

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JANUARY 10, 2011**

The meeting was called to order at 7:01 p.m.

I. ROLL CALL

PRESENT

Ms. Wendy Geckeler
Ms. Amy Nolan
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Michael Watson
Mr. Steven Wuennenberg*
Chairman G. Elliot Grissom

ABSENT

Mr. David Banks
Mr. Bruce DeGroot

Councilmember Matt Segal, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Mara Perry, Senior Planner
Mr. Shawn Seymour, Senior Planner
Ms. Susan Mueller, Principal Engineer
Mr. Kristian Corbin, Project Planner
Ms. Mary Ann Madden, Recording Secretary

**Commissioner Wuennenberg had not yet been sworn in as a Planning Commissioner, so was unable to vote at this meeting.*

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Grissom acknowledged the attendance of Councilmember Matt Segal, Council Liaison; and Councilmember Bruce Geiger, Ward II.

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

- A. **P.Z. 13-2010 17417 N. Outer 40 Road (KLMR Properties):** A request for a “CUP” Conditional Use Permit in a “FPNU” Flood Plain Non-Urban District for a 30.65 acre tract of land located north of North Outer 40 Road west of the intersection with Boone’s Crossing. (16U220023)

STAFF PRESENTATION:

Senior Planner Mara Perry gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Perry stated the following:

- The petition was posted per State statute and City of Chesterfield requirements.
- The site is located north of the levee and to the northwest of the intersection of Interstate 64/Highway 40 and Boone’s Crossing.
- The site was zoned “NU” Non-Urban District prior to the incorporation of the City of Chesterfield, along with having the Flood Plain designation.
- In February, 2004, the site was platted as part of the Larry Enterprises/Lynch Hummer subdivision with two lots.
- In December, 2006, Lot A was subdivided into two lots. The lot to the front is zoned “PI” Planned Industrial; the lot to the rear, which is the subject of the Conditional Use Permit, is zoned Flood Plain Non-Urban.
- The requested Conditional Use is for the extraction of raw materials from the earth and processing thereof, but not including the manufacture of a product. They will be extracting soil, which will be processed on the site. In some cases, other materials will be brought to the site for mixing with the soil in order to make a topsoil product. In some instances, the product will stay on the site; but in other instances, it will be removed from the site.
- There are a few other topsoil processing areas near the subject site.
- If the use is allowed, there is a process that must be followed which involves getting Grading Permits and a Flood Plain Development Permit. The Petitioner does not plan to build any structures on the site and will need to provide proper access. This will go through review by the Levee District and the City of Chesterfield.
- There is currently one access point going across the levee from the Lynch Hummer site.
- The Comprehensive Land Use Plan designates the site as *Agricultural/Flood Plain/ Conservation*.
- Staff has no issues with the request.

During discussion, the following points were clarified:

- **Regarding loaded trucks crossing the levee trail:** Both the Levee District and the City will review the access, the allowable amount to cross the levee, and the material that will be allowed/not allowed to cross the levee. The plan for the grading permit will show how the site will be accessed. There is an existing crossing immediately adjacent to the site that crosses over the trail.

- **Regarding the prevention of ecological damage to the site as a result of the removal of soil:** The Flood Plain Development Permit process reviews and insures adherence to all the federal requirements regarding the flood plain. The site also requires a Grading Permit, which must meet all City requirements for grading. A Grading Permit is required every year, at which time the site will be reviewed to insure adherence to all City requirements.
- **Regarding the review of materials that are being brought to and from the site to insure that there is no leeching into the flood plain:** The Levee District will be doing some review according to their permits. The City will not be checking the trucks as they go to and from the site. The materials being brought to the site will be the standard materials used for topsoil production.

PETITIONER'S PRESENTATION:

Mr. Larry Lipsitz, KLMR Properties, 42 Woodcliffe Road, St. Louis, MO stated that the request is for a standard soil processing procedure and noted that there are other locations in the area that do the same type of soil processing.

Noting that there is water next to the site, Commissioner Nolan asked if there will be any runoff going into the existing reservoirs. Mr. Lipsitz replied that runoff will not go into the reservoirs.

Ms. Perry pointed out that that Grading Permit gets re-evaluated each year at which time any issues on the site would need to be addressed.

Questions were raised as to who has responsibility for reclamation of the land for these types of sites to insure there are no major ponds or safety hazards left behind. Ms. Perry stated that the Levee District has review over the area.

Ms. Aimee Nassif, Planning & Development Services Director stated that the grading permits are going to be reviewed and re-evaluated each year through Planning & Development Services. If an issue is identified, the grading permit will not be approved.

