

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
FEBRUARY 9, 2009**

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

**I. ROLL CALL**

**PRESENT**

Ms. Wendy Geckeler  
Mr. G. Elliot Grissom  
Ms. Amy Nolan  
Ms. Lu Perantoni  
Mr. Stanley Proctor  
Mr. Robert Puyear  
Mr. Michael Watson  
Acting Chair David Banks

Mayor John Nations  
Councilmember Dan Hurt, Council Liaison  
City Attorney Rob Heggie  
Mr. Michael Herring, City Administrator  
Mr. Mike Geisel, Director of Planning & Public Works  
Ms. Aimee Nassif, Planning & Development Services Director  
Ms. Mara Perry, Senior Planner  
Mr. Jeff Paskiewicz, City Engineer  
Mr. Kristian Corbin, Project Planner  
Mr. Shawn Seymour, Project Planner  
Mr. Justin Wyse, Project Planner  
Ms. Mary Ann Madden, Recording Secretary

**ABSENT**

Mr. Maurice L. Hirsch, Jr.

**II. PLEDGE OF ALLEGIANCE – All**

**III. SILENT PRAYER**

Acting Chair Banks acknowledged the attendance of Mayor John Nations; Councilmember Dan Hurt, Council Liaison; Councilmember Gene Schenberg, Ward I; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults; Ward IV; Councilmember Bob Nation, Ward IV; and City Administrator Mike Herring.

**IV. PUBLIC HEARINGS – Commissioner Grissom read the “Opening Comments” for the Public Hearings.**

- A. **P.Z. 13-2007 City of Chesterfield (Residential Districts, Planned Unit Development Ordinance, and Residential Tear Downs and Additions)**: An ordinance repealing sections 1003.105, 1003.106, 1003.107, 1003.108, 1003.109, 1003.110, 1003.112, 1003.113, 1003.115, 1003.117, 1003.119, 1003.120, 1003.120A, 1003.121, 1003.123, and 1003.125 of the City of Chesterfield Zoning Ordinance and creating new sections to address the development standards of the Residential Zoning Districts and repealing section 1003.187 of the City of Chesterfield Zoning Ordinance to create a new section to address Planned Unit Developments and repealing section 1003.126B of the City of Chesterfield Zoning Ordinance to create a new section 1003.126A to address Residential Tears Downs and Additions.

#### **STAFF PRESENTATION:**

Project Planner Shawn Seymour noted that public notification was provided for the Public Hearing per State and City requirements. Mr. Seymour then gave a PowerPoint presentation discussing the following points:

#### **Summary of Changes**

1. Reorganized the Residential Zoning Districts to develop a common format, revised land uses, and included a Floor Area Ratio standard.
2. Created a Planned Unit Development Special Procedure to replace the Planned Environmental Unit. It is hoped this will provide land developers with more flexibility with respect to the residential requirements of the Zoning Ordinance, along with providing desirable design features for the City.
3. Created a single ordinance to govern both Residential Tear Downs & Additions and modified the trigger for Planning Commission Review for both activities.

#### **Residential Zoning Districts**

Format of each District:

1. A Purpose Statement has been created to define each zoning district.
2. The Permitted Uses, Conditional Uses, and Accessory Land Uses are listed.
3. A section has been provided that includes the Development Standards for each use.
4. Additional Development Standards are included for certain Conditional Uses, such as nursing homes, group living facilities – uses that would require development standards above and beyond “Single Family Residence”.

#### **Floor Area Ratio**

One of the major changes made to the R-Districts is the addition of a Floor Area Ratio requirement. The “Floor Area Ratio” is a value used to determine the maximum floor area, or size of a building, per the property upon which it sits.

- Example of F.A.R. of 1.0  
 Lot size: 100 ft x 100 ft = 10,000 sf.  
 To determine maximum floor area of building, multiply the F.A.R. value by the size of the lot: 1.0 X 10,000 = 10,000 sf.
- When height is increased in a structure, the footprint is decreased. Using the example above, a one-story building would have a maximum floor area that would essentially cover the entire site. Using the same example, a two-story building would have a maximum building footprint of half the size of the site.
- The setback, height, parking, and open space requirements will determine the form of the building and the layout of the lot.

Parts of a home that are NOT included when calculating maximum floor space with floor area ratio:

1. Attics with less than 150 sq.ft. and heights of less than 8 ft.
2. Basements that are greater than 50% below grade.
3. The first 400 sq.ft. of an attached garage.

It was noted that modification requests from the Zoning District F.A.R. Standard can be made to the Planning Commission.

The following chart outlines the Proposed Standards. These Standards were presented to the Ordinance Review Committee and Staff feels they reflect what is being done both locally and nationally.

| <b>PROPOSED FLOOR AREA RATIO (F.A.R.) REQUIREMENTS FOR RESIDENTIAL DETACHED STRUCTURES</b> |                                           |                    |                                                                |
|--------------------------------------------------------------------------------------------|-------------------------------------------|--------------------|----------------------------------------------------------------|
| <b>District</b>                                                                            | <b>Min. Lot Size<br/>(in square feet)</b> | <b>Max. F.A.R.</b> | <b>Example of the<br/>Maximum Square<br/>Footage per Home.</b> |
| LLR                                                                                        | 130,680                                   | 0.20               | 26,136                                                         |
| E-2                                                                                        | 87,120                                    | 0.20               | 17,424                                                         |
| E-1                                                                                        | 43,560                                    | 0.20               | 8,712                                                          |
| E-1/2                                                                                      | 21,780                                    | 0.30               | 6,534                                                          |
| R-1                                                                                        | 43,560                                    | 0.20               | 8,712                                                          |
| R-1A                                                                                       | 22,000                                    | 0.30               | 6,600                                                          |
| R-2                                                                                        | 15,000                                    | 0.30               | 4,500                                                          |
| R-3                                                                                        | 10,000                                    | 0.30               | 3,000                                                          |
| R-4                                                                                        | 7,500                                     | 0.30               | 2,250                                                          |
| R-5                                                                                        | 6,000                                     | 0.35               | 2,100                                                          |
| R-6, 6A,<br>6AA                                                                            | 4,500                                     | 0.35               | 1,575                                                          |
| R-7                                                                                        | 4,500                                     | 0.35               | 1,575                                                          |
| R-8                                                                                        | 4,500                                     | 0.35               | 1,575                                                          |

The following chart shows a comparison of the Proposed Standards vs. a sampling of cities from around the country. The standards proposed for the “LLR” and the “E-2” Districts are higher than the national average. When implementing a floor area ratio standard, it was noted that some cities chose to have the standard apply only to the detached residence and not to accessory buildings - such as a large detached garage or shed.

| Chesterfield Proposed F.A.R. v. National Average |              |                 |                         |          |
|--------------------------------------------------|--------------|-----------------|-------------------------|----------|
| Zoning District                                  | Min Lot Size | Proposed F.A.R. | National Average F.A.R. | Findings |
| LLR                                              | 130,680      | 0.20            | 0.07                    | HIGHER   |
| E-2                                              | 87,120       | 0.20            | 0.09                    | HIGHER   |
| E-1                                              | 43,560       | 0.20            | 0.28                    | LOWER    |
| E-1/2                                            | 21,780       | 0.30            | 0.28                    | HIGHER   |
| R-2                                              | 15,000       | 0.30            | 0.36                    | LOWER    |
| R-3                                              | 10,000       | 0.30            | 0.36                    | LOWER    |
| R-4                                              | 7,500        | 0.30            | 0.39                    | LOWER    |
| R-5                                              | 6,000        | 0.35            | 0.43                    | LOWER    |
| R-6, 6A, 6AA                                     | 4,500        | 0.35            | 0.45                    | LOWER    |
| R-7                                              | 4,500        | 0.35            | 0.45                    | LOWER    |
| R-8                                              | 4,500        | 0.35            | 0.45                    | LOWER    |

The following chart reflects the Proposed F.A.R. vs. the Average F.A.R. in existing subdivisions throughout the City.

