

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
January 26, 2004**

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

I. PRESENT

Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Dr. Lynn O'Connor
Mr. B. G. Wardlaw
Chairman Victoria Sherman
Mayor John Nations
Mr. Barry Streeter, Council Liaison
Mr. Doug Beach, City Attorney
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill, Senior Planner
Mr. Kyle Dubbert, Project Planner
Mr. Michael Hurlbert, Project Planner
Ms. Christine Smith Ross, Project Planner
Ms. Kathy Lone, Planning Assistant

ABSENT

Mr. David Banks
Ms. Lu Perantoni

II. INVOCATION: Commissioner Wardlaw

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Councilmember Bruce Geiger (Ward II); Councilmember Mike Casey (Ward III); Councilmember Connie Fults (Ward IV), and Council Liaison Barry Streeter (Ward II).

Chairman Sherman asked for a motion to change the order of the agenda for **VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS.**

Commissioner Macaluso made a motion to change the order of the agenda. The motion was seconded by Commissioner Hirsch.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Hirsch, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner O'Connor, yes; Commissioner Wardlaw, yes; Chairman Sherman, yes.

The motion passes by a vote of 7 to 0.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. **Amini's Galleria (Chesterfield Commons Six, Outparcel Six):** Site Development Section Plan, Landscape Plan and Architectural Elevations for a 4.64 acre parcel of land within a C-8 Commercial district, located on Chesterfield Airport Road, west of Boone's Crossing.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan and Architectural Elevations for **Amini's Galleria (Chesterfield Commons Six, Outparcel Six)**. The motion was seconded by Commissioner Hirsch and passes by a voice vote of 7 to 0.

- B. **Chesterfield Fire Protection District Lot 2 (Montgomery Bank/Dierberg's Park):** A record plat for 3.251 acre tract of land located on the northwest corner of the intersection of Olive Boulevard and River Valley Drive.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Record Plat for **Chesterfield Fire Protection District Lot 2 (Montgomery Bank/Dierberg's Park)**. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 7 to 0.

Commissioner Macaluso read the first portion of the 'Opening Comments.'

IV. PUBLIC HEARINGS:

- A. **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko):** a request for a Commercial Service Procedure within an "NU" Non-Urban District for 1.194 acre tract of land located north of Wild Horse Creek Road, east of Appaloosa Way, and west of Wildhorse Elementary (Locator Number: 18T 51 0075).

Proposed Use: Medical Office

Project Planner Michael Hurlbert gave a power point presentation showing the subject site and surrounding area.

- Dr. Richard M. Demko, 16407 Wilson Creek Court, Chesterfield, MO 63005, petitioner for **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**, stated the following:
 - The propane gas tank on the site will be removed;
 - Wants to preserve the residential area;
 - House will be for an orthodontist practice;
 - House is located next to an elementary school;
 - Showed other houses that have been turned into Commercial Service Procedures (CSP's);
 - Petitioner's daughter is also in the practice;
 - Patients will be seen at this location 2-3 days per week;
 - Hours would be approximately 9:00 a.m. – 5:30 p.m.;
 - Approximately 30 – 35 patients would be seen per day with appointment times ranging from 15 minutes to 2 hours, depending on the procedures being done;
 - There would not be any pharmaceuticals or prescription drugs at this location;
 - There would be a low traffic impact due to the time span that patients are arriving and departing (not like a school with cars leaving at the same time);
 - There are five (5) staff members;
 - No hazardous waste is involved.
- 2. Mr. Joe Demko, 1465 Dearborn Drive, Warson Woods, MO 63122, attorney for **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**, stated the following:
 - Minimal changes would need to be done to the residence – add handicap entrance ramp to front, any requirements from MoDOT by the roadside, trees would stay as is and additional landscaping would be added;
 - A rear entrance would be made safer and handicap accessible.
- 3. Mr. Steve Miller, Frontenac Engineering, 16 Sunnen Drive, Maplewood, MO 63143, engineer for **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**, stated the following:
 - This is a positive use of the Commercial Service Procedure (CSP);
 - Petitioner wants to maintain residential character of the site.

COMMENTS/DISCUSSION

Dr. Richard Demko stated that on the days that patients are not being seen, a skeleton staff will be in the building doing paperwork. Dr. Demko stated that he also has offices in Washington and St. Charles.

Commissioner Layton asked Staff if the All About Children Day Care is a Commercial Service Procedure (CSP) since the building has been added to and extended.

Dr. Richard Demko stated that he asked his son to write a letter as a courtesy to the surrounding residents so they could be involved in this process in a positive way. Dr. Demko stated that the language in the letter was not a legal stance but for information.

Dr. Richard Demko stated that he currently does not have evening or Saturday hours.

Mr. Miller stated that parking was based on two (2) parking spaces per chair in the office plus the number of employees in the building.

