

CORRECTED



PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
January 24, 2000

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

I. PRESENT

Mr. David Banks
Mr. Fred Broemmer
Mr. Charles Eifler
Ms. Stephanie Macaluso
Mr. John Nations
Mr. Jerry Right
Ms. Victoria Sherman
Chairman Dan Layton, Jr.
Mr. Doug Beach, City Attorney
Councilmember Mike Casey, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Jennifer Samson, Planner I
Ms. Mary Claire Goodwin, Planner I
Ms. Kathy Lone, Executive Secretary/Planning Assistant

ABSENT

Ms. Rachel Nolen

II. INVOCATION: Commissioner Right

III. PLEDGE OF ALLEGIANCE: All

Chairman Layton recognized the attendance of Councilmember Mike Casey (Ward III) as Council Liaison.

IV. PUBLIC HEARINGS: None

V. APPROVAL OF MEETING MINUTES

*A motion to **approve** the January 10, 2000 Meeting Minutes, as corrected, was made by Commissioner Right and seconded by Commissioner Macaluso. The motion **passes** by a voice vote of 8 to 0.*

VI. PUBLIC COMMENT:

1. Mr. Mike Doster, 16476 Chesterfield Airport Road, Chesterfield, MO 63017, attorney for petitioner and speaking in favor of **P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.**;
 - Speaker stated he would give a report during the New Business portion of the meeting concerning the various commitments made in regard to the lighting issues at Chesterfield Commons, report on the response to a communication from the residents, and report on a new type of lighting fixture that has recently become available which can be used on the development that is under consideration by the Commission (**P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.**);
 - Speaker asked the Commission if they would like to suspend the rules and allow the report to be given now during Public Comment.

Commissioner Right stated that it would be better to have the report later.

Commissioner Banks stated that since there are a number of speakers in opposition, it might be appropriate to hear the report now.

Commissioner Eifler stated that he agreed so that the speakers could hear the presentation and then leave after the Public Comment portion of the meeting.

Commissioner Eifler made a motion to suspend the rules to allow the presentation during the Public Comment section of the meeting. The motion was seconded by Commissioner Sherman and **passes by a voice vote of 7 to 1.** (Commissioner Macaluso voted against the motion.)

Mr. Michael Staenberg, president of THF Realty, presented the report to the Commission. This report will be sent to the Trustees of Chesterfield Farms Homeowners Association on Tuesday, January 25, 2000. Mr. Staenberg had the following responses:

1. Wal-mart has gone to the night lighting beginning at 11:30 p.m;
2. A screen has been placed on the Wal-Mart Garden Center. Mr. Staenberg is working with Wal-Mart to make sure the lights are being turned off in this area;
3. There are wall packs on the back wall behind the Wal-Mart. Wall packs similar to the ones at Wal-Mart have been ordered for the small shops. In the meantime, the wall packs have been turned off on the back walls of the small shops;
4. The shields for the site lighting along THF Boulevard and behind the stores have been ordered and will be in either January 26 or January 27. Sachs Electric has been notified that when the shields are delivered they will be up within 3 working days;
5. In regards to the parapet, the weather needs to be at least 45 to 50 degrees for a 24-hour period. The trustees have asked for the entire roof to be painted. Mr. Staenberg will be checking with the manufacturer to see if the roof warranty would be violated if this is done;

6. All of the tenants have been notified in writing as to the hours of operation, deliveries and trash pick-up. Mr. Staenberg asked the residents to let him know if there are violations;
7. Mr. Staenberg stated that the landscaping is approximately 90% completed. When the retaining wall behind Wal-Mart is completed, a berm will be substantially landscaped in this area. Mr. Staenberg stated that the trustees had asked for another \$1,000 worth of landscaping around the area and this will be done;
8. Mr. Staenberg stated that it is his feeling that this area has been master planned for retail and industrial and that the market dictates the need for retail in this area.