| Existing Subdivision Average F.A.R. v. Proposed F.A.R. |        |                         |                    |           |                                 |                             |
|--------------------------------------------------------|--------|-------------------------|--------------------|-----------|---------------------------------|-----------------------------|
| Subdivision                                            | Zoning | Ave. Lot Size of Sample | Ave. Building Size | Ave. FAR. | Proposed FAR. per Ave. Lot Size | Max Permitted Building Size |
| Wild Horse Creek Forest                                | NU     | 153,476                 | 4,173              | 0.03      | 0.20                            | 26,136                      |
| Estates at Pacland Place                               | NU     | 135,617                 | 9,891              | 0.07      | 0.20                            | 26,136                      |
| Chesterfield Meadows                                   | R1     | 26,789                  | 3,668              | 0.14      | 0.30                            | 6,600                       |
| Appaloosa Way                                          | E3     | 23,522                  | 5,439              | 0.23      | 0.30                            | 6,600                       |
| Windsor Place                                          | R1A    | 19,892                  | 2,706              | 0.14      | 0.30                            | 4,500                       |
| Scarborough                                            | R2     | 14,139                  | 2,821              | 0.20      | 0.30                            | 3,000                       |
| Eagle Ridge                                            | R2     | 12,524                  | 3,986              | 0.32      | 0.30                            | 3,000                       |
| Shenandoah                                             | R2     | 10,209                  | 2,327              | 0.23      | 0.30                            | 3,000                       |

### Planned Unit Development (PUD)

1. It is hoped the Planned Unit Development Ordinance will increase the Land Developer's Flexibility to Development Standards.
2. A list of recommended design features that are desirable to the City has been included. These design features are not requirements but is a listing of 12 items that the City feels would be very desirable.
3. The PUD is a Stand-Alone Zoning District – it is not an Overlay Zoning District.
4. A requirement of 30% common open space has been included. This is not included in the PEU Ordinance.
5. When the City grants approval of a PUD zoning, it will include approval of the Attachment A and the Preliminary Plan. The Preliminary Plan will provide a graphic depiction of density, an indication of where development will occur on the property, and in what form.

Mr. Seymour then showed graphics demonstrating how a proposed PUD could look incorporating standards from the R-2, R-3 and R-5 zoning districts.

### Recommended Design Features

The Planned Unit Development Ordinance includes 12 design features that Staff feels are very desirable for the City. Four are listed below:

1. Utilization of Traditional Neighborhood Design (TND).
2. Proposed Leadership in Energy & Environmental Design (LEED) Certification.
3. Provision for affordable housing.
4. Enhanced landscaping and/or preservation of natural topography.

These are not requirements but may be features utilized by a Developer to make his development more desirable to the City.

Mr. Seymour then showed graphics demonstrating how a recently approved development, zoned as an E-District, would appear had it been approved utilizing the PUD zoning. Under the PUD zoning, 30% common open space would have been required.

### PUD Attachment A – The following will be included in the PUD Attachment A:

1. Permitted Uses – PUD may include Non-Residential Uses.
2. Density Requirements – Total Maximum Residential Units in PUD and in each parcel if applicable.
3. Development Standards – per parcel if applicable.
4. Landscape and open space requirements.

Mr. Seymour presented graphics showing an example of a PUD Preliminary Plan of five parcels using four zoning districts to get a mixture of housing types and lot sizes. The parcel information on the Preliminary Plan will show the proposed density for each parcel indicating how many density units are being allocated to each parcel and the development standards being used for each parcel.

#### Residential Tear Down & Addition Ordinance

1. Combined into one Ordinance.
2. Includes F.A.R. Standard.
3. Modifies the trigger for Planning Commission Review –1,000 sf. and an increase in floor space of 30%.
4. Provides a venue for review if lot is found to be non-conforming to Zoning District dimensional requirements.

#### Issues

1. Clarification of the non-residential uses in the Proposed PUD Ordinance.
2. Comments have been received from the Home Builders Association of St. Louis and Eastern Missouri regarding the F.A.R. requirement and the PUD Ordinance. These comments will be provided to the Commission at the Issues Meeting.

#### DISCUSSION

Commissioner Perantoni asked if the City offers any incentives for the LEED buildings. Ms. Aimee Nassif, Planning & Development Services Director, stated that if a Developer shows LEED as part of their design, then that would be a consideration in granting the Developer a planned unit development. No other specific type incentives are offered by the City.

Mayor Nations pointed out that there will be several issues to review regarding the proposed changes. He noted that the zoning classification is only one aspect of how a development is put together. He emphasized that the City does not want to make it more difficult to invest in, and renew, the neighborhoods.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:** None

**RESPONSE:** None

#### **ISSUES:**

1. F.A.R. requirements for medium-sized lot sizes (half-acre lots) – can the floor area ratios be scaled to include .25?

Ms. Nassif noted that Staff and the Ordinance Review Committee worked very hard on this proposal over many months.

Commissioner Watson thanked Mr. Seymour for his work and noted the excellence of his presentation.

Ms. Nassif stated that the Staff Report for the Issues Meeting could include 2-3 examples of what a project would look like under PUD zoning from start to finish.

- B. P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr):** A request for a change of zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 5.45 acre tract of land located south of Wilson Avenue and east of Clarkson Road (20T240171). The request includes changes to the hours of operation as well as the sign requirements for Clarkson Wilson Centre.

**STAFF PRESENTATION:**

Project Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Wyse stated that a Public Hearing was initially held for this petition on August 11, 2008. At the October 13, 2008 Issues Meeting, it was determined that a new Public Hearing was needed due to proposed changes in the hours of operation and sign regulations. All local and State Public Hearing notification requirements were met.

The following proposed Permitted Uses have been edited to reflect the issues raised at the last Public Hearing and Issues Meeting:

- (b) Animal hospitals, veterinary clinics, and kennels.
- (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.
- (h) Barber shops and beauty parlors.
- (o) Dry cleaning drop-off and pick-up stations.
- (q) Film drop-off and pick-up stations.
- (s) Financial institutions.
- (x) Medical and dental offices.
- (z) Offices or office buildings.
- (ee) Public utility facilities.
- (ff) ~~Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.~~
- (gg) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- (hh) Restaurants, fast food.
- (ii) Restaurants, sit down.
- (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.

- (rr) ~~Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles,~~ are being offered for sale or hire to the general public on the premises.

The following chart shows the current regulations under the governing Ordinance compared to the requests being made by the Petitioner:

| <b>City of Chesterfield Ordinance 1117</b>                                                    | <b>Current Petition</b>                                                                                                         |
|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Maximum of two restaurants; restrictions on number of seats and square feet of restaurant use | Number of restaurants would be determined by the development's ability to comply with the parking standards                     |
| No freestanding or drive-thru fast food restaurants permitted                                 | Same restriction                                                                                                                |
| Restricted to one-story in height, excluding rooftop mechanical equipment enclosures          | Not to exceed one story of usable space excluding existing architectural details (clock tower) and rooftop mechanical equipment |

| <b>City of Chesterfield Ordinance 1117</b>                                                                                                  | <b>Current Petition</b>                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Hours of Operation:</u><br>The permitted uses are allowed to be operated on the premise from 7:00 a.m. to 11:00 p.m., seven days a week. | <u>Hours of Operation:</u><br>Permitted uses be allowed from 7:00 a.m. to 11:00 p.m. seven days a week with the following exceptions: <ul style="list-style-type: none"> <li>➤ One restaurant to continue delivery service on Friday and Saturday nights until 1:00 a.m.</li> <li>➤ One kennel to begin business on Tuesdays at 6:15 a.m.</li> </ul> |

Mr. Wyse noted that after the first Public Hearing it was determined that there are two tenants within the development who are in violation of the current governing ordinance with respect to hours of operation. The Petitioner is requesting that the hours of operation be changed to allow these two tenants to operate in their current state as follows:

- One restaurant would be permitted to continue delivery service on Friday and Saturday nights until 1:00 a.m. as opposed to the current restriction of 11:00 p.m.
- One kennel would be permitted to begin business on Tuesdays at 6:15 a.m. as opposed to the current restriction of 7:00 a.m.

