

**CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Thursday, February 3, 2005**

The Board of Adjustment meeting was called to order at 7:05 p.m. on Thursday, February 3, 2005 by Mr. Leon Kravetz, Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Laura Lueking
Ms. Dru Thomas
Mr. Leon Kravetz
Mr. Robert McAllister
Mr. Richard Morris
Mr. Rob Heggie, Assistant Attorney, City of Chesterfield
Ms. Aimee Nassif, Project Planner, City of Chesterfield Department of Planning
Ms. Annissa G. McCaskill-Clay, Senior Planner, City of Chesterfield Department of Planning
Ms. Joyce Collins-Catling, Executive Secretary, City of Chesterfield Department of Planning
Concannon & Jaeger, Court Reporter

II. Approval of October 7, 2004 Meeting Summary

Laura Lueking made a motion to approve the minutes as amended.
Robert McAllister seconded the motion.

The motion passes 5-0

III. Request for Affidavit of Publication

IV. Public Hearing Items:

- A. **B.A. 1-2005 PETsMART, Inc. c/o Doster, Mickes, James & Ullom L.L.C:** an appeal of an administrative determination to deny a business license and occupancy permit for a veterinary use based upon Section I “Permitted Uses” of Ordinance 2081 for a commercial enterprise located at 262 THF Boulevard, in Chesterfield Commons, a “C-8” Planned Commercial District (17T130111).

The Petitioner was allowed the opportunity to make their presentation first, utilizing the City of Chesterfield’s Exhibits 1 – 14 which were identical to the Petitioner’s. Michael Doster, Attorney for the Petitioner, stated that Banfield Pet Hospital (dba Petsmart) submitted a zoning application for a Pet Hospital. According to the original governing ordinance, a professional office was included in the language, and at that time, it was believed that a Pet Hospital (i.e., veterinary medicine) could be defined as a “professional office.” The practice of an in-house veterinary within a pet store is acceptable and expected. The Petitioner is seeking a use variance for the location and circumstances unique to the site as presented by Exhibits 15 – 20. Mr. Doster pointed out that the original zoning application (which allowed occupancy) was approved by the City of Chesterfield on July 14, 1999, and included a Key Plan and detailed Plans. He further pointed out that St. Louis County issued a building permit based on the City of Chesterfield’s approval of the zoning application.

Mr. Doster expressed that the Petitioner always believed that they had authorization to offer veterinary services on the premises, due to the term “professional office” stated in the ordinance. He further noted that the Petitioner did not seek an ordinance amendment due to the process being timely, costly, not simple, nor risk free.

Senior Planner Annissa McCaskill-Clay presented staff’s presentation noting that the Plans did not define uses, and that Banfield requested a temporary occupancy permit stating that there would be no hospital services until an amended ordinance had been completed. She further stated that the Petitioner originally agreed to amend the governing ordinance, since it is possible to amend the ordinance to allow a veterinary hospital; but, the Petitioner sought a use variance instead.

There were two (2) additional speakers present in favor of the petition.
There were no speakers present in opposition.

Assistant Attorney, Rob Heggie, stated that the appeal would be divided into three areas to be voted on.

- (1) Richard Morris made a motion to grant the appeal that veterinary practices is acceptable as part of a professional office.**
Robert McAllister seconded the motion.

The voice vote was as follows: Laura Lueking, yes; Dru Thomas, yes; Leon Kravetz, yes; Robert McAllister, yes; Richard Morris, yes.

The motion passed 5-0

- (2) Motion to allow veterinary practices as an ancillary use ---- WITHDRAWN
- (3) Motion to grant the appeal to the City of Chesterfield's disallowance of the building permit ---- WITHDRAWN
- (4) Motion to grant a use variance ---- WITHDRAWN

V. Approval of 2005 Board of Adjustment Meeting Schedule

The Board accepted the schedule as presented. The Board suggested holding future Board of Adjustment meetings in the Conference Rooms instead of the Council Chambers because of the smaller sized room. At the advice of City Attorney Doug Beach, these meetings will continue to be held in the Council Chambers.

VI. Adjournment

Meeting adjourned at 8:40 p.m.