Ms. Susan Mueller, Principal Engineer for the City of Chesterfield, added that the Grading Permits and any submitted plans are reviewed by Staff. It is possible that the final condition of the site will result in a body of water remaining on the site as a permanent condition.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

- Commissioner Geckeler had concerns about the surrounding areas looking like “strip mining” and questioned whether it degraded the quality of the property for resale. Ms. Perry stated that this is in the flood plain area so there are severe limitations as to what can be done on the site –farming and soil processing would be allowed but no structures can be built. In addition, soil could be brought to the site from other construction sites.
- City Attorney Heggie asked if anything on the wet side of the levee would look as it does now in the event of a flood. Ms. Perry replied that the Levee District reviewed the proposal and gave limitations of exactly where the work can occur to insure there are no problems with breaches or issues related to the levee. Ms. Nassif stated that the City’s Flood Plain Engineer will be reviewing and approving the Flood Plain Permit before any work can commence. Ms. Mueller added that in the event of a major flood, the entire area would be inundated with water. The low spots would typically fill in with siltation and soil deposits depending upon the length of the flood, the length of time the area is under water, and the amount of currents they are subjected to. She does not feel this lowers or changes land value other than the fact that it would no longer be available for the raw material that has been removed – but it would not be a public nuisance or cause a safety hazard to residents. The end result would not be a violation of any City ordinance.

City Attorney Heggie then pointed out that the City has been appointed by FEMA as the Flood Plain Manager for the Chesterfield Valley area. Staff review is quite extensive involving FEMA regulations and what their flood plain management objectives are for this particular area. Ms. Mueller added that agricultural use and removal of soil are two of a very short list of things that can be done in a flood way. If they had requested to fill in the flood way, it would not be allowed because of the functionality of the area as a flood way first and foremost.

- B. P.Z. 14-2010 Chesterfield Oaks (Capitol Land):** A request for an amendment to City of Chesterfield Ordinance 2161 more specifically a request to permit the land use of Office, dental, in a "PC" Planned Commercial District of 6.494 acres in size and located on the east side of Clarkson Road south of its intersection of Chesterfield Parkway and north of its intersection with Baxter Road

STAFF PRESENTATION:

Senior Planner Shawn Seymour gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated the following:

- State statute and City requirements for public notice were met.
- The site was zoned “PC” Planned Commercial District by the City of Chesterfield in 2004 and was amended in 2005 to modify the hours of operation.
- A Site Development Plan was approved in 2005 and the site was developed in 2006.

- Requested Permitted Uses:
 - a. Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - b. Barber shops and beauty parlors.
 - c. Bookstores.
 - d. Financial institutions.
 - e. ***Offices, dental. – (new use being requested)***
 - f. Offices, or office buildings.
 - g. Restaurants, sit down.
 - h. 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.
- The Comprehensive Land Use Plan designates the site as *Urban Core* permitting high-density residential, retail, and office land uses.
- Staff has no outstanding issues with this petition.

PETITIONER'S PRESENTATION:

Mr. Ken Capps, Capitol Land Company, 11850 Studt Avenue, Creve Coeur, MO stated that Capitol Land Company, along with Dierberg's, owns Chesterfield Oaks Shopping Center. They are requesting an ordinance amendment to allow *dental offices* as a permitted use.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES: None

Commissioner Geckeler read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Puyear made a motion to approve the minutes of the **December 13, 2010 Planning Commission Meeting**. The motion was seconded by Commissioner Nolan and **passed by a voice vote of 5 to 0 with 1 abstention from Chair Grissom.**

VI. PUBLIC COMMENT

A. P.Z. 10-2010 Schoettler Village PEU (Mlake 5, LLC)

Petitioner:

Mr. Mike McRobert, Maxus Properties, Inc. 104 Armour Road, North Kansas City, MO stated he was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS – None

VIII. OLD BUSINESS

- A. P.Z. 07-2010 16624 Old Chesterfield Road (Gene Mainini):** A request for a change of zoning from “M2” Industrial District to “UC” Urban Core District and a Landmark Preservation Area (LPA) Procedure for a .226 acre tract of land located on the south side of Old Chesterfield Road, at its intersection with Santa Maria Drive (17V310083).

Project Planner Kristian Corbin stated that the intent of the proposal is to allow for more office space. Public Hearing for this petition was held on October 11, 2010 at which time no issues were raised. Staff has completed its review of the project and has no issues with the proposal.

P.Z. 07-2010 will require two separate votes – one vote for the underlying zoning district of *Urban Core*; and one vote for the Landmark Preservation Area Overlay.

Commissioner Nolan made a motion to approve the request for a change of zoning for P.Z. 07-2010 16624 Old Chesterfield Road (Gene Mainini). The motion was seconded by Commissioner Proctor.

Upon roll call, the vote was as follows:

**Aye: Commissioner Puyear, Commissioner Watson,
Commissioner Geckeler, Commissioner Nolan,
Commissioner Proctor, Chairman Grissom**

Nay: None

The motion passed by a vote of 6 to 0.

Commissioner Puyear made a motion to approve the Landmark Preservation Area Procedure for P.Z. 07-2010 16624 Old Chesterfield Road (Gene Mainini). The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

**Aye: Commissioner Watson, Commissioner Geckeler,
Commissioner Nolan, Commissioner Proctor,
Commissioner Puyear, Chairman Grissom**

Nay: None

The motion passed by a vote of 6 to 0.