#### Permitted Use of "kennel"

The first Public Hearing also raised the issue of the permitted use of "kennel". The City's Zoning Ordinance defines "boarding kennel" as: *The use of land or*

*building for the purpose of boarding, or keeping ... This term shall include all boarding activities regardless of name used, including pet sitting services.*

In an effort to address concerns raised by the Commission at the original Public Hearing and Issues Meeting, a restriction was added to the draft Attachment A as follows:

*Overnight boarding services shall only be permitted in conjunction with the animal hospital and veterinary clinic use.*

Sign Regulations:

The following chart outlines the request being made for sign regulations vs. the current ordinance:

| <b>City of Chesterfield Ordinance 1117</b>                                                                                                    | <b>Current Petition</b>                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| One free-standing business identification sign, no advertising or portable signs, and temporary signs are only permitted in December of 1995. | Adhere to sign regulations within City of Chesterfield Zoning Ordinance. |

The Comprehensive Land Use Plan designates the subject site as "Neighborhood Retail".

Items under review by Staff:

- Hours of Operation
- Parking along the access drive to the development
- Intersection control at the driveway entrance and Clarkson Woods Drive
- Pedestrian access and circulation within, and on the exterior of, the site

**PETITIONER'S PRESENTATION:**

1. Mr. Gene Holtzman, Hutkin Development Company – managing agent for Clarkson Wilson Centre, 10829 Olive, Creve Coeur, MO  
And
2. Ms. Sarah Mansholt, Hutkin Development Company – property manager for Clarkson Wilson Centre, 10829 Olive, Creve Coeur, MO.

Mr. Holtzman stated he wanted to address the concerns raised and answer any additional questions. He stated the following:

- They want to convert from the old zoning status of "C8" to the current zoning codes of the City. The rezoning was prompted when it was learned that the Centre is currently out of compliance.
- The Centre has a decade of experience demonstrating that having six restaurants on the site is "a non-issue for the parking lot and a non-issue for any interference with the neighborhood".
- They attempted to correct what they felt was a technicality. During this process they worked with neighborhood organizations to address concerns that they were trying to acquire land to the north of the site for

- redevelopment. The Petitioner indicated that there are no plans to acquire this property to the north.
- They also worked with Staff to address issues pertaining to parking along the drive at the northern end of the site.
  - They feel they have addressed all the concerns raised.
  - Regarding the current hours of operation, they have two tenants that “are not a fit for how they are operating”. Kennelwood Village was opening at 6:15 a.m. on Tuesday mornings for the convenience of customers who have early hours. Pizza Hut was delivering on weekends until 1:00 a.m. They are requesting a change in hours of operation for these two tenants only. In addition, they would not allow seating during the 11pm-1 am time slot.
  - Because of the current economic times, they really want to support any tenants who want to optimize their ability to do business within reason and do “not create any harm”.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:**

1. Ms. Nancy Minster, 16080 Clarkson Woods, Chesterfield, MO stated the following:
  - She has been before the Planning Commission 3-4 times previously in opposition to this petition.
  - Her home is about 6 ft. from Clarkson Wilson Drive – her actual property is about 18” from the site.
  - For the past number of years, the property has not been managed within the realm of its zoning requirements.
  - She has called the Police three times regarding Pizza Hut’s drivers driving too fast and with radios playing very loudly.
  - She has concerns about changing the hours of operation and changing the uses. She noted that the businesses in the Valley have very strict hours of operation.
  - She has concerns about the number of permitted uses being requested and how that may affect the future of the Centre.
  - She has concerns about the hours of operation being extended to 1:00 a.m. for Pizza Hut delivery and the opening of Kennelwood at 6:15 a.m. Currently, teenagers are getting pizza from Pizza Hut and then sitting and drinking on the benches in front of Subway/Pizza Hut during the 11 pm-1 am time period.
  - She asked for clarification as to whether the property directly adjacent to Clarkson Woods, which is currently zoned “Residential”, is part of this request.

Councilmember Hurt noted that Ms. Minster’s main concerns are the hours of operation and the access point near her home. He pointed out that Mr. Holtzman indicated that there would be no seating after 11 pm. He then suggested that after 11 pm, there be managed access for the pizza delivery drivers to use only

the exit on Clarkson Road in order to alleviate the noise issue near Ms. Minster's home. Ms. Minster felt that if this was done, it may address her concerns.

2. Ms. Barbara Nauert, President of the Board of Trustees of Clarkson Woods South, 15904 Country Ridge Drive, Chesterfield, MO stated the following:
  - Clarkson Woods South Subdivision is on the south side of the subject development.
  - During the first Public Hearing, the Trustees objected to many of the proposed uses. Some of the uses have re-appeared under this petition and they have concerns about them.
  - Regarding kennels, Speaker noted that there is a veterinary clinic in the development and she felt a kennel could conceivably be used at the clinic. They are asking for clarification on this issue.
  - They are also asking for clarification on the following requested permitted uses: recreational facilities, research facilities and labs, fast food, and markets.
  - They have concerns on the requested extended hours of the restaurants – including the delivery hours as this may affect future operations on the site.
  - They want to emphasize their desire that the management company take into consideration the concerns of the neighboring residents.

Acting Chair Banks suggested that Ms. Nauert contact Mr. Wyse regarding clarification on the uses about which she expressed concern. Ms. Nauert replied that she doesn't feel that some of the uses are compatible in a residential area. Acting Chair Banks stated that if these concerns are not addressed by Mr. Wyse, they would be listed as issues.

**SPEAKERS – NEUTRAL – None**

**RESPONSE:**

Mr. Holtzman stated that they are attempting to be responsive and sensitive to all the concerns raised. The uses that were shown to be "struck out" in Mr. Wyse's presentation are a result of conversations with the President of the Trustees of the neighborhood. They have made sure that all of the tree buffers and fences are in place and are being maintained. They feel they are good neighbors but noted that there are always issues with policing and enforcing any regulations. They appreciate phone calls from neighbors when something needs to be corrected as they are not at the Centre 24-hours a day.

Mr. Holtzman agreed that limiting the delivery exit is a good idea but feels there may be issues with enforcing it. He stated that this is the first he has heard of underage drinking and loitering on the parking lot. He said if they are notified of these instances, they would call the Chesterfield Police. They do not want this type of behavior due to liability and image concerns. He indicated that they will follow up on this issue and will ask Chesterfield to help in the proper policing of

the site. He encouraged residents to call the police if they witness underage drinking.

Councilmember Hurt suggested that the access point be gated at 11 pm so that the only exit is onto Clarkson Road. Regarding the loitering issue, he suggested that the manager of Pizza Hut call the police.

Mr. Wyse then provided clarification on the following concerns raised:

- The vacant property located to the north of Clarkson Wilson Centre is currently zoned "Residential" and is not included in the subject petition.
- There are restrictions in the draft Attachment A to limit drive-thru and free standing restaurant, which states: *Restaurants shall not be free standing, fast-food restaurants, or ones having drive-up facilities.*
- Regarding kennels, the Attachment A includes restrictions on overnight boarding that is only allowed in conjunction with animal hospital and veterinary use.

#### **ISSUES:**

1. Access off of Clarkson Woods Drive between the hours of 11 p.m. and 1 a.m. on Friday and Saturday nights.
2. Provide clarification on the proposed uses
3. Is outdoor seating allowed at the Centre? Mr. Wyse replied that outdoor seating is dependent upon the parking.
4. Hours of operation and noise concerns

Mr. Wyse asked if there were any issues with the requested change in the sign regulations. No issues were raised.

If the Commission did not approve the requests, Acting Chair Banks questioned whether the Petitioner has recourse to the Board of Adjustment. City Attorney Heggie replied that the hours of operation could not go before the Board of Adjustment but the restaurant use potentially could.

- C. P.Z. 23-2008 Boyde Estates (JDL Homes LLC):** A request for a change of zoning from "NU" Non-Urban District to "R2" Residential District for a 1.01 acre tract of land located 1/10 mile southwest of the intersection of Schoettler Road and Highcroft Drive (19S631132).

#### **STAFF PRESENTATION:**

Senior Planner Mara Perry gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Perry stated the following:

- Public Hearing notification was done in compliance with State and local requirements.
- The Petitioner is requesting the rezoning in order to split the lot into two lots for two single-family residences. There is currently one house located on the lot.