Mr. Joe Demko stated that no work on the building would be done until the zoning process is complete.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION –

1. Mr. Todd Bender, 216 Appaloosa Drive, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker stated that his property adjoins the proposed site;
 - Speaker expressed concern with this site becoming a Commercial Service Procedure (CSP) and that CSP's should be on Olive Road;
 - Speaker expressed concern with the added traffic.
2. Mr. Andrew Pultman, 204 Appaloosa Way, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker expressed concern with safety and traffic with the neighboring children.

3. Mr. Richard Hintz, 2 Appaloosa Court, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker asked what restrictions could be put on the site to restrict Saturday hours and more weekly hours;
 - Speaker expressed concern with the letter informing the neighbors of the proposal being put in their mailbox without postage.
4. Mr. Jerry Angelbeck, 212 Appaloosa Drive, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker stated that his home overlooks the proposed site;
 - Speaker stated that he does not want a residential area turned into a residential/commercial area.

City Attorney Doug Beach gave an overview of the Commercial Service Procedure (CSP).

5. Ms. Karen Mannion, 208 Appaloosa Drive, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker expressed concern with the additional traffic for the neighboring residents and the elementary school next door;
 - Speaker expressed concern with the neighboring children's exposure to strangers with the orthodontic office;
 - Speaker stated that with all of the parking spaces, it would look commercial and not residential;
 - Speaker expressed concern with other residences along Wild Horse Creek Road becoming CSP's.
6. Mr. Jeff Hopson, 5 Appaloosa Court, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
 - Speaker presented a petition to the City that had been signed by neighboring residents opposing this petition;
 - Speaker stated that the proposed home went up 23% in assessed value by the County as residential property;
 - Speaker expressed concern with the area remaining residential;
 - Speaker stated that the average home price in Appaloosa Way is \$850,000 and that this CSP will lower their property values;
 - Speaker stated that he does not want Wild Horse Creek Road to end up looking like Old State Road in Ellisville.

7. Ms. Jane Hopson, 5 Appaloosa Court, Chesterfield, MO 63005, Trustee of Appaloosa Way Subdivision, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
- Speaker expressed concern with this site becoming a CSP;
 - Speaker expressed concern with the precedent that may be set with other homes on Wild Horse Creek Road becoming CSP's.
8. Ms. Linda Meeh, 200 Appaloosa Drive, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
- Speaker expressed concern with the length and lighting of the driveway;
 - Speaker expressed concern with the number of parking spaces;
 - Speaker expressed concern that there will be more patients than the petitioner stated there would be;
 - Speaker stated that the house was on the market for a very short time and if it had been kept on the market longer, it would have sold residential.
9. Ms. Leasa Machamer, 233 Hi Point Road, Chesterfield, MO 63005, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
- Speaker expressed concern that allowing this CSP and other commercial development, the residential neighborhood will be destroyed.

SPEAKERS – NEUTRAL –

10. Ms. Linda Malin, 287 Woodcliffe Place Drive, Chesterfield, MO 63005, speaking neutral to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;
- Speaker expressed concern with the safety of the children who attend the elementary school with a commercial development so close due to traffic and visitors;
 - Speaker stated that this could set a precedent for more commercial development west of the school.

REBUTTAL:

Dr. Richard Demko stated that there seems to be some confusion about the zoning of this site: a CSP versus commercial zoning.

Mr. Hurlbert stated that the following issues will be reviewed and addressed:

- Is the daycare down the street, All About Children, a Commercial Service Procedure (CSP);
- The three (3) components of the CSP versus the letter from Mr. Joe Demko, attorney for the petitioner;
- Hours of operation;
- Number of parking spaces;
- Alterations to the property during the planning process;
- Change of the 'NU' Non-Urban zoning category;
- Safety of the children;
- Limit the number of days for operation of the business;
- The additional traffic;
- Strangers;
- Parking lot affecting the residential look;
- Children walking to school by this property;
- Negative effect on property values;
- Separation of residential and commercial uses;
- Appropriate for CSP;
- Setting of a precedent;
- Length of the drive-way;
- Disruption of the neighborhood;
- Buffering of the parking lot to keep a residential appearance and compatibility with the neighborhood;
- Would lighting be added to the parking lot;
- Would landscaping on this site match extensive landscape buffer for Appaloosa Way (screening of the parking lot);
- Could the drive-way be relocated so it could be on the side of the school and closer to the house;
- Are there currently any approved CSP's in operation between Kehrs Mill Road and Baxter Road;
- How many single-family homes, not part of subdivisions, have drive-ways that access Wild Horse Creek Road and would technically be eligible to request the same CSP;
- Relating to the above, calculate the number of cars onto Wild Horse Creek Road relative if the homes were zoned 'E-3' with 35 visitors a day, 3 days a week;
- Possibly changing the 'NU' Non-Urban zoning to an E-One Acre.

Chairman Sherman stated that **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)** would be held until all issues are reviewed and addressed.

Commissioner Macaluso read the next portion of the 'Opening Comments.'

