**PLANNING COMMISSION**
**OF THE CITY OF CHESTERFIELD**
**AT CHESTERFIELD CITY HALL**
**January 13, 1997**

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

**PRESENT**
Mr. Rick Bly
Mr. Fred Broemmer
Mr. Dave Dalton - arrived later
Mr. Charles Eifler
Mr. Robert Grant
Mr. Dan Layton, Jr.
Ms. Linda McCarthy
Mr. Allen Yaffe
Chairman Michael Casey
Mr. Douglas R. Beach, City Attorney
Councilmember Linda Tilley (Ward IV), Council Liaison
Mr. Jerry Kelley, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Mr. Paul Mann, Planner II
Ms. Patricia Detch, Planner I

**ABSENT**

**INVOCATION** - Councilmember Linda Tilley

Chairman Casey introduced our new Planning Commissioner - Mr. Charles Eifler (Ward I).

Chairman Casey thanked Ms. Carol Kenney for her service and dedication as Planning Commissioner for the City, and gave her a name plate and plaque noting the City's appreciation for her service on the Planning Commission.

**PLEDGE OF ALLEGIANCE** - All

**PUBLIC HEARINGS**: None

**APPROVAL OF THE MINUTES**:

A motion to approve the minutes of December 9, 1996 and December 16, 1996 was made by Commissioner Layton and was seconded by Commissioner McCarthy.

Commissioner Grant asked for clarification on the December 16, 1996 Minutes, page 6, Condition 7.a.(4) - he wanted to ask Staff to make sure that this condition was going to require that development to have the proposed MSD regulations, as they were that night of the meeting.

Assistant Director Griggs-McElhanon noted that Opus has withdrawn their proposal. She noted that the next time this comes up he may be able to get that wording, if possible, on this condition.

Commissioner Broemmer noted the Minutes of December 16, 1996, need to be revised on page 6 to add the name of the person who made the motion of approval for P.Z. 22-90.

The motion, as amended, **passes by a voice vote of 7 to 0 to 1, with Commissioner Eifler abstaining.**.

**NEW BUSINESS:**

A. **P.Z. 26-96 The Nooning Tree Ltd. Partnership**; "NU" Non-Urban District to "R-3" 10,000 square foot Residence District; east side of Olive Boulevard, approximately 1,500 feet south of the intersection of Olive Boulevard and White Road and on the west side of White Road approximately 1,000 feet south of the intersection of Olive Boulevard and White Road.

**AND**

B. **P.Z. 27-96 The Nooning Tree Ltd. Partnership**; a Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District; east side of Olive Boulevard, approximately 1,500 feet south of the intersection of Olive Boulevard and White Road and on the west side of White Road approximately 1,000 feet south of the intersection of Olive Boulevard and White Road.

Assistant Director Griggs-McElhanon noted the Department received a copy of the Traffic Study on Thursday. The Study has been forwarded copies to the Public Works Department, St. Louis County Department of Highways and Traffic and MoDOT. The Department recommends P.Z. 26 & P.Z. 27-96 be held, in order to give the Department time to evaluate the resulting comments.

A motion to hold was made by Commissioner Broemmer, seconded by Commissioner Yaffe **and passes by a voice vote of 8 to 0 to 1, with Commissioner Eifler abstaining.**

**PUBLIC COMMENTS**:

1. Mr. Gary Feder, Attorney for the petitioner, 231 S. Bemiston, St. Louis, MO 63105, spoke in favor of P.Z. 30-96 McDonald's, and gave a handout to the Commission. He noted the following:

    - the petitioner met with Mr. Kelley and Mr. Mann earlier today to discuss the new plan;

- he believes the new plan addresses previous concerns about stacking; and

- the Staff will be able to make its recommendation at the next meeting on January 27, 1997.

2. Mr. Bob Polk, 144 W. Lockwood, spoke in favor of P.Z. 30-96 McDonald's, noting the changes in the plan presented tonight as follows:

- elimination of the car wash building;
- elimination of any future consideration of a play place for McDonald's;
- office/retail floor area has been reduced by 20%;
- elimination of the third order window;
- will attempt to get a letter from the owner of the residential tract located south of the proposed project, and present to the Staff; and
- just one (1) curb cut along Long Road and one (1) along Chesterfield Airport Road.