- The subject site is located in the single-family residential designation with one acre density.
- Most of the districts surrounding the site were zoned R1A prior to the incorporation of the City. The R1A minimum lot size is 22,000 square feet; the R2 minimum lot size is 15,000 square feet. The R1A has a side yard setback of 12 feet; the R2 side yard setback is 10 feet.
- Schoettler Estates, which is zoned R1A, has an average lot size of 16,000-17,000 square feet – less than the minimum of 22,000 square feet. Schoettler Estates has one lot that almost meets the 22,000 square-foot minimum.
- Staff has no outstanding issues.
- This is a straight zoning so an Attachment A is not required.

### DISCUSSION

It was noted that if the lot is split into two lots, one lot would access onto Schoettler Estates Drive and one lot would access onto Highcroft Drive. The subject lot has always been a stand-alone lot and has remained the “NU” Non-Urban designation.

Commissioner Perantoni asked whether there is any reason for this stand-alone lot to be sharing the amenities with the Schoettler Estates subdivision. Ms. Perry replied that there are no amenities that the subject lot would be sharing. The lot is located on a public street and the owner is allowed to access a public street without using the amenities of the subdivision. It would be a private matter between the subdivision and the lot owner as to whether that lot would want to join the Schoettler Estates subdivision indentures.

Ms. Perry stated that question was raised in a letter the Department received on February 6<sup>th</sup> regarding the name of the petitioner being listed as JDL Homes, LLC. The correct name of the company is JDL Homes, Inc. and Staff has confirmed on the Secretary of State’s website that the corporation is registered in Missouri.

Commissioner Hurt asked about the sidewalk noting that there are gaps in the sidewalk along Highcroft. Ms. Perry stated that the subject lot’s sidewalk is not on Highcroft. The sidewalk is on Lot 1 and provides access to Highcroft. Mr. Mike Geisel, Director of Planning & Public Works, added that in the early 1990’s, the City initiated a project to close the sidewalk gaps. Under this project, the City constructed the sidewalk across the subject lot.

### **PETITIONER’S PRESENTATION:**

1. Mr. Phillip Vincent, JDL Homes, Inc., 15150 Highcroft, Chesterfield, MO stated the following:
  - They are requesting the rezoning in order to split the one-acre parcel into two half-acre lots.
  - He noted that the rear lot overlooks Highcroft School and will be a walk-out lot.

- The existing home's lot connects to Highcroft Drive.
- Both lots already have persons interested in purchasing them so construction will start immediately if the rezoning is approved.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:**

1. Ms. Liz Lewis, Trustee of Schoettler Estates Subdivision, 15317 Schoettler Estates Drive, Chesterfield, MO stated the following:
  - Schoettler Estates Subdivision is looking forward to having a home on the subject lot.
  - They met with the builder in April and reviewed the proposed plans. At that time, they raised their concerns and questions.
  - The subdivision is researching the purchase of the land that was needed for the frontage. The subdivision believes that this land may be common ground and one homeowner believes the property belongs to him.
  - Reference was made to the earlier discussion regarding the subdivision's amenities. Speaker noted that the subdivision pays for the electricity and the water for the sprinkler system, along with maintaining the common ground. They will invite the new homeowners to join Schoettler Estates Subdivision.
2. Ms. Linda Krumrey, 15314 Schoettler Estates Drive, Chesterfield MO asked the following questions:
  - Noting the amenities provided by the subdivision and noting that the homeowner would be driving into Schoettler Estates entrance to access his home, Speaker asked what the advantages are to being part of a subdivision in Chesterfield.
  - How will the construction traffic be handled?
  - How will any possible water runoff issues be handled?
  - What guarantees are in place if the builder would abandon the project because of financial issues? Has the builder had any bankruptcy problems, either personally or with any of his other corporations?

Mayor Nations stated that the City has many standards in place regarding construction. He suggested Ms. Krumrey contact Mr. Geisel for answers about the construction process.

**ISSUES:**

1. Common ground - Ms. Perry addressed the issue of common ground that was raised. Staff has a recorded Boundary Adjustment Plat from August 1990, which documents that the land is no longer common ground. Staff will continue to work with the Trustees on this issue.
2. Construction traffic – Ms. Perry stated that any questions or concerns can be directed to either herself or the Planner of the Day.

## **RESPONSE:**

Regarding construction traffic, Mr. Vincent stated that they intend to keep a lot of the traffic on the Highcroft side. The old driveway is large enough to park vehicles in order to keep them off Schoettler Estates.

Mr. Vincent also noted that the financial situation of JDL Homes is very strong.

Commissioner Grissom read the Closing Comments for the Public Hearings.

## **V. APPROVAL OF MEETING MINUTES**

Commissioner Watson made a motion to approve the minutes of the **January 12, 2009 Planning Commission Meeting**. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0**.

## **VI. PUBLIC COMMENT**

### **A. Windsor Crossing Community Church: Monument Sign**

#### **Petitioner:**

1. Mr. Arthur Kuiper, 2212 Pendleton Circle, O'Fallon, MO was available for questions.

Noting the uniqueness of the proposed sign, City Attorney Heggie asked what the thought was that went into the design of it. Mr. Kuiper stated that they wanted something that tied into the building and "wasn't just a sign". They have "a strong sense of wanting to be artistic and to improve things around them". They wanted to connect the building with something that identifies them other than "just a name".

## **VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS**

### **A. Pfizer (Haul Road and Parking Expansion): An Amended Site Development Concept Plan for a 200.51 acre lot of land zoned "C-8" Planned Commercial District and "FPC-8" Flood Plain Planned Commercial District, located at 700 Chesterfield Parkway West.**

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the **Amended Site Development Concept Plan for Pfizer (Haul Road and Parking Expansion)**. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 7 to 0 with 1 abstention from Commissioner Proctor**.

- B. **Pfizer (Haul Road and Parking Expansion):** An Amended Site Development Section Plan, Landscape Plan, Tree Stand Delineation Plan, Tree Preservation Plan and Lighting Plan for a 200.51 acre lot of land zoned "C-8" Planned Commercial District and "FPC-8" Flood Plain Planned Commercial District, located at 700 Chesterfield Parkway West.

**Commissioner Watson**, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Section Plan, Landscape Plan, Tree Stand Delineation Plan, Tree Preservation Plan and Lighting Plan for **Pfizer (Haul Road and Parking Expansion)**. The motion was seconded by **Commissioner Geckeler** and **passed** by a voice vote of 7 to 0 with 1 abstention from Commissioner Proctor.

- C. **Windsor Crossing Community Church:** Monument Sign for a church zoned "NU" Non-Urban and located at 114 Eatherton Road just North of the Chicago, Rock Island and Pacific Railroad tracks.

**Commissioner Watson**, representing the Site Plan Committee, made a motion recommending approval of the Monument Sign for **Windsor Crossing Community Church**. The motion was seconded by **Commissioner Nolan** and **passed** by a voice vote of 8 to 0.

- D. **Downtown Chesterfield, Lot 3:** A Site Development Section Plan, Architectural Elevations, Landscape Plan and Lighting Plan for a 4.869 acre lot of land zoned "C-8" Planned Commercial located west of the intersection of Chesterfield Parkway West and Park Circle Drive.

**Commissioner Watson**, representing the Site Plan Committee, made a motion recommending approval of the Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan for **Downtown Chesterfield, Lot 3**. The motion was seconded by **Commissioner Geckeler** and **passed** by a voice vote of 8 to 0.

- E. **McBride and Son Center, Lot 4A (#2 McBride and Son Center Dr.):** Amended Site Development Section Plan and Amended Architectural Elevations for a 1.447 acre parcel of land zoned "PC" Planned Commercial District and located at the northeast corner of Chesterfield Airport Road and McBride and Son Center Drive. (17U330178)

**Commissioner Watson**, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Section Plan and Amended Architectural Elevations for **McBride and Son Center**,

Lot 4A (#2 McBride and Son Center Dr. The motion was seconded by Commissioner Proctor and **passed** by a voice vote of 8 to 0.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

A. Comprehensive Land Use Plan Committee

Next meeting is scheduled for February 25, 2009 at 4:00 p.m.

XI. ADJOURNMENT

The meeting adjourned at 8:43 p.m.