- B. **P.Z. 10-2010 Schoettler Village PEU (Mlake 5, LLC)**: A request for an amendment to St. Louis County Ordinance 6059 more specifically a modification to the density requirements of a Planned Environmental Unit in a "R1A" Residence District, "R2" Residence District, "R3" Residence District, "R6" Residence District, and a "R6A" Residence District of 158.2 acres in size and located along Schoettler Valley Drive at the north from US Highway 40/Interstate 64 southward to Squires Way Drive, including the subdivisions of Schoettler Valley Apartments, West Ridge Estates, Schoettler Valley Estates, Highcroft Ridge School, and Bridle Creek and all those lots within.

Senior Planner Shawn Seymour stated that the request is to amend St. Louis County Ordinance 6059 for the purpose of increasing the maximum number of multi-family density units from 300 to 303. Public Hearing for this petition was held on November 8, 2010 at which time the following issues were raised:

- Staff had not yet received all outside Agency review letters. *Since that time, the City has obtained all the required letters.*
- The Petitioner had only obtained 59% of Stakeholder sign-off at the time of the Public Hearing. *At this time, 77% has been obtained.*

It was noted that the City requires stakeholder sign-off but does not designate a number; State statute also does not list a specific number for stakeholder sign-off.

Commissioner Watson made a motion to approve **P.Z. 10-2010 Schoettler Village PEU (Mlake 5, LLC)**. The motion was seconded by Commissioner Nolan.

Upon roll call, the vote was as follows:

**Aye: Commissioner Nolan, Commissioner Proctor,
Commissioner Puyear, Commissioner Watson,
Commissioner Geckeler, Chairman Grissom**

Nay: None

The motion **passed** by a vote of 6 to 0.

- C. **P.Z. 14-2010 Chesterfield Oaks (Capitol Land)**: A request for an amendment to City of Chesterfield Ordinance 2161 more specifically a request to permit the land use of Office, dental, in a "PC" Planned Commercial District of 6.494 acres in size and located on the east side of Clarkson Road south of its intersection of Chesterfield Parkway and north of its intersection with Baxter Road

Senior Planner Shawn Seymour stated that the Public Hearing for this petition was held earlier this evening at which time no outstanding issues were brought forth.

Commissioner Geckeler made a motion to approve P.Z. 14-2010 Chesterfield Oaks (Capitol Land). The motion was seconded by Commissioner Proctor.

Upon roll call, the vote was as follows:

**Aye: Commissioner Proctor, Commissioner Puyear,
Commissioner Watson, Commissioner Geckeler,
Commissioner Nolan, Chairman Grissom**

Nay: None

The motion passed by a vote of 6 to 0.

- D. P.Z. 13-2010 17417 N. Outer 40 Road (KLMR Properties):** A request for a "CUP" Conditional Use Permit in a "FPNU" Flood Plain Non-Urban District for a 30.65 acre tract of land located north of North Outer 40 Road west of the intersection with Boone's Crossing. (16U220023)

Senior Planner Mara Perry stated that the Public Hearing for this petition was held earlier this evening. She noted that Conditional Use Permit #33 includes modifications from the Levee District as follows:

1. The Levee District will not grant approval until they are satisfied that the proposed excavations will not have any harmful or negative effect upon the functioning of the levee or the accompanying seepage berm.
2. The Levee District will be reviewing the interior drainage system, as well as any aspect of water quality. *Ms. Perry also noted that the Flood Plain Development Manager is also the engineer from the City and is assigned to this project. He has done his initial review and will also review the submittals for the flood plain development permit and grading permit.*

Commissioner Geckeler expressed concern about the trucks that will be going back and forth across the levee trail and concern about the materials that will be coming into the site. Ms. Perry replied that in their comments to the City, the Levee District has stated that they will not approve any other improvements that would go across the property from the land side of the levee. The site will be limited to an existing access point and will be monitored partially through a plan that is proposed during the grading permit process of how the site will be accessed. The Levee District would also be reviewing water quality issues related to the topsoil process.

City Attorney Heggie pointed out that in terms of the construction of the levee trail, it was envisioned and planned that there would be times when truck traffic

crossing the trail would be high in order to support this type of operation. The City Engineer has had extensive discussions with the trail designers about how this would best be handled. It was noted that the trucks are going at a slow speed in order to make the steep grade up the levee. In addition, bollards have been set up to control traffic speed at some of the heavier sites. To date, there have not been any problems or conflicts.

Ms. Nassif, Planning & Development Services Director stated that the proposed Conditional Use Permit is an initial step to allow the requested use. The details of the plan, the excavation work, the flood plain requirements, etc. will be worked out before any work is allowed to commence. If anything is found that may be against Levee District regulations or that may cause a negative ecological impact, it would not be approved.

Commissioner Puyear made a motion to approve P.Z. 13-2010 17417 N. Outer 40 Road (KLMR Properties). The motion was seconded by Commissioner Nolan.

Upon roll call, the vote was as follows:

**Aye: Commissioner Geckeler, Commissioner Nolan,
Commissioner Proctor, Commissioner Puyear,
Commissioner Watson, Chairman Grissom**

Nay: None

The motion passed by a vote of 6 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Michael Watson, Secretary