

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JANUARY 23, 2006**

The meeting was called to order at 7:12 p.m.

I. PRESENT

Mr. David G. Asmus
Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Thomas Sandifer
Chairman Stephanie Macaluso

ABSENT

Ms. Victoria Sherman

Councilmember Mike Casey, Council Liaison
City Attorney Rob Heggie
Ms. Teresa Price, Director of Planning
Ms. Libbey Simpson, Assistant City Administrator for Economic & Community Development
Mr. Kyle Dubbert, Project Planner
Mr. Nick Hoover, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Mara Perry, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Asmus

III. PLEDGE OF ALLEGIANCE – All

PUBLIC HEARINGS – Commissioner Banks read the “Opening Comments” for the Public Hearings.

- A. P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance):** An ordinance amending various sections of the City of Chesterfield Zoning Ordinance regarding banners in the Museum and Arts Area, development criteria for E-districts, residential tear-downs and residential additions.

Project Planner Aimee Nassif gave a PowerPoint presentation and stated that the Department of Planning has been working with the Ordinance Review Committee on amendments to the following:

- Section 1003.141 Museum and Arts District
- Section 1003.107 Estate Residence Districts
- Section 1003.126A New Construction of Single-Family Detached Dwellings
- Section 1003.126B Establishment of new ordinance for Residential Additions.

Section 1003.141 - Museum and Arts District

Amendment to the temporary signage section by replacing the term “street banner” with “promotional decorative banner”.

- A promotional decorative banner is defined as a banner which displays graphics and limited text regarding a special event.
- Promotional decorative banners are permitted for a maximum of twelve (12) months.
- The dimensions of promotional decorative banners shall be approved by the City of Chesterfield.
- A sign permit application must be submitted prior to the erection of a promotional decorative banner.

It was noted that the last sentence of the draft language, page 4, Section 10.A.(3) should be corrected as follows: (Change in bold.)

*A sign permit application must be submitted prior to erection of said ~~street~~
promotional decorative banner.*

It was further noted that Section 10 does not have a point “B”, so the paragraphs could be re-numbered.

Commissioner Hirsch questioned why someone would need a sign permit if they have met the definition of “temporary sign” under the ordinance. Ms. Nassif replied that sign permit applications are required for temporary signage because the dimensions of the signage must be reviewed, along with the length of time the signs/banners will be displayed.

Commissioner O’Connor questioned if a theater would have to apply for approval of each street banner for every new show. She further inquired into the length of the approval process. Ms. Nassif replied that all banners would need approval; the approval process takes 5-7 work days on the part of the City. County would then need to approve after the City’s approval. It was also noted that the applicant could apply for a series of signs under one application, as long as the dimensions were consistent for each sign. There is no fee for zoning approvals on the part of the City.

Section 1003.107 - Estate Residence Districts

Changes include the following:

- Remove language that E-districts are Planned Environment Units.
- Create a list of permitted uses.

- Amend the list of permitted and accessory land uses.
- Remove previous language regarding dropping a lot size which was in conflict with other sections of the ordinance as the density section.
- New section for calculating lot size which states the following:
 1. *Private streets shall not be counted towards the minimum lot size.*
 2. *In E-Two Acre and E-One Acre Districts, all buffers shall not be counted towards the minimum lot size.”*
- New section for exceptions which states the following:
 1. *The standard regarding the lot size calculation may be modified when the following is met:*
 - (a.) *The petitioner has demonstrated that said modification will encourage, promote, and reward good architecture and urban planning.*
 - (b.) *The petitioner has demonstrated the existence of a practical difficulty.*

ISSUES

1. Should attached homes be allowed in E-Two Acre and E-One Acre Districts?
2. Clarify the definition of “riding stables” – does it allow an indoor arena? Clarify the definition of “private stables”.
3. Regarding the “75 ft minimum structure setback from any adjacent property line”, would there be any buffering/protection between an E-Half Acre lot and an E-Two Acre lot? Should there be more protection than just 75 feet between two different zoning designations? Provide information on how other areas handle buffering between two or three reductions in zoning – particularly Wildwood.
4. Is the term “indenture” synonymous with “underlying district”?