Commissioner Eifler asked Mr. Staenberg about Item #7 in his letter which states that shields will be put on 'some' of the parking lot lights. Commissioner Eifler stated that a resident of Chesterfield Farms said that there are approximately 109 fixtures in the parking lot. If that is the approximate number, how many shields does Mr. Staenberg plan to use.

Mr. Staenberg stated that there are 109 parking lot poles with 4 fixtures on each pole for a total of 436 fixtures. Mr. Staenberg stated that he intends to shield the ones in the back behind the buildings and along THF Boulevard. THF Boulevard is a public street and the lights can not be turned off on it. Nothing would be done at the front of the building at this time.

Commissioner Macaluso asked Mr. Staenberg the length of time it would take to receive an answer concerning the roof.

Mr. Staenberg stated that he should have an answer within the week. Mr. Staenberg stated that he would have to consider economics concerning the work that will be done on the roof in regards to the warranty.

Commissioner Macaluso stated that the homeowners of Chesterfield Farms asked for the greenhouse lights to be turned off from October 1 to May 1 but Mr. Staenberg is suggesting November 1 to April 1.

Mr. Staenberg stated that this came from the district manager of Wal-Mart who said that Halloween would be over. The shade cloth will remain on.

Chairman Layton stated that the Commission needs to study the letter in detail but commended Mr. Staenberg for the rapid response to this letter and discussion from the last meeting.

Mr. Staenberg stated that his lighting manufacturer, LSI, has introduced within the last 30 to 40 days a new flat lens that Mr. Staenberg is proposing to use on the next project to the east. Mr. Staenberg gave a copy of the report on this lens to the Commission and the trustees of Chesterfield Farms.

Commissioner Nations stated that he applauds Mr. Staenberg's efforts but that something needs to be done with the lighting. Commissioner Nations stated that the goal is to reduce the amount of light shining on the Chesterfield Farms Subdivision.

Chairman Layton stated that the suspension of the rules is over and the Public Comment portion of the meeting will continue.

1. Ms. Connie Fults, 129 Brighthurst, Chesterfield, MO 63005, trustee for Chesterfield Farms Subdivision, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;

- Speaker stated that a letter had been given earlier to the Commission to explain the concerns of the residents;
- Speaker stated that the \$1,000 for the detention pond was not the one behind the development but the detention pond at Chesterfield Farms. Speaker stated that the Subdivision would like to be reimbursed;
- Speaker stated that the residents would like the roof painted;
- Speaker stated that the resident who is above the greenhouse stated that the lighting is better and having the greenhouse lights turned off from November 1 to April 1 would be fine;
- Speaker stated that the main concern is the lighting and the residents would like to see all 109 light poles either provided with shields or a different light fixture;
- Speaker expressed concern with the proposed 13 fast-food restaurants that will add more lighting and signs;
- Speaker stated that before there is more development in the Valley, the current problems need to be addressed and make sure that they are not repeated.

Commissioner Macaluso stated that perhaps a meeting needs to be set up between the residents and Mr. Staenberg to discuss the landscaping

2. Mr. Tedd Niemeyer, 168 Brighthurst Drive, Chesterfield, MO 63005, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;

- Speaker presented a video showing the lights at Chesterfield Commons at night;
- Speaker stated that a formal complaint has been filed against the petitioner. Speaker asked that the letter to the people of Chesterfield Farms be acted upon satisfactorily by the petitioner before the petitioner is allowed to do any further business with the City;
- Speaker presented a hand-out to the Commission showing a new type of shield for the lights;
- Speaker asked why an application would be accepted from a petitioner if they have not corrected their first project;
- Speaker read a statement from "The Wal-Mart Parking Lot Lighting System" concerning lighting at other Wal-Marts.