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Michael Watson, Secretary

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
FEBRUARY 9, 2009**

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

**I. ROLL CALL**

**PRESENT**

Ms. Wendy Geckeler  
Mr. G. Elliot Grissom  
Ms. Amy Nolan  
Ms. Lu Perantoni  
Mr. Stanley Proctor  
Mr. Robert Puyear  
Mr. Michael Watson  
Acting Chair David Banks

Mayor John Nations  
Councilmember Dan Hurt, Council Liaison  
City Attorney Rob Heggie  
Mr. Michael Herring, City Administrator  
Mr. Mike Geisel, Director of Planning & Public Works  
Ms. Aimee Nassif, Planning & Development Services Director  
Ms. Mara Perry, Senior Planner  
Mr. Jeff Paskiewicz, City Engineer  
Mr. Kristian Corbin, Project Planner  
Mr. Shawn Seymour, Project Planner  
Mr. Justin Wyse, Project Planner  
Ms. Mary Ann Madden, Recording Secretary

**ABSENT**

Mr. Maurice L. Hirsch, Jr.

**II. PLEDGE OF ALLEGIANCE – All**

**III. SILENT PRAYER**

Acting Chair Banks acknowledged the attendance of Mayor John Nations; Councilmember Dan Hurt, Council Liaison; Councilmember Gene Schenberg, Ward I; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults; Ward IV; Councilmember Bob Nation, Ward IV; and City Administrator Mike Herring.

**IV. PUBLIC HEARINGS – Commissioner Grissom read the “Opening Comments” for the Public Hearings.**

- A. **P.Z. 13-2007 City of Chesterfield (Residential Districts, Planned Unit Development Ordinance, and Residential Tear Downs and Additions)**: An ordinance repealing sections 1003.105, 1003.106, 1003.107, 1003.108, 1003.109, 1003.110, 1003.112, 1003.113, 1003.115, 1003.117, 1003.119, 1003.120, 1003.120A, 1003.121, 1003.123, and 1003.125 of the City of Chesterfield Zoning Ordinance and creating new sections to address the development standards of the Residential Zoning Districts and repealing section 1003.187 of the City of Chesterfield Zoning Ordinance to create a new section to address Planned Unit Developments and repealing section 1003.126B of the City of Chesterfield Zoning Ordinance to create a new section 1003.126A to address Residential Tears Downs and Additions.

#### **STAFF PRESENTATION:**

Project Planner Shawn Seymour noted that public notification was provided for the Public Hearing per State and City requirements. Mr. Seymour then gave a PowerPoint presentation discussing the following points:

#### **Summary of Changes**

1. Reorganized the Residential Zoning Districts to develop a common format, revised land uses, and included a Floor Area Ratio standard.
2. Created a Planned Unit Development Special Procedure to replace the Planned Environmental Unit. It is hoped this will provide land developers with more flexibility with respect to the residential requirements of the Zoning Ordinance, along with providing desirable design features for the City.
3. Created a single ordinance to govern both Residential Tear Downs & Additions and modified the trigger for Planning Commission Review for both activities.

#### **Residential Zoning Districts**

##### **Format of each District:**

1. A Purpose Statement has been created to define each zoning district.
2. The Permitted Uses, Conditional Uses, and Accessory Land Uses are listed.
3. A section has been provided that includes the Development Standards for each use.
4. Additional Development Standards are included for certain Conditional Uses, such as nursing homes, group living facilities – uses that would require development standards above and beyond “Single Family Residence”.

#### **Floor Area Ratio**

One of the major changes made to the R-Districts is the addition of a Floor Area Ratio requirement. The “Floor Area Ratio” is a value used to determine the maximum floor area, or size of a building, per the property upon which it sits.

- Example of F.A.R. of 1.0  
 Lot size: 100 ft x 100 ft = 10,000 sf.  
 To determine maximum floor area of building, multiply the F.A.R. value by the size of the lot: 1.0 X 10,000 = 10,000 sf.
- When height is increased in a structure, the footprint is decreased. Using the example above, a one-story building would have a maximum floor area that would essentially cover the entire site. Using the same example, a two-story building would have a maximum building footprint of half the size of the site.
- The setback, height, parking, and open space requirements will determine the form of the building and the layout of the lot.

Parts of a home that are NOT included when calculating maximum floor space with floor area ratio:

1. Attics with less than 150 sq.ft. and heights of less than 8 ft.
2. Basements that are greater than 50% below grade.
3. The first 400 sq.ft. of an attached garage.

It was noted that modification requests from the Zoning District F.A.R. Standard can be made to the Planning Commission.

The following chart outlines the Proposed Standards. These Standards were presented to the Ordinance Review Committee and Staff feels they reflect what is being done both locally and nationally.

| <b>PROPOSED FLOOR AREA RATIO (F.A.R.) REQUIREMENTS FOR RESIDENTIAL DETACHED STRUCTURES</b> |                                           |                    |                                                                |
|--------------------------------------------------------------------------------------------|-------------------------------------------|--------------------|----------------------------------------------------------------|
| <b>District</b>                                                                            | <b>Min. Lot Size<br/>(in square feet)</b> | <b>Max. F.A.R.</b> | <b>Example of the<br/>Maximum Square<br/>Footage per Home.</b> |
| LLR                                                                                        | 130,680                                   | 0.20               | 26,136                                                         |
| E-2                                                                                        | 87,120                                    | 0.20               | 17,424                                                         |
| E-1                                                                                        | 43,560                                    | 0.20               | 8,712                                                          |
| E-1/2                                                                                      | 21,780                                    | 0.30               | 6,534                                                          |
| R-1                                                                                        | 43,560                                    | 0.20               | 8,712                                                          |
| R-1A                                                                                       | 22,000                                    | 0.30               | 6,600                                                          |
| R-2                                                                                        | 15,000                                    | 0.30               | 4,500                                                          |
| R-3                                                                                        | 10,000                                    | 0.30               | 3,000                                                          |
| R-4                                                                                        | 7,500                                     | 0.30               | 2,250                                                          |
| R-5                                                                                        | 6,000                                     | 0.35               | 2,100                                                          |
| R-6, 6A,<br>6AA                                                                            | 4,500                                     | 0.35               | 1,575                                                          |
| R-7                                                                                        | 4,500                                     | 0.35               | 1,575                                                          |
| R-8                                                                                        | 4,500                                     | 0.35               | 1,575                                                          |

The following chart shows a comparison of the Proposed Standards vs. a sampling of cities from around the country. The standards proposed for the “LLR” and the “E-2” Districts are higher than the national average. When implementing a floor area ratio standard, it was noted that some cities chose to have the standard apply only to the detached residence and not to accessory buildings - such as a large detached garage or shed.

| Chesterfield Proposed F.A.R. v. National Average |              |                 |                         |          |
|--------------------------------------------------|--------------|-----------------|-------------------------|----------|
| Zoning District                                  | Min Lot Size | Proposed F.A.R. | National Average F.A.R. | Findings |
| LLR                                              | 130,680      | 0.20            | 0.07                    | HIGHER   |
| E-2                                              | 87,120       | 0.20            | 0.09                    | HIGHER   |
| E-1                                              | 43,560       | 0.20            | 0.28                    | LOWER    |
| E-1/2                                            | 21,780       | 0.30            | 0.28                    | HIGHER   |
| R-2                                              | 15,000       | 0.30            | 0.36                    | LOWER    |
| R-3                                              | 10,000       | 0.30            | 0.36                    | LOWER    |
| R-4                                              | 7,500        | 0.30            | 0.39                    | LOWER    |
| R-5                                              | 6,000        | 0.35            | 0.43                    | LOWER    |
| R-6, 6A, 6AA                                     | 4,500        | 0.35            | 0.45                    | LOWER    |
| R-7                                              | 4,500        | 0.35            | 0.45                    | LOWER    |
| R-8                                              | 4,500        | 0.35            | 0.45                    | LOWER    |

The following chart reflects the Proposed F.A.R. vs. the Average F.A.R. in existing subdivisions throughout the City.