Commissioner Banks made a motion to have issues 1 and 2 above, relating to “attached homes” and “stables”, forwarded to the Ordinance Review Committee for its January 31, 2006 meeting. The motion was seconded by Commissioner Hirsch and passed by a voice vote of 8 to 0.

Section 1003.126A - Regulations for New Construction of Residential Structures

Amendment is to create consistency with the regulations for *Residential Additions* ordinance.

- Amendment to language for height requirement to now require that new construction for residential structures be reviewed by Department of Planning unless the height of any addition exceeds the height of any existing, adjacent dwelling by more than 15 feet, then said request will be reviewed by Planning Commission.

Discussion was held regarding conflicts between subdivision indentures and City ordinances in cases where the indentures are more restrictive than the ordinance. City Attorney Rob Heggie stated that the indentures would still be binding on a property owner. Ms. Nassif pointed out that before zoning is approved, letters are required from all adjacent property owners and the subdivision Trustees in which any concerns could be expressed regarding setbacks, etc. It was determined that whichever restriction is

more stringent would be the binding requirement. City Attorney Heggie stated that the City would not enforce subdivision indentures, but the subdivision Trustees would be authorized to enforce the indentures. Upon review of an application, the City would inform an applicant if a restriction was not being met under a subdivision indenture.

ISSUES

1. Would a homeowner have the option of presenting a municipal zoning application to the Planning Commission or Board of Adjustment if it had not been approved by the subdivision Trustees?
2. City Attorney to review the wording of Section 1.B regarding approval from subdivision trustees and whether language for subdivision indentures could be referenced.

Section 1003.126B - Regulations for Residential Additions

Creation of ordinance is to address development requirements for residential additions. Ordinance specifies what is needed with the application, the approval process, and includes height and dimension requirements. It is set up to match the Ordinance for 1003.126A.

ISSUES

1. City Attorney to review the wording of Section 1.B.h. regarding approval from subdivision trustees

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

Commissioner Banks read the Closing Comments for Public Hearing **P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance)** noting the earliest possible date the Planning Commission could vote on the subject petition would be February 13, 2006.

- B. P.Z. 37-2005 143 Long Road (Jack Wolf Property):** A request for rezoning from “M3” Planned Industrial and “PI” Planned Industrial to “PI” Planned Industrial district for two parcels totaling .5-acres located on the west side of Long Road, south of Chesterfield Airport Road. (LOCATOR NUMBERS 17U120045 and 17U140524)
- Proposed Uses:
- (gg) Medical and dental offices.
 - (ii) Offices or office buildings.

Project Planner Kyle Dubbert gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Dubbert stated the following:

- The Comprehensive Plan designates the subject area suitable for “Mixed Use (Retail, Office and Warehouse”).

PETITIONER’S PRESENTATION:

1. Jack E. Wolf, DMD, 10 Roseberry Topping Court, St. Charles, MO stated he was available for any questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES: None

Commissioner Banks read the Closing Comments for Public Hearing **P.Z. 37-2005 143 Long Road (Jack Wolf Property)** noting the earliest possible date the Planning Commission could vote on the subject petition would be February 27, 2006.

Since no issues were raised, it was agreed that **P.Z. 37-2005** would be considered for vote at the February 13, 2006 meeting, as long as all applicable Agency comments have been received.