3. Ms. Mary Purvines, 16863 Chesterfield Bluffs Circle, Chesterfield, MO 63005, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;

- Speaker showed photographs to the Commission showing ordinance violations;
- Speaker presented to the Commission Petitions #1 and #2, signed by 80% of the households at Villas at Chesterfield Bluffs, in support of mandating ordinance changes to address the concerns expressed by the residents of the Chesterfield Farms Subdivision and Villas at Chesterfield Bluffs and to mandate satisfactory resolution of all outstanding Phase 1 issues identified by the residents of Chesterfield Farms Subdivision prior to approval of the rezoning request documented in P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.

Councilmember Casey stated that the City has ordinances that address many of the issues presented by Ms. Purvines in the photographs. Councilmember Casey stated that he did not think that Mr. Staenberg, as the property owner, would want to continue to permit the violations.

4. Mr. Donald R. Kern, 16807 Chesterfield Bluffs Circle, Chesterfield, MO 63005, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;

- Speaker presented the Commission with Petition #3, supported by 72% of the households at Villas at Chesterfield Bluffs, rejecting some of the planned uses requested in P.Z. 37-1999 THF Chesterfield Two Development, L.L.C. The following uses have the potential to generate excessive traffic or create environmental risk:
 1. Dry cleaning – drop off and pick-up stations;
 2. Filling stations, including emergency towing and repair services;
 3. Vehicle repair facilities for automobiles;
 4. Vehicle service center for automobiles;
 5. Vehicle washing facilities for automobiles;
 6. Film drop off and pick up stations;
 7. Research facilities, professional and scientific laboratories including photographic processing laboratories used in conjunction therein;
 8. Fast food restaurants.

5. Mr. Donald Katt, 16869 Chesterfield Bluffs Circle, Chesterfield, MO 63005, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;

- Speaker presented Petition #4 which states that the residents are opposed to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C. due to the negative impact on the quality of their lives and on their property values which is unacceptable because of the increased light, noise, traffic, air, and environmental pollutants;
- Speaker asked that ordinances be incorporated to prevent many of the problems other speakers have mentioned.

6. Ms. Shu Simon, 7700 Bonhomme, Suite 450, Clayton, MO 63105, attorney for several homeowners at Villas of Chesterfield Bluffs, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;

- Speaker urged the Commission to prevail upon the developer to allow the City to have a lighting consultant, selected by the City, and the developer paying the cost up to a reasonable amount. That way no one has to be concerned with who is the advocate and who is speaking in the best interest of the community and the City;
- Speaker stated that she would submit by noon Tuesday, January 25, 2000, comments with regard to conditions that could be included for the Commission's consideration in P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.

VII. NEW BUSINESS

A. P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.: A request for a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a 52.6 acre tract of land located south of Chesterfield Airport Road, east of Boones Crossing and north of the St. Louis, Kansas City and Colorado Railroad.

Proposed Uses:

- Associated work and storage areas required by a business, firm, or service to carry on business operations;
- Barber Shops and beauty parlors;
- Bookstores;
- Cafeterias for employees and guests only;
- Colleges and universities;
- Dry cleaning drop-off and pick-up stations;
- Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours;
- Film drop-off and pick-up stations;
- Financial institutions;
- Hotels and motels;
- Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - Placed underground; or

- Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning or review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- Medical and dental offices;
- Offices or office buildings;
- Public utility facilities;
- Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
- Restaurants, fast food;
- Restaurants, sit down;
- Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training;
- Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, 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;
- Permitted signs (See Section 1003.168 'Sign Regulations');
- 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;
- Vehicle repair facilities for automobiles;
- Vehicle service centers for automobiles;
- Vehicle washing facilities for automobiles.

Planner I Jennifer Samson presented the issues that were raised during the January 10, 2000 Public Hearing for P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.

Commissioner Macaluso asked Staff to look into the color of the roofing material and have Staff and the petitioner look at the eight (8) uses that were mentioned in Petition #3 from the residents at Villas at Chesterfield Bluffs and possibly delete some of them.

Commissioner Sherman stated that she would like Staff to look into the appropriate storage of merchandise in the enclosed area outside of the store.