| Existing Subdivision Average F.A.R. v. Proposed F.A.R. |        |                         |                    |           |                                 |                             |
|--------------------------------------------------------|--------|-------------------------|--------------------|-----------|---------------------------------|-----------------------------|
| Subdivision                                            | Zoning | Ave. Lot Size of Sample | Ave. Building Size | Ave. FAR. | Proposed FAR. per Ave. Lot Size | Max Permitted Building Size |
| Wild Horse Creek Forest                                | NU     | 153,476                 | 4,173              | 0.03      | 0.20                            | 26,136                      |
| Estates at Pacland Place                               | NU     | 135,617                 | 9,891              | 0.07      | 0.20                            | 26,136                      |
| Chesterfield Meadows                                   | R1     | 26,789                  | 3,668              | 0.14      | 0.30                            | 6,600                       |
| Appaloosa Way                                          | E3     | 23,522                  | 5,439              | 0.23      | 0.30                            | 6,600                       |
| Windsor Place                                          | R1A    | 19,892                  | 2,706              | 0.14      | 0.30                            | 4,500                       |
| Scarborough                                            | R2     | 14,139                  | 2,821              | 0.20      | 0.30                            | 3,000                       |
| Eagle Ridge                                            | R2     | 12,524                  | 3,986              | 0.32      | 0.30                            | 3,000                       |
| Shenandoah                                             | R2     | 10,209                  | 2,327              | 0.23      | 0.30                            | 3,000                       |

### Planned Unit Development (PUD)

1. It is hoped the Planned Unit Development Ordinance will increase the Land Developer's Flexibility to Development Standards.
2. A list of recommended design features that are desirable to the City has been included. These design features are not requirements but is a listing of 12 items that the City feels would be very desirable.
3. The PUD is a Stand-Alone Zoning District – it is not an Overlay Zoning District.
4. A requirement of 30% common open space has been included. This is not included in the PEU Ordinance.
5. When the City grants approval of a PUD zoning, it will include approval of the Attachment A and the Preliminary Plan. The Preliminary Plan will provide a graphic depiction of density, an indication of where development will occur on the property, and in what form.

Mr. Seymour then showed graphics demonstrating how a proposed PUD could look incorporating standards from the R-2, R-3 and R-5 zoning districts.

### Recommended Design Features

The Planned Unit Development Ordinance includes 12 design features that Staff feels are very desirable for the City. Four are listed below:

1. Utilization of Traditional Neighborhood Design (TND).
2. Proposed Leadership in Energy & Environmental Design (LEED) Certification.
3. Provision for affordable housing.
4. Enhanced landscaping and/or preservation of natural topography.

These are not requirements but may be features utilized by a Developer to make his development more desirable to the City.

Mr. Seymour then showed graphics demonstrating how a recently approved development, zoned as an E-District, would appear had it been approved utilizing the PUD zoning. Under the PUD zoning, 30% common open space would have been required.

### PUD Attachment A – The following will be included in the PUD Attachment A:

1. Permitted Uses – PUD may include Non-Residential Uses.
2. Density Requirements – Total Maximum Residential Units in PUD and in each parcel if applicable.
3. Development Standards – per parcel if applicable.
4. Landscape and open space requirements.

Mr. Seymour presented graphics showing an example of a PUD Preliminary Plan of five parcels using four zoning districts to get a mixture of housing types and lot sizes. The parcel information on the Preliminary Plan will show the proposed density for each parcel indicating how many density units are being allocated to each parcel and the development standards being used for each parcel.

#### Residential Tear Down & Addition Ordinance

1. Combined into one Ordinance.
2. Includes F.A.R. Standard.
3. Modifies the trigger for Planning Commission Review –1,000 sf. and an increase in floor space of 30%.
4. Provides a venue for review if lot is found to be non-conforming to Zoning District dimensional requirements.

#### Issues

1. Clarification of the non-residential uses in the Proposed PUD Ordinance.
2. Comments have been received from the Home Builders Association of St. Louis and Eastern Missouri regarding the F.A.R. requirement and the PUD Ordinance. These comments will be provided to the Commission at the Issues Meeting.

#### DISCUSSION

Commissioner Perantoni asked if the City offers any incentives for the LEED buildings. Ms. Aimee Nassif, Planning & Development Services Director, stated that if a Developer shows LEED as part of their design, then that would be a consideration in granting the Developer a planned unit development. No other specific type incentives are offered by the City.

Mayor Nations pointed out that there will be several issues to review regarding the proposed changes. He noted that the zoning classification is only one aspect of how a development is put together. He emphasized that the City does not want to make it more difficult to invest in, and renew, the neighborhoods.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:** None

**RESPONSE:** None

#### **ISSUES:**

1. F.A.R. requirements for medium-sized lot sizes (half-acre lots) – can the floor area ratios be scaled to include .25?

Ms. Nassif noted that Staff and the Ordinance Review Committee worked very hard on this proposal over many months.

Commissioner Watson thanked Mr. Seymour for his work and noted the excellence of his presentation.

Ms. Nassif stated that the Staff Report for the Issues Meeting could include 2-3 examples of what a project would look like under PUD zoning from start to finish.

- B. P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr):** A request for a change of zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 5.45 acre tract of land located south of Wilson Avenue and east of Clarkson Road (20T240171). The request includes changes to the hours of operation as well as the sign requirements for Clarkson Wilson Centre.

**STAFF PRESENTATION:**

Project Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Wyse stated that a Public Hearing was initially held for this petition on August 11, 2008. At the October 13, 2008 Issues Meeting, it was determined that a new Public Hearing was needed due to proposed changes in the hours of operation and sign regulations. All local and State Public Hearing notification requirements were met.

The following proposed Permitted Uses have been edited to reflect the issues raised at the last Public Hearing and Issues Meeting:

- (b) Animal hospitals, veterinary clinics, and kennels.
- (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.~~
- (h) Barber shops and beauty parlors.
- (o) Dry cleaning drop-off and pick-up stations.
- (q) Film drop-off and pick-up stations.
- (s) Financial institutions.
- (x) Medical and dental offices.
- (z) Offices or office buildings.
- (ee) Public utility facilities.
- (ff) ~~Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.~~
- (gg) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- (hh) Restaurants, fast food.
- (ii) Restaurants, sit down.
- (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.

- (rr) ~~Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles,~~ are being offered for sale or hire to the general public on the premises.

The following chart shows the current regulations under the governing Ordinance compared to the requests being made by the Petitioner:

| <b>City of Chesterfield Ordinance 1117</b>                                                    | <b>Current Petition</b>                                                                                                         |
|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Maximum of two restaurants; restrictions on number of seats and square feet of restaurant use | Number of restaurants would be determined by the development's ability to comply with the parking standards                     |
| No freestanding or drive-thru fast food restaurants permitted                                 | Same restriction                                                                                                                |
| Restricted to one-story in height, excluding rooftop mechanical equipment enclosures          | Not to exceed one story of usable space excluding existing architectural details (clock tower) and rooftop mechanical equipment |

| <b>City of Chesterfield Ordinance 1117</b>                                                                                                  | <b>Current Petition</b>                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Hours of Operation:</u><br>The permitted uses are allowed to be operated on the premise from 7:00 a.m. to 11:00 p.m., seven days a week. | <u>Hours of Operation:</u><br>Permitted uses be allowed from 7:00 a.m. to 11:00 p.m. seven days a week with the following exceptions: <ul style="list-style-type: none"> <li>➤ One restaurant to continue delivery service on Friday and Saturday nights until 1:00 a.m.</li> <li>➤ One kennel to begin business on Tuesdays at 6:15 a.m.</li> </ul> |

Mr. Wyse noted that after the first Public Hearing it was determined that there are two tenants within the development who are in violation of the current governing ordinance with respect to hours of operation. The Petitioner is requesting that the hours of operation be changed to allow these two tenants to operate in their current state as follows:

- One restaurant would be permitted to continue delivery service on Friday and Saturday nights until 1:00 a.m. as opposed to the current restriction of 11:00 p.m.
- One kennel would be permitted to begin business on Tuesdays at 6:15 a.m. as opposed to the current restriction of 7:00 a.m.

