meeting of Planning Commission. The motion died due to the lack of a second.

Commissioner Marino made a motion to approve P.Z. 04-2022 14319 Olive Blvd (Queathem House, LLC). The motion was seconded by Commissioner Staniforth.

Discussion

Commissioner Wuennenberg stated that he wants to see a limitation on the number of seats for outdoor dining. Commissioner Marino noted his agreement but felt it was beyond the Commission's purview to sort out such details.

Commissioner Choate suggested the following changes, if approved:

- Staggered rows of landscaping abutting the patio
- An outdoor dining limit
- Reduced-height lighting at the rear of the property
- Limit parking lot light standards to possibly less than 20 feet
- Limitations with respect to music

Chair Tilman stated that his main concern with the petition is that it "runs 180 degrees from our Comprehensive Plan". The Commission was very intentional about that part of Chesterfield when the Plan was designed with input from residents and businesses across the community.

Upon roll call to approve, the vote to approve was as follows:

Aye: None

**Nay: Commissioner Marino, Commissioner Midgley,
Commissioner Roach, Commissioner Staniforth,
Commissioner Wuennenberg, Commissioner Choate,
Commissioner Chohan, Chair Tilman**

The motion failed by a vote of 0 to 8.

Chair Tilman thanked the residents for their attendance and input.

- B. P.Z. 03-2023 City of Chesterfield (Unified Development Code-Article 4):**
An ordinance amending Article 4 of the Unified Development Code to create Section 405.01.120 related to licenses, permits, or other approvals for non-compliant properties

Commissioner Marino made a motion to approve P.Z. 03-2023 City of Chesterfield (Unified Development Code-Article 4). The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

**Aye: Commissioner Midgley, Commissioner Roach,
Commissioner Staniforth, Commissioner Wuennenberg,
Commissioner Choate, Commissioner Chohan,
Commissioner Marino, Chair Tilman**

Nay: None

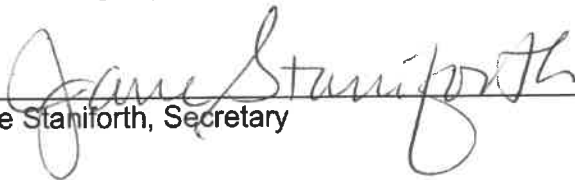
The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:40 p.m.


Jane Staniforth, Secretary