- C. **P.Z. 38-2005 Dierberg’s The Marketplace:** A request for amendments to City of Chesterfield Ordinance 689 to allow for a change in the permitted uses for the existing outbuilding and an increase in the parking reduction for a “C-8” Planned Commercial District located on the northeast corner of Clarkson and Baxter Roads. (19S130224)

Annisca McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. McCaskill-Clay stated the following:

- Public Hearing notices were posted on January 5, 2006.
- The subject site is located within the Urban Core.
- The Comprehensive Plan defines this land use category as: “The area around the intersection of I-64/US 40 and Olive Boulevard/Clarkson Road within and adjacent to the Chesterfield Parkway containing a mixture of high-density residential, retail and office uses. The Urban Core contains the highest density development in Chesterfield and should serve as the physical and visual focus for the City.”

PETITIONER'S PRESENTATION:

1. Mr. Marty Henson, Henson Consulting, 2317 Ossenfort Road, Glencoe, MO stated the following:
 - The shopping center was constructed in 1988. The only changes done to the center since that time have been the construction of new doors to the front of the supermarket.
 - Dierberg's would like to upgrade the center and institute some amenities that are used in some of the newer centers.
 - They are requesting two changes to their Ordinance:
 1. Clarification that the outbuilding allows **restaurant, office** and retail uses. The existing zoning ordinance specifically denotes retail. The proposed restaurant would be a sit-down restaurant – no fast food, drive-thru restaurant is being considered.
 2. An increase in the current parking reduction from 10% to 20%. The parking reduction would allow a changing tenant mix.
 - The site currently has a Starbucks and Veritas restaurant. They would like to have an outdoor seasonal seating area in front of Starbucks and Veritas, which necessitates the parking reduction request.
 - They are also proposing a pharmacy kiosk for customer convenience, which consists of a landscaped island. There would be two canopied pick-up areas.
 - The required parking for the proposed tenant mix is 564 spaces. With the requested 20% reduction in parking, there would be 569 parking spaces (5 extra spaces than the requirement).
2. Mr. Jerry Ebest, Vice President of Real Estate of Dierberg Markets, 16690 Swingley Ridge Road, Chesterfield, MO was available for questions.

Mr. Henson and Mr. Ebest responded to questions from the Commission as follows:

Regarding parking:

- The current parking has 584 spaces. Fifteen spaces would be lost from building the pharmacy kiosk - resulting in 569 parking spaces.
- For the outbuilding (formerly Kinko's), there is parking to the south and west of the store. This would be the prime parking area for the proposed restaurant.
- Regarding the 10 additional parking spaces to the north, it is expected that employees would use these spaces – not customers.
- The parking reduction is requested because legislation requires a specific number of parking spaces based on certain uses.
- Two items affect the parking:
 - With the addition of the kiosk, some spaces would be lost.
 - A restaurant use in the outbuilding would require more parking than a retail use.

The Commission expressed confusion about the request for parking reduction when it appears that more parking is needed for a restaurant use. Ms. McCaskill-Clay stated that once a use goes into the outbuilding, it is possible that a parking reduction will be

necessary because there may not be a need for all the parking currently on site. The petitioner anticipates that the need for parking will change based upon the change of uses in the outbuilding from retail to office or restaurant use. With the change of use, there will be a different type of parking need based upon the hours of operation.

Regarding the pharmacy kiosk:

- No pharmacist is inside the kiosk. Communication would be through a video screen and prescriptions would be sent through an underground tube from the pharmacy to the kiosk.
- An existing kiosk exists at the Wildwood Dierberg's store. They have had positive customer reaction – especially during inclement weather.
- The hours for the kiosk would correspond to the pharmacy hours, which are less than the store hours.
- They have not had any stacking problems at their existing kiosks as the kiosk prescriptions are given a priority within the pharmacy. If the prescription is too large to fit inside the tube, the customer is asked to come inside the store.

Commissioner Perantoni expressed concern about turning out of the shopping center onto Baxter near the outbuilding (formerly Kinko's) because drivers do not expect cars entering Baxter from this point. She also expressed concern about the traffic circulation with respect to the kiosk.