#### Permitted Use of "kennel"

The first Public Hearing also raised the issue of the permitted use of "kennel". The City's Zoning Ordinance defines "boarding kennel" as: *The use of land or*

*building for the purpose of boarding, or keeping ... This term shall include all boarding activities regardless of name used, including pet sitting services.*

In an effort to address concerns raised by the Commission at the original Public Hearing and Issues Meeting, a restriction was added to the draft Attachment A as follows:

*Overnight boarding services shall only be permitted in conjunction with the animal hospital and veterinary clinic use.*

Sign Regulations:

The following chart outlines the request being made for sign regulations vs. the current ordinance:

| <b>City of Chesterfield Ordinance 1117</b>                                                                                                    | <b>Current Petition</b>                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| One free-standing business identification sign, no advertising or portable signs, and temporary signs are only permitted in December of 1995. | Adhere to sign regulations within City of Chesterfield Zoning Ordinance. |

The Comprehensive Land Use Plan designates the subject site as "Neighborhood Retail".

Items under review by Staff:

- Hours of Operation
- Parking along the access drive to the development
- Intersection control at the driveway entrance and Clarkson Woods Drive
- Pedestrian access and circulation within, and on the exterior of, the site

**PETITIONER'S PRESENTATION:**

1. Mr. Gene Holtzman, Hutkin Development Company – managing agent for Clarkson Wilson Centre, 10829 Olive, Creve Coeur, MO  
And
2. Ms. Sarah Mansholt, Hutkin Development Company – property manager for Clarkson Wilson Centre, 10829 Olive, Creve Coeur, MO.

Mr. Holtzman stated he wanted to address the concerns raised and answer any additional questions. He stated the following:

- They want to convert from the old zoning status of "C8" to the current zoning codes of the City. The rezoning was prompted when it was learned that the Centre is currently out of compliance.
- The Centre has a decade of experience demonstrating that having six restaurants on the site is "a non-issue for the parking lot and a non-issue for any interference with the neighborhood".
- They attempted to correct what they felt was a technicality. During this process they worked with neighborhood organizations to address concerns that they were trying to acquire land to the north of the site for

- redevelopment. The Petitioner indicated that there are no plans to acquire this property to the north.
- They also worked with Staff to address issues pertaining to parking along the drive at the northern end of the site.
  - They feel they have addressed all the concerns raised.
  - Regarding the current hours of operation, they have two tenants that “are not a fit for how they are operating”. Kennelwood Village was opening at 6:15 a.m. on Tuesday mornings for the convenience of customers who have early hours. Pizza Hut was delivering on weekends until 1:00 a.m. They are requesting a change in hours of operation for these two tenants only. In addition, they would not allow seating during the 11pm-1 am time slot.
  - Because of the current economic times, they really want to support any tenants who want to optimize their ability to do business within reason and do “not create any harm”.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:**

1. Ms. Nancy Minster, 16080 Clarkson Woods, Chesterfield, MO stated the following:
  - She has been before the Planning Commission 3-4 times previously in opposition to this petition.
  - Her home is about 6 ft. from Clarkson Wilson Drive – her actual property is about 18” from the site.
  - For the past number of years, the property has not been managed within the realm of its zoning requirements.
  - She has called the Police three times regarding Pizza Hut’s drivers driving too fast and with radios playing very loudly.
  - She has concerns about changing the hours of operation and changing the uses. She noted that the businesses in the Valley have very strict hours of operation.
  - She has concerns about the number of permitted uses being requested and how that may affect the future of the Centre.
  - She has concerns about the hours of operation being extended to 1:00 a.m. for Pizza Hut delivery and the opening of Kennelwood at 6:15 a.m. Currently, teenagers are getting pizza from Pizza Hut and then sitting and drinking on the benches in front of Subway/Pizza Hut during the 11 pm-1 am time period.
  - She asked for clarification as to whether the property directly adjacent to Clarkson Woods, which is currently zoned “Residential”, is part of this request.

Councilmember Hurt noted that Ms. Minster’s main concerns are the hours of operation and the access point near her home. He pointed out that Mr. Holtzman indicated that there would be no seating after 11 pm. He then suggested that after 11 pm, there be managed access for the pizza delivery drivers to use only

the exit on Clarkson Road in order to alleviate the noise issue near Ms. Minster's home. Ms. Minster felt that if this was done, it may address her concerns.

2. Ms. Barbara Nauert, President of the Board of Trustees of Clarkson Woods South, 15904 Country Ridge Drive, Chesterfield, MO stated the following:
  - Clarkson Woods South Subdivision is on the south side of the subject development.
  - During the first Public Hearing, the Trustees objected to many of the proposed uses. Some of the uses have re-appeared under this petition and they have concerns about them.
  - Regarding kennels, Speaker noted that there is a veterinary clinic in the development and she felt a kennel could conceivably be used at the clinic. They are asking for clarification on this issue.
  - They are also asking for clarification on the following requested permitted uses: recreational facilities, research facilities and labs, fast food, and markets.
  - They have concerns on the requested extended hours of the restaurants – including the delivery hours as this may affect future operations on the site.
  - They want to emphasize their desire that the management company take into consideration the concerns of the neighboring residents.

Acting Chair Banks suggested that Ms. Nauert contact Mr. Wyse regarding clarification on the uses about which she expressed concern. Ms. Nauert replied that she doesn't feel that some of the uses are compatible in a residential area. Acting Chair Banks stated that if these concerns are not addressed by Mr. Wyse, they would be listed as issues.

**SPEAKERS – NEUTRAL – None**

**RESPONSE:**

Mr. Holtzman stated that they are attempting to be responsive and sensitive to all the concerns raised. The uses that were shown to be "struck out" in Mr. Wyse's presentation are a result of conversations with the President of the Trustees of the neighborhood. They have made sure that all of the tree buffers and fences are in place and are being maintained. They feel they are good neighbors but noted that there are always issues with policing and enforcing any regulations. They appreciate phone calls from neighbors when something needs to be corrected as they are not at the Centre 24-hours a day.

Mr. Holtzman agreed that limiting the delivery exit is a good idea but feels there may be issues with enforcing it. He stated that this is the first he has heard of underage drinking and loitering on the parking lot. He said if they are notified of these instances, they would call the Chesterfield Police. They do not want this type of behavior due to liability and image concerns. He indicated that they will follow up on this issue and will ask Chesterfield to help in the proper policing of

the site. He encouraged residents to call the police if they witness underage drinking.

Councilmember Hurt suggested that the access point be gated at 11 pm so that the only exit is onto Clarkson Road. Regarding the loitering issue, he suggested that the manager of Pizza Hut call the police.

Mr. Wyse then provided clarification on the following concerns raised:

- The vacant property located to the north of Clarkson Wilson Centre is currently zoned "Residential" and is not included in the subject petition.
- There are restrictions in the draft Attachment A to limit drive-thru and free standing restaurant, which states: *Restaurants shall not be free standing, fast-food restaurants, or ones having drive-up facilities.*
- Regarding kennels, the Attachment A includes restrictions on overnight boarding that is only allowed in conjunction with animal hospital and veterinary use.

#### **ISSUES:**

1. Access off of Clarkson Woods Drive between the hours of 11 p.m. and 1 a.m. on Friday and Saturday nights.
2. Provide clarification on the proposed uses
3. Is outdoor seating allowed at the Centre? Mr. Wyse replied that outdoor seating is dependent upon the parking.
4. Hours of operation and noise concerns

Mr. Wyse asked if there were any issues with the requested change in the sign regulations. No issues were raised.

If the Commission did not approve the requests, Acting Chair Banks questioned whether the Petitioner has recourse to the Board of Adjustment. City Attorney Heggie replied that the hours of operation could not go before the Board of Adjustment but the restaurant use potentially could.

- C. P.Z. 23-2008 Boyde Estates (JDL Homes LLC):** A request for a change of zoning from "NU" Non-Urban District to "R2" Residential District for a 1.01 acre tract of land located 1/10 mile southwest of the intersection of Schoettler Road and Highcroft Drive (19S631132).

#### **STAFF PRESENTATION:**

Senior Planner Mara Perry gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Perry stated the following:

- Public Hearing notification was done in compliance with State and local requirements.
- The Petitioner is requesting the rezoning in order to split the lot into two lots for two single-family residences. There is currently one house located on the lot.