3. Mr. Norman Roden, Traffic Engineer, 772 Penny Court, Ballwin, MO 63011, spoke in favor of P.Z. 30-96 McDonald's, noting various components of the Traffic Study.

4. Mr. Michael J. Doster, Attorney for the petitioner, 16476 Chesterfield Airport Road, Chesterfield, MO 63005, spoke in favor of P.Z. 34-96 Old Smoke House Investment Group, noting the following:

- name of the proposed development has been changed to Chesterfield Grove;
- on the face of City Ordinances, the legal precondition for using a "C-8" does not exist at the proposed development's location;
- the uses proposed in the "C-3" category do not have a potential for conflict with surrounding uses;
- although, legally, the City may not be able to require it, the petitioner is willing to voluntarily pay the Trust Fund Fees to St. Louis County both for the roads and utilities, and will give a letter to the City acknowledging this.

**NEW BUSINESS CONTINUED:**

C. **P.Z. 30-96 McDonald's Corporation**; "NU" Non-Urban District to "C-8" Planned Commercial District and an amendment to St. Louis County Ordinance 5531 establishing a "C-8" Planned Commercial District; southeast corner of the intersection of Long Road and Chesterfield Airport Road. This request will result in a new "C-8" Planned Commercial District encompassing 2.94 acres.

Planner II Paul Mann noted Staff hasn't had time to review and comment on the revised plan presented tonight, however, Staff has enclosed the original staff report, accompanied by other agency comments, and recommended "C-8" conditions in Attachment A.

A motion to hold was made by Commissioner Grant, seconded by Commissioner Broemmer **and passes by a voice vote of 7 to 0 to 2 (with Commissioner's Dalton and Eifler abstaining).**

Chairman Casey noted this will be held until the meeting of January 27, 1997.

D. **P.Z. 31-96 Sebastian Rucci (Eagle Crest Estates)**; "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-1" One Acre Residence District and "FPR-1" Flood Plain One Acre Residence District; south side of Wild Horse Creek Road, approximately 2,500 feet west of the intersection of Wilson Road and Wild Horse Creek Road.

**AND**

E. **P.Z. 32-96 Sebastian Rucci (Eagle Crest Estates)**; Planned Environment Unit (PEU) Procedure in the "R-1" One Acre Residence District and "FPR-1" Flood Plain One Acre Residence District; south side of Wild Horse Creek Road, approximately 2,500 feet west of the intersection of Wilson Road and Wild Horse Creek Road.

Assistant Director Griggs-McElhanon noted a letter included in the packet from the petitioner requests these items be held; therefore, the Department is recommending the Commission hold these items.

A motion to hold P.Z. 31-96 and P.Z. 32-96 was made by Commissioner Yaffe, seconded by Commissioner Dalton **and passes by a voice vote of 8 to 0 to 1 (with Commissioner Eifler abstaining).**

F. **P.Z. 34-96 Old Smoke House Investment Group, L.L.P. (The Valley Forum)**; a request for a change in zoning from "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "C-3" Shopping District and "FPC-3" Flood Plain Shopping District for a 26.8 acre tract of land located on the east side of Chesterfield Airport Road, north of Bonhomme Creek. (Locator Numbers: 17T33-0036, 17T22-0191 and 17T31-0313)

Assistant Director Griggs-McElhanon presented the Departments report recommending approval of rezoning to "C-8" Planned Commercial District, subject to conditions contained in Attachment A.

COMMENTS/DISCUSSION BY COMMISSION

- Discussion about Mr. Doster's comments regarding the appropriateness of "C-3" Zoning at this location.

- The Department's recommendation includes uses allowed in a "C-3" District, except there would be restrictions relative to height, setbacks, etc.

- If the "C-8" Zoning is approved, the petitioner would have to come back to the Planning Commission with Site Development Concept Plans and Site Development Section Plans.

- The "C-3" Zoning would also require the petitioner to come before the Commission with a Site Plan, Architectural Elevations, Landscaping, etc. They would skip the Concept Plan requirement.

- The "C-8" requires the petitioner to submit preliminary plans to the Department to make sure it meets minimum requirements for a "C-8" Zoning, and then it just goes in the file. It doesn't have to come before the Commission, nor get recorded.