Regarding restaurants:

- In the outbuilding, there is one restaurant that is interested in about 3,000 sq. ft.
- A second retailer, who sells gelato, has expressed interest in the outbuilding. They would not qualify as a restaurant because they have no, or very little, seating.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Provide clarification as to the actual number of parking spaces required. Provide the number of spaces after the requested reduction vs. the current number required on the site.
2. Provide documentation showing that ample parking is available for office or restaurant use in the outbuilding with the parking reduction in place.
3. Provide information regarding the safety of ingress/egress to the site.
4. How will the reduction in parking affect circulation throughout the site?

5. Provide a parking table showing: (1) the current parking with the current 10% reduction vs. the number required; (2) the parking requirements for the proposed new tenant mix; (3) what the 20% reduction would yield in total parking spaces.
6. Provide the location of any new parking spaces.
7. How does the kiosk affect users of the outbuilding and users of the supermarket?
8. Provide data on how many days/year Dierberg's has shuttled parking to Lord of Life Lutheran Church.
9. Are the seven spaces the petitioner would like striped on the north end of the western side of the strip center, and the additional ten spaces along the retaining wall area, allowing for proper spacing and ingress/egress by all of the delivery trucks and other traffic?
10. Provide more visual information about the size, lighting, construction of the underground tubing, parking, and circulation of the pharmacy kiosk.
11. When trenches are dug for the kiosk tubing, will parking islands be removed? How will access be attained for possible repairs to the underground tubing?
12. Provide plans from the Wildwood pharmacy kiosk showing its relative location to the store, along with the traffic flow.

Commissioner Banks read the Closing Comments for Public Hearing **P.Z. 38-2005 Dierberg's The Marketplace** noting the earliest possible date the Planning Commission could vote on the subject petition would be February 27, 2006.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the January 9, 2006 Planning Commission Meeting. The motion was seconded by Commissioner Perantoni and **passed** by a voice vote of 8 to 0.

VI. PUBLIC COMMENT

RE: P.Z. 24-2005 Kommerz LLC (Clock Tower Plaza)

Petitioner:

1. Mr. Rick Clawson, ACI Boland Architects, 11477 Olde Cabin Road, Ste. 100, St. Louis, MO responded to issues brought up during the Work Session and stated the following:
 - The hours of operation for this development will match the hours of Chesterfield Commons.
 - The property has 42% open space – not including that portion of the site which is at, or below, the high water mark of the retaining portion of it. Of the 42% open space, 30% is landscaped.
 - Regarding Permitted Uses, the petitioner would like to **maintain** the following uses:

- C.1.(c) – Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
 - C.1.(p) – Medical and dental offices
 - C.1.(aa) – 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.
 - C.1.(v) – Restaurants, sit down.
 - Regarding Permitted Uses, the petitioner is agreeable to **modifying** the following uses as indicated:
 - C.1.(h) – ~~Broadcasting, transmitting, or relay towers~~, studios, and associated facilities for radio, television, and other communications.
 - Regarding Permitted Uses, the petitioner is agreeable to **deleting** the following uses:
 - C.1.(n) – Hospitals.
 - C.1.(o) – Local public utility facilities . . .
 - C.1.(t) – Public utility facilities.
2. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO was available for questions.

Responding to questions from the Commission, Mr. Clawson and Mr. Stock stated the following:

- **Regarding Permitted Uses:** Medical and dental offices would have to meet the parking requirements, which are 4.5 spaces/1000. Retail parking requirements are 5 spaces/1000.
- **Regarding Hours of Operations and Permitted Use of “Restaurants”:** Chair Macaluso expressed concern about a large bar being open until 1:00 a.m. considering the close proximity of residences. The petitioner feels the site is more conducive to something like Starbucks or Oberweiss Dairy rather than a large bar. Commissioner Banks suggested that the Ordinance restrict the sale of alcohol in the complex, which would preclude a bar. Mr. Stock pointed out restaurants/bars in the area that abut residences – Paul Manos at 141 & Conway, several strip center restaurants abutting Four Seasons subdivision, Applebee’s on Chesterfield Parkway, Wildhorse Grill, and Xanadu’s. The petitioner is not asking for outdoor entertainment. They feel the distance of 550’ from residences far exceeds many restaurants already in the City. The petitioner would not like to give up the option of a bar at this time, which is consistent with most restaurants.
- **Landscape Plan:** The petitioner is agreeable to using 2-1/2” caliper trees, as opposed to some of the 2” caliper trees shown on the Landscape Plan. The petitioner will also have their Landscape Architect review the size of the proposed evergreens.