Commissioner Eifler expressed concern that the residents are advising the City at Commission meetings of violations rather than the City's inspection system detecting these violations and initiating action to cause them to be corrected. Commissioner Eifler stated that he felt that it should be a continuing inspection by the City. Commissioner Eifler requested that the Planning Department inform the Commission of how the provisions of the zoning ordinances are inspected and policed.

Chairman Layton asked Staff to carefully study the information presented this evening to see if there are any other issues to add.

Commissioner Broemmer stated that the new lighting information presented at the meeting this evening indicated the type of light fixtures that he had thought were originally going to be used. Commissioner Broemmer stated that the new information lacked some photo-metric curves and distribution. Commissioner Broemmer stated that he would like to see those associated with this fixture.

Commissioner Nations made a motion to hold P.Z. 37-1999 THF Chesterfield Two Development, L.L.C. until all issues have been resolved. The motion was seconded by Commissioner Banks and **passes by a voice vote of 8 to 0.**

VIII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. **Chesterfield Grove-3rd: Amended Site Plan:** Architectural Elevations, and Landscape Plan. The subject property is zoned "C-3" Shopping District. Chesterfield Grove is located north and east of Chesterfield Airport Road, and south of Highway 40.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Architectural Elevations and Landscape Plan for Chesterfield Grove-3rd: Amended Site Plan. The motion was seconded by Chairman Layton and **passes by a voice vote of 8 to 0.**

- B. **Chesterfield Village Parcel C-312:** Site Development Section Plan, Architectural Elevations, Landscape Plan, and Architect's Statement of Design Compliance for 31.105 acres in the "C-8" Planned Commercial District, governed by the City of Chesterfield Ordinance # 1358; located on the northwest corner of Olive Street Blvd. and Chesterfield Parkway East

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve Chesterfield Village Parcel C-312, as filed, subject to #1, #3 and #4 in the Staff Report and also subject to the January 21, 2000 St. Louis County comment letter. The motion was seconded by Commissioner Broemmer and **passes by a voice vote of 7 to 1.** (Commissioner Nations voted nay.)

- C. **Chesterfield Government Center:** Site Plan for a 7.9 acre tract of land located at the intersection of Swingley Ridge Road and Chesterfield Parkway West. The subject property is zoned "PC" Planned Commercial.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the site plan for the **Chesterfield Government Center** with the addition of condition #1 as presented by Staff. The motion was seconded by Chairman Layton and passes by a voice vote of 8 to 0.

- D. **Chesterfield Government Center-Record Plat:** for a 7.9 acre plat, located at the intersection of Swingley Ridge Road and Chesterfield Parkway West. The subject property is zoned "PC" Planned Commercial.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Chesterfield Government Center – Record Plat. The motion was seconded by Commissioner Eifler and passes by a voice vote of 8 to 0.

IX. **COMMITTEE REPORTS:**

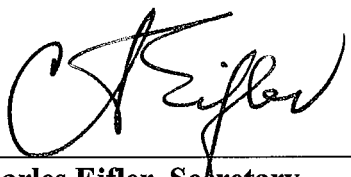
- A. **Ordinance Review Committee** – No Report
- B. **Architectural Review Committee** – No report
- C. **Site Plan/Landscape Committee** – No report
- D. **Comprehensive Plan Committee** – No report
- E. **Procedures and Planning Committee** – No report

Director of Planning Teresa Price will schedule a Planning Commission work session to discuss the traffic studies for P.Z. 26-1999 Solomon Brothers and P.Z. 43-1999 SSM Health Care Central Region on Monday, January 31, 2000 at 6:00 p.m. at the City Hall.

X. **ADJOURNMENT**

A motion to adjourn was made by Chairman Layton and unanimously seconded. The motion passes by a voice vote of 8 to 0.

The meeting adjourned at 8:02 P.M.



Charles Eifler, Secretary