- B. P.Z. 42-1999 Tower Center:** On October 2, 2000 a 2.296 acre tract of land located on Long Road, 1,000 feet south of Chesterfield Airport Road was rezoned from M-3 to P.C. The petitioner failed to comply with the time limits specified in Ordinance 1677 for submittal of the site development plan. As such, approval for the preliminary plan/site development concept plan has expired and a new public hearing is required for said preliminary plan.

Uses approved by Ordinance 1677 include:

- (b) Animal hospitals, veterinary clinics, and kennels,
- (j) Business, professional, and technical training schools,
- (k) Business service establishments,
- (q) Financial institutions,
- (gg) Medical and dental offices,
- (ii) Offices or office buildings,
- (mm) Plumbing, electrical, air-conditioning and heating equipment sales, warehouse and repair facilities,
- (oo) Printing and duplicating services,
- (uu) Research facilities, professional and scientific laboratories including photographic processing laboratories used in conjunction therewith,
- (vv) Restaurants, fast food,
- (ww) Restaurants, sit down,
- (iii) Stores, shops, markets, service facilities and automatic vending machines in which goods or services of any kind, including indoor sale of motor vehicles, are offered for sale or hire to the general public on the premises.

Ordinance 1677 further restricts the following uses listed above:

- (q) Financial institutions, not including drive-thru facilities,
- (vv) Restaurants, fast food except those which provide drive-thru service,
- (ww) Restaurants, sit-down except those which provide drive-thru service.

Ordinance 1677 excludes the following uses listed above:

- (b) Animal hospitals and kennels,
- (ii) Office buildings,
- (mm) Warehouse facilities,
- (uu) Research facilities, professional and scientific laboratories,
- (iii) Indoor sale of motor vehicles.

Project Planner Kyle Dubbert stated that there was an error in the publication of **P.Z. 42-1999 Tower Center** and this petition would be rescheduled.

Commissioner Macaluso read the closing portion of the ‘Opening Comments.’

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the January 12, 2004 Meeting Minutes, as amended. The motion was seconded by Commissioner Layton and **passes by a voice vote of 7 to 0.**

There was general discussion concerning page 10, “‘*Grandfathered’ Existing fixtures. a)*” of the Meeting Minutes. After listening to the tape of the meeting, what was in the minutes is correct.

VI. PUBLIC COMMENT -

1. Mr. Marty Henson, 11920 Westline Industrial Drive, St. Louis, MO 63146, speaking in favor of **P.Z. 11-2003 Capitol Land Company;**

- Speaker stated that a rendering will be available at the next meeting to discuss the rear of the building, landscaping and other changes;
- Speaker stated that changes have been made to the building materials, as requested;
- Speaker stated that originally a parking reduction had been requested but with changes that have been made to the Site Development Plan to accommodate the developments to the north and south, parking has been increased to a 4.5/1000 ratio and the green space is 37.5%;
- Speaker stated that the petitioners have been working with the City regarding changes;
- Speaker stated that the petitioners would like feedback from the Commission as to why the 4.5/1000 parking ratio is objectionable;
- Speaker stated that the parking ratio for the City should not be considered a maximum;
- Speaker stated that the following permitted uses have been eliminated: (b) Animal hospitals, veterinary clinics, and kennels; and (cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.

Commissioner Macaluso stated that her concern is reducing any of the standards for the City, both parking and landscaping. Commissioner Macaluso stated that she would consider those if there is something given back to the City by the petitioner, such as a piece of artwork or landscaping.

Mayor Nations stated that progress has been made with trying to coordinate the three (3) developments, Shops at Clarkson Corner, Barnes & Noble building and Drew Station, and the citizens have benefited substantially by the cooperation. Mayor Nations stated that there has been a great deal of give and take on both sides. Mayor Nations suggested that Commissioner Macaluso, the petitioners and he review these changes before the next meeting.

VIII. OLD BUSINESS –

Commissioner Macaluso stated that Lowe's is parking their rental trucks in the area where they are requesting outdoor storage.

Commissioner Broemmer stated that when green space or parking does not satisfy the needs, the petitioner is overbuilding on the site. Commissioner Broemmer stated that instead of granting variances, the petitioner needs to conform and submit plans that meets the City's green space and parking requirements.

Mayor Nations stated that often the petitioner submits plans that meet the green space and parking requirements yet the goal is to have the highest quality development at all time. Mayor Nations stated that sometimes there is a balancing act between coordinating developments and strictly applying standards.

IX. NEW BUSINESS – None

X. COMMITTEE REPORTS:

- A. Committee of the Whole**
- B. Ordinance Review Committee**

Committee Chairman Dan Layton stated that an Ordinance Review Committee meeting would be held Friday, January 30, 2004 at 9:00 a.m. at City Hall.

- C. Architectural Review Committee**
- D. Landscape Committee**

Committee Chairman Stephanie Macaluso stated that the Landscape Committee met on Thursday, January 22, 2004 at City Hall and another meeting will be scheduled after Staff completes their research.

- E. Comprehensive Plan Committee**
- F. Procedures and Planning Committee**
- G. Landmarks Preservation Commission**

The meeting unanimously adjourned at 8:47 p.m.

B. G. Wardlaw, Secretary