RE: P.Z. 25-2005 Duke Realty L.P. (St. John's Mercy Rehabilitative Facility):

Petitioner:

1. Mr. Mike Doster, Attorney for the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO referred to his letter of January 23, 2006 regarding the following:

- Suggested **inclusion** of the following proposed language in the Attachment A:
 - **Section I.C.3** – *Any future requested change in the allowed uses or in the restrictions on those uses shall be deemed a request for a change of use requiring a public hearing to assure the City and its citizens that they will have a right to be heard under the City's zoning procedures.*
 - **Section I.D.2.b** – *The height of the parapet for the stair tower shall not exceed 610 feet above mean sea level.*
- Suggested **corrections/modifications** to the Attachment A:
 - **Section I.D.1.a** – *The gross floor area constructed for the building ~~exclusive of the 36,000 square foot basement~~ shall not exceed 114,000 square feet. ~~The 36,000 square foot basement shall be limited for uses associated with and ancillary to the business operation of one or more building tenants, including storage, support services, such as mail room, training, and/or conference room, data and computer operations and tenant vending and cafeteria service.~~ The square footage constructed shall be based on the development's ability to comply with the parking and storm water regulations of the City of Chesterfield ~~and the basement area shall not be used for office space.~~*
 - **Section I.D.2.a** - *The building height of the office building shall not exceed ~~581~~ 615 feet above mean sea level. This height shall be exclusive of rooftop mechanical equipment and a maximum two (2) foot tall parapet.*
 - **Section I.E.1.c(i)** - *North face of garage: Twenty-five (25) feet from ~~new right of way of Conway Road~~ the northern limits of the "PC" District.*
 - **Section I.E.2.c** - *~~Ninety (90)~~ Sixty-five (65) feet from the western limits of this "PC" District.*
 - **Section I.E.2.e** - *~~Four hundred forty (440) feet from new right of way of North Outer Forty Road.~~*
 - **Section I.F.1** - *Parking and loading spaces for this development ~~will~~ shall be as required as follows: ~~in the City of Chesterfield Code, with the exception that parking calculations utilized for four (4) cars per one~~*

thousand (1,000) square feet. **One (1) space for every two (2) beds plus one (1) space for every staff doctor and employee on maximum shift.**

- **Section I.G.7** - ~~Existing mature vegetation located between the parking structure and the above-referenced residential tract shall remain undisturbed, except for the addition of additional landscaping, as approved on the Site Development Plan, by the City Council. Existing vegetation located in peripheral areas of the site adjacent to construction activities shall be marked, flagged, or staked for preservation prior to tree clearance, grubbing and grading on the site. The owner/developer shall be responsible for contacting the Department of Planning prior to such work.~~ Mr. Doster explained that the vegetation between the proposed parking garage and the residential tract property line cannot be preserved. Their landscape plan will propose generous plantings in the area to buffer Conway Road from the back of the parking garage.

- **Section I.I.4** - All light standards within this development shall not exceed a total vertical height of twenty-four (24) feet, except light standards on the ~~third~~ **second** floor of the parking structure shall not exceed twenty (20) feet in vertical height.