- The various roadways surrounding the subject site were discussed.

A motion for approval of the Department's recommendation for "C-8" Zoning, as presented tonight, was made by Commissioner Broemmer and seconded by Commissioner Layton.

**Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, abstain; Commissioner Grant, no; Commissioner Layton, yes; Commissioner McCarthy, no; Commissioner Yaffe, no; Chairman Casey, no.**

**The motion fails by a vote of 4 to 4 to 1.**

City Attorney Beach noted this motion does not pass, nor has it failed, it has not received the majority of 5 votes required.

Commissioner McCarthy made a motion for approval of the petitioner's request for "C-3" Zoning. The motion was seconded by Commissioner Dalton.

**Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, yes; Commissioner Eifler, abstain; Commissioner Grant, yes; Commissioner Layton, no; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Casey, yes.**

**The motion passes by a vote of 6 to 2 to1.**

G. **P.C. 126-79 Delmar Gardens Enterprises (Chesterfield Villas at Delmar Gardens)**; amendment to Conditional Use Permit (CUP) in "NU" Non-Urban District; south side of Conway Road at Chesterfield Parkway North.

Assistant Director Griggs-McElhanon presented the request and Department's recommendation of approval of amendments to the Conditional Use Permit (CUP), as stated in its report.

There was discussion about the size and wording of the proposed signs.

Commissioner McCarthy made a motion to approve the Department's recommendation. The motion was seconded by Commissioner Broemmer.

**Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, abstain; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Casey, yes.**

**The motion passes by a vote of 8 to 0 to 1.**

## SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

A. **Twin Estates at Meadowbrook Subdivision**; Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District Record Plat; east side of Sycamore Drive at Hester Street.

Commissioner Broemmer, on behalf of the Site Plan Committee, made a motion to approve the request. The motion was seconded by Commissioner McCarthy **and passes by a voice vote of 8 to 0 to 1, with Commissioner Eifler abstaining.**

B. **Regency Estates Subdivision**; Development in the "R-1A" 22,000 square foot Residence District and "R-2" 15,000 square foot Residence District Record Plat; approximately 1,000 feet west of the intersection of Still House Creek Road and Conway Road.

Commissioner Broemmer, on behalf of the Site Plan Committee, made a motion to approve the request. The motion was seconded by Commissioner Grant **and passes by a voice vote of 8 to 0 to 1, with Commissioner Eifler abstaining.**

C. **Greystone Plat 3 Subdivision**; Planned Environment Unit (PEU) Procedure in the "R-1" One Acre Residence District and "FPR-1" Flood Plain "R-1" One Acre Residence District Record Plat, Plat Three; south side of Wild Horse Creek Road, approximately 1,500 feet west of Wildhorse Parkway.

Commissioner Broemmer, on behalf of the Site Plan Committee, made a motion to approve the request. The motion was seconded by Commissioner Grant **and passes by a voice vote of 8 to 0 to 1, with Commissioner Eifler abstaining.**

D. **Chesterfield Elementary School Park**; "NU" Non-Urban District Site Plan; south side of Wild Horse Creek Road, west of Wildhorse Parkway.

Commissioner Broemmer, on behalf of the Site Plan Committee, made a motion to approve the request. The motion was seconded by Commissioner McCarthy **and passes by a voice vote of 8 to 0 to 1, with Commissioner Eifler abstaining.**

## 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.

## X. Planning Commission Quarterly Meeting: January 18, 1997 (Saturday), 9:00 A.M. to 11:00 a.m. Agenda Topics:

1) **Discussion of October 18, 1996 Memo for possible revision of the rezoning process (Attachment); and**
2) **Other items of concern from the Planning Commission.**

Chairman Casey asked Commissioners to let him know if they have items to add to the agenda of this meeting. Coffee, Danish and bagels will be served.

Commissioner McCarthy stated she has to work and would not make this meeting.

Commissioner Broemmer noted he will probably be a little late for this meeting.

A motion to adjourn was made by Commissioner McCarthy seconded by Commissioner Yaffe **and passes by a voice vote of 9 to 0.**

The meeting adjourned at 8:00 p.m.

**Robert Grant, Secretary**

[MIN1-13.097]