- The subject site is located in the single-family residential designation with one acre density.
- Most of the districts surrounding the site were zoned R1A prior to the incorporation of the City. The R1A minimum lot size is 22,000 square feet; the R2 minimum lot size is 15,000 square feet. The R1A has a side yard setback of 12 feet; the R2 side yard setback is 10 feet.
- Schoettler Estates, which is zoned R1A, has an average lot size of 16,000-17,000 square feet – less than the minimum of 22,000 square feet. Schoettler Estates has one lot that almost meets the 22,000 square-foot minimum.
- Staff has no outstanding issues.
- This is a straight zoning so an Attachment A is not required.

### DISCUSSION

It was noted that if the lot is split into two lots, one lot would access onto Schoettler Estates Drive and one lot would access onto Highcroft Drive. The subject lot has always been a stand-alone lot and has remained the “NU” Non-Urban designation.

Commissioner Perantoni asked whether there is any reason for this stand-alone lot to be sharing the amenities with the Schoettler Estates subdivision. Ms. Perry replied that there are no amenities that the subject lot would be sharing. The lot is located on a public street and the owner is allowed to access a public street without using the amenities of the subdivision. It would be a private matter between the subdivision and the lot owner as to whether that lot would want to join the Schoettler Estates subdivision indentures.

Ms. Perry stated that question was raised in a letter the Department received on February 6<sup>th</sup> regarding the name of the petitioner being listed as JDL Homes, LLC. The correct name of the company is JDL Homes, Inc. and Staff has confirmed on the Secretary of State’s website that the corporation is registered in Missouri.

Commissioner Hurt asked about the sidewalk noting that there are gaps in the sidewalk along Highcroft. Ms. Perry stated that the subject lot’s sidewalk is not on Highcroft. The sidewalk is on Lot 1 and provides access to Highcroft. Mr. Mike Geisel, Director of Planning & Public Works, added that in the early 1990’s, the City initiated a project to close the sidewalk gaps. Under this project, the City constructed the sidewalk across the subject lot.

### **PETITIONER’S PRESENTATION:**

1. Mr. Phillip Vincent, JDL Homes, Inc., 15150 Highcroft, Chesterfield, MO stated the following:
  - They are requesting the rezoning in order to split the one-acre parcel into two half-acre lots.
  - He noted that the rear lot overlooks Highcroft School and will be a walk-out lot.

- The existing home's lot connects to Highcroft Drive.
- Both lots already have persons interested in purchasing them so construction will start immediately if the rezoning is approved.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:**

1. Ms. Liz Lewis, Trustee of Schoettler Estates Subdivision, 15317 Schoettler Estates Drive, Chesterfield, MO stated the following:
  - Schoettler Estates Subdivision is looking forward to having a home on the subject lot.
  - They met with the builder in April and reviewed the proposed plans. At that time, they raised their concerns and questions.
  - The subdivision is researching the purchase of the land that was needed for the frontage. The subdivision believes that this land may be common ground and one homeowner believes the property belongs to him.
  - Reference was made to the earlier discussion regarding the subdivision's amenities. Speaker noted that the subdivision pays for the electricity and the water for the sprinkler system, along with maintaining the common ground. They will invite the new homeowners to join Schoettler Estates Subdivision.
2. Ms. Linda Krumrey, 15314 Schoettler Estates Drive, Chesterfield MO asked the following questions:
  - Noting the amenities provided by the subdivision and noting that the homeowner would be driving into Schoettler Estates entrance to access his home, Speaker asked what the advantages are to being part of a subdivision in Chesterfield.
  - How will the construction traffic be handled?
  - How will any possible water runoff issues be handled?
  - What guarantees are in place if the builder would abandon the project because of financial issues? Has the builder had any bankruptcy problems, either personally or with any of his other corporations?

Mayor Nations stated that the City has many standards in place regarding construction. He suggested Ms. Krumrey contact Mr. Geisel for answers about the construction process.

**ISSUES:**

1. Common ground - Ms. Perry addressed the issue of common ground that was raised. Staff has a recorded Boundary Adjustment Plat from August 1990, which documents that the land is no longer common ground. Staff will continue to work with the Trustees on this issue.
2. Construction traffic – Ms. Perry stated that any questions or concerns can be directed to either herself or the Planner of the Day.

## **RESPONSE:**

Regarding construction traffic, Mr. Vincent stated that they intend to keep a lot of the traffic on the Highcroft side. The old driveway is large enough to park vehicles in order to keep them off Schoettler Estates.

Mr. Vincent also noted that the financial situation of JDL Homes is very strong.

Commissioner Grissom read the Closing Comments for the Public Hearings.

## **V. APPROVAL OF MEETING MINUTES**

Commissioner Watson made a motion to approve the minutes of the **January 12, 2009 Planning Commission Meeting**. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0**.

## **VI. PUBLIC COMMENT**

### **A. Windsor Crossing Community Church: Monument Sign**

#### **Petitioner:**

1. Mr. Arthur Kuiper, 2212 Pendleton Circle, O'Fallon, MO was available for questions.

Noting the uniqueness of the proposed sign, City Attorney Heggie asked what the thought was that went into the design of it. Mr. Kuiper stated that they wanted something that tied into the building and "wasn't just a sign". They have "a strong sense of wanting to be artistic and to improve things around them". They wanted to connect the building with something that identifies them other than "just a name".

## **VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS**

### **A. Pfizer (Haul Road and Parking Expansion): An Amended Site Development Concept Plan for a 200.51 acre lot of land zoned "C-8" Planned Commercial District and "FPC-8" Flood Plain Planned Commercial District, located at 700 Chesterfield Parkway West.**

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the **Amended Site Development Concept Plan for Pfizer (Haul Road and Parking Expansion)**. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 7 to 0 with 1 abstention from Commissioner Proctor**.

- B. **Pfizer (Haul Road and Parking Expansion):** An Amended Site Development Section Plan, Landscape Plan, Tree Stand Delineation Plan, Tree Preservation Plan and Lighting Plan for a 200.51 acre lot of land zoned "C-8" Planned Commercial District and "FPC-8" Flood Plain Planned Commercial District, located at 700 Chesterfield Parkway West.

**Commissioner Watson**, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Section Plan, Landscape Plan, Tree Stand Delineation Plan, Tree Preservation Plan and Lighting Plan for **Pfizer (Haul Road and Parking Expansion)**. The motion was seconded by **Commissioner Geckeler** and **passed** by a voice vote of 7 to 0 with 1 abstention from Commissioner Proctor.

- C. **Windsor Crossing Community Church:** Monument Sign for a church zoned "NU" Non-Urban and located at 114 Eatherton Road just North of the Chicago, Rock Island and Pacific Railroad tracks.

**Commissioner Watson**, representing the Site Plan Committee, made a motion recommending approval of the Monument Sign for **Windsor Crossing Community Church**. The motion was seconded by **Commissioner Nolan** and **passed** by a voice vote of 8 to 0.

- D. **Downtown Chesterfield, Lot 3:** A Site Development Section Plan, Architectural Elevations, Landscape Plan and Lighting Plan for a 4.869 acre lot of land zoned "C-8" Planned Commercial located west of the intersection of Chesterfield Parkway West and Park Circle Drive.

**Commissioner Watson**, representing the Site Plan Committee, made a motion recommending approval of the Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan for **Downtown Chesterfield, Lot 3**. The motion was seconded by **Commissioner Geckeler** and **passed** by a voice vote of 8 to 0.

- E. **McBride and Son Center, Lot 4A (#2 McBride and Son Center Dr.):** Amended Site Development Section Plan and Amended Architectural Elevations for a 1.447 acre parcel of land zoned "PC" Planned Commercial District and located at the northeast corner of Chesterfield Airport Road and McBride and Son Center Drive. (17U330178)

**Commissioner Watson**, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Section Plan and Amended Architectural Elevations for **McBride and Son Center**,

Lot 4A (#2 McBride and Son Center Dr. The motion was seconded by Commissioner Proctor and **passed** by a voice vote of 8 to 0.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

A. Comprehensive Land Use Plan Committee

Next meeting is scheduled for February 25, 2009 at 4:00 p.m.

XI. ADJOURNMENT

The meeting adjourned at 8:43 p.m.

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Michael Watson, Secretary