- **Section III.B** - Where due cause is shown by the developer, the Commission may extend the period to commence construction. ~~for not more than one (1) additional year.~~

- **Section V. –**

<u>Type of Development</u>	<u>Required Contribution</u>
General retail/medical offices/nursing homes	\$1,611.66/Parking Space
Rehabilitation Facility	Adjust contribution in accordance with the use of “Rehabilitation Facility”

- Petitioner is willing to **withdraw** the following requests outlined in the letter of January 23, 2006 regarding setbacks:
 - **Section I.E.1.a(iv)** – Building: 265 should be changed to 330.
 - **Section IE.1.b(iv)** – Loading: 280 should be changed to 345
 - **Section I.E.1.c(iv)** – Parking Garage: 320 should be changed to 365

Responding to questions from the Commission, Mr. Doster stated the following:

- **Regarding the requirement of a public hearing:** If any change is requested with respect to the allowed uses in the Attachment A - or if any change is requested with respect to the restrictions – then it must be deemed a change of use and require a Public Hearing. At this time, surgery, helipad, heliports, and emergency rooms are not allowed uses.

Mr. Doster requested that the petition be moved forward at this meeting. They were taken off the agenda from the last meeting because of an open issue with the Fire

District, which they felt could have been easily and quickly resolved. This issue has now been resolved.

Commissioner Asmus expressed concern about receiving requested changes from the Petitioner on the day of the meeting. Mr. Doster stated that the Attachment A's are not available until the Thursday before the Monday meetings. On large projects, there are development teams which involve representatives from the user and various outside consultants. Whenever a team meeting is held, at least a dozen people are involved. He did not feel they should be viewed as delivering things at the last minute because of not doing their job. Most of the items outlined in the January 23rd letter are corrections or clarifications.

2. Mr. Robert Boland, Principal of ACI Boland, Creve Coeur, MO stated he would be addressing the following requested changes:

Regarding Setbacks:

- **Section I.E.1.a.(iv)** – Building Setback: The Attachment A calls for a 265-foot setback. They recommend a setback of **330 feet** from the Conway Road right-of-way.
- **Section I.E.1.b.(iv)** – Loading Dock Setback: The Attachment A calls for a 280-foot setback. They recommend a setback of **345 feet** from the new right-of-way of Conway Road.
- **Section I.E.1.c(i)** – Parking Garage: The Attachment A calls for 25 feet from new right-of-way of Conway Road. They recommend 25 feet from **the northern limits of the development**. If adhering to the requirement of the Attachment A, it would eliminate the entirety of the residential property.
- **Section I.E.1.c(iv)** – Parking Garage: The Attachment A calls for 320 feet from the new right-of-way of North Outer Forty Road. They recommend **365 feet**.
- **Section I.E.2(b) and (e)** – Parking and Loading Space Setbacks: These two items are referring to the same setback but indicate different numbers. They recommend deleting item (e) showing a setback of 440 feet and retaining item (b) with the setback of 330 feet.

Regarding Landscaping:

- **Section I.G.7.** – In order to develop the site, the developer will be required to remove the trees but will be replanting the site with new trees. A Landscape Plan will be presented.
3. Mr. George M. Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO indicated he was available for questions.
 4. Mr. Doug Shatto, Crawford, Bunte, Brammeier, 1830 Craig Park Ct. St. Louis, MO indicated he was available for questions.

5. Ms. Donna Flannery, Centerre Healthcare, 7733 Forsyth, St. Louis, MO indicated she was available for questions.

Speakers in Favor:

1. Ms. Laura Luecking, Trustee of Conway Oaks Subdivision, 15021 Conway Road, Chesterfield, MO stated the following:
 - All of the residents and trustees she has spoken to are in agreement with the project as presented.
 - She would like to have the project move forward with the vote at this meeting.
 - She has reviewed the Department's comments, the Attachment A, and the petitioner's requests for the corrections to the Attachment A.
 - She wants the restrictive language of requiring a Public Hearing for a change in use added to the Attachment A. She feels this language will protect the neighbors.

(The meeting recessed from 9:00 – 9:10 pm)

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Edison Center (18067-18075 Edison Avenue)**: An Amended Site Development Plan and Request for Signage for a 4.0 acre parcel zoned "M-3" Planned Industrial, located on Edison Road, between Spirit of St. Louis Boulevard and Goddard.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Amended Site Development Plan and Request for Signage with the condition that landscaping will be as approved by the Department. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 8 to 0.

- B. **Spirit Plaza (17728 Chesterfield Airport Road)**: An Amended Site Development Plan and Request for Signage for a 2.0 acre parcel zoned "PI" Planned Industrial, located on Chesterfield Airport Road, between Chesterfield Industrial Boulevard and Trade Center Boulevard.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Amended Site Development Plan and Request for Signage. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 8 to 0.

VIII. OLD BUSINESS

- A. **P.Z. 18-2005 City of Chesterfield (Sign Calculations)**: An ordinance amending the City of Chesterfield Zoning Ordinance Section 1003.168B regarding the calculation of attached wall signs.

Project Planner Aimee Nassif stated the following:

- The Public Hearing was held on October 24, 2005. There was only one issue raised at that time, which was to add the definition of “open space” to the language. This language has been added.
- During the vote meeting of November 14, 2005, it was recommended that the language be sent back to the Ordinance Review Committee for further clarification.
- The Ordinance Review Committee met in December and has brought P.Z. 18-2005 back for the Commission’s review.
- The Department has received comments from Commissioner Hirsch, which are attached to the Staff Report.

Commissioner Perantoni made a motion to accept P.Z. 18-2005 City of Chesterfield (Sign Calculations) with the amendments as listed. The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

**Aye: Commissioner Banks, Commissioner Broemmer,
Commissioner Hirsch, Commissioner O’Connor,
Commissioner Perantoni, Commissioner Sandifer,
Commissioner Asmus, Chairman Macaluso**

Nay: None

The motion passed by a vote of 8 to 0.

- B. P.Z. 24-2005 Kommerz LLC (Clock Tower Plaza):** A request for a change of zoning from “C-8” Planned Commercial to “PC” Planned Commercial for a 2.61-acre parcel located south of Chesterfield Airport Road, east of Chesterfield Commons East Road.
(Locator Number 17T24-0243)

Project Planner Nick Hoover clarified the following:

- The medical parking is 4.5 spaces/1000 **or 4 spaces for every doctor and 1 space for every additional employee, whichever is greater.**
- He pointed out that hours of operation have a restriction on **retail use only**. Neither Chesterfield Commons East nor Chesterfield Commons have any language regarding hours of operation for restaurants.
- Regarding the Capitol Land development, the back of the project is approximately 200’ to the nearest residence. There are restrictions on the hours of operations on the opening time for the coffee shop and the closing time for the Barnes & Noble bookstore.

Concern was expressed over how the parking requirements could be met for the permitted use of “medical and dental office” once the development is completely built. It was noted that this use could require more parking than retail use. Ms. Price suggested amending the Attachment A Section I.F.1. to state: “*Parking and loading spaces for this development will be as required in the City of Chesterfield Code.*” This language would require that the use meet the Code at the time the Site Development Plan is submitted.

Commissioner Hirsch made a motion to accept P.Z. 24-2005 Kommerz LLC (Clock Tower Plaza) with its Attachment A with the following changes to Attachment A:

Section I.C.1.(h) - ~~Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications~~

Section I.C.1.(n) – ~~Hospitals.~~

Section I.C.1.(o) – Delete in its entirety. (Pertaining to “local public utility facilities”.) It was noted that a “local public utility facility” is defined as: “*A public utility facility serving a local area only – such as an electric substation or a water or gas pumping or regulating station or a telephone switching center.*”

Section I.C.1.(t) – ~~Public utility facilities.~~

Section I.F.1. - *Parking and loading spaces for this development will be as required in the City of Chesterfield Code, with the exception that parking calculations utilized for this development shall be five (5) cars per one thousand (1,000) square feet.*

Section I.U.3 – *Hours of operation for **restaurants and** retail sales will be as follows: . . .*

The motion was seconded by Commissioner O’Connor.

Commissioner Asmus expressed concern that there were too many open matters on the project yet and stated he could not support it at this time. He would support a hold on the project in order to have some of the questions addressed.

Chair Macaluso also expressed concern about the project in that the development is too dense. She noted that any approval on this project would allow 23,530 sq. ft. of total building floor area for the development. She feels more restrictions need to be placed upon it considering its close proximity to residences. She would be in favor of holding the project.

Upon roll call, the vote to approve with an amended Attachment A was as follows:

**Aye: Commissioner Hirsch, Commissioner O'Connor,
Commissioner Banks**

**Nay: Commissioner Broemmer, Commissioner Perantoni,
Commissioner Sandifer, Commissioner Asmus,
Chairman Macaluso**

The motion failed by a vote of 3 to 5.

It was noted that **P.Z. 24-2005 Kommerz LLC (Clock Tower Plaza)** would be forwarded to the Planning & Zoning Committee with the motion and its amendments with the recommendation that it be denied.

- C. P.Z. 25-2005 Duke Realty L.P. (St. John's Mercy Rehabilitative Facility):** A request for an amendment to City of Chesterfield Ordinance 1669 to permit additional uses and amendments to setback requirements in conjunction with a revised preliminary plan for a 6.048-acre "PC" Planned Commercial District located south of Conway Road, approximately 900 feet east of Still House Creek Road (LOCATOR NUMBER 18R210441)

Ms. Annis McCaskill-Clay, Assistant Director of Planning, stated the following:

- Staff is asking that the petition be held until the next meeting in February.
- Staff has reviewed the Petitioner's letter of January 23, 2006. They recognize that several items are clarifications; however, there are other items which Staff would like to further review – particularly, issues pertaining to landscaping, the parapet and Trust Funds.
- Since this particular property was a subject of litigation, Staff wants to make sure there aren't any other issues.
- Staff has the original application as submitted by the Petitioner, along with an amendment dated September 21, 2005. The setbacks in the Attachment A came directly from the application submitted by the Petitioner. Staff would like time to review the more restrictive setbacks now proposed by the Petitioner.

Commissioner Asmus made a motion to hold P.Z. 25-2005 Duke Realty L.P. (St. John's Mercy Rehabilitative Facility) until the next meeting of the Planning Commission. The motion was seconded by Commissioner Sandifer.

Upon roll call, the vote was as follows:

**Aye: Commissioner Hirsch, Commissioner O'Connor,
Commissioner Perantoni, Commissioner Sandifer,
Commissioner Asmus, Commissioner Banks,
Commissioner Broemmer, Chairman Macaluso**

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS

Commissioner Broemmer suggested that the planning process be reviewed to avoid “last-minute” submittals when a petition is up for vote. He felt consideration should be given to the time the Attachment A is made available to the Petitioner to review and the time it takes the Petitioner to submit his comments to the Department and the Commission. He suggested that the vote meeting be extended another meeting after the Attachment A is available. This would give the Petitioner an additional two weeks to review and respond to the Attachment A.

Ms. Price stated that Staff would review this suggestion. She noted, however, that they wouldn't want to slow the process.

X. COMMITTEE REPORTS

- A. Committee of the Whole**
- B. Ordinance Review Committee – Meeting January 31, 2006, 8:00 a.m.**
- C. Architectural Review Committee**
- D. Landscape Committee – Meeting January 26, 2006, 8:00 a.m.**
- E. Comprehensive Plan Committee**
- F. Procedures and Planning Committee**
- G. Landmarks Preservation Commission**

XI. ADJOURNMENT

The meeting adjourned at 9:40 p.m.

Lynn O'Connor, Secretary