

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JANUARY 9, 2006**

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

I. PRESENT

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

ABSENT

Mr. David Banks

Mayor John Nations
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
Mr. Dan Kaline, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Mara Perry, Project Planner
Ms. Mary Ann Madden, Planning Assistant

Chair Macaluso acknowledged the attendance of Mayor Nations and Councilmember Bruce Geiger, Ward II.

II. INVOCATION: Commissioner Sandifer

III. PLEDGE OF ALLEGIANCE – All

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

- A. **P.Z. 33-2005 THF Chesterfield Development (North Interstate Development-CVPBAIII LLC)**: A request for rezoning from “NU” Non-Urban to “PC” Planned Commercial district for a 6.6 acre parcel located north of State Highway 40/61 and east of Boone’s Crossing. (17U620116 & 17U620138) Proposed Uses:
- (h) Barber and beauty parlors;
 - (s) Financial Institutions;
 - (x) Medical and dental offices;
 - (z) Offices or office building;

Project Planner Kyle Dubbert gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Dubbert stated that the Public Hearing notices were posted on December 22, 2005.

PETITIONER’S PRESENTATION:

1. Mr. Thomas Roof, President of TRI Architects, 8251 Maryland Avenue, Ste. 300, St. Louis, MO stated the following:
 - He represents the two entities requesting the rezoning – Chesterfield Valley Professional Building Associates III (CVPBA-III) and Chesterfield Valley Bank Building Associates I (CVBBA-I). These LLC entities are owners under contract to purchase the subject property from THF.
 - They intend the property for the construction of a Medical Office Building and a Bank Building.
 - Chesterfield Valley Professional Building I is a 25,800 sq. ft. building, which includes St. Louis Orthodontics and St. Luke’s Imaging Center. It was built about five years ago.
 - Chesterfield Valley Professional Building II is a 3-story, 64,500 sq. ft. medical office building on the Northwest Interchange, which houses St. Louis Cosmetics Surgery.
 - CVPBA-III LLC and CVBBA-I LLC propose constructing another 3-story medical office building as a sister building to the building on the Northwest Interchange - having the same height, square footage, and exterior design.
 - They also propose the construction of a 2-story building to include a commercial bank on the first floor with drive-thru lanes and office facilities on the second floor.
 - The petitioner is no longer requesting the use of: *(h) Barber and beauty parlors*.
 - The subject parcel in its entirety is 6.6 acres – approximately 4.1 acres are proposed to be subdivided out for the Medical Building; approximately 2.07 acres would be subdivided for the Bank Building; leaving a .434-acre parcel.
 - The .434-acre parcel is not an actual part of the rezoning. This property is owned by the Levee District. The Levee District has granted the petitioners a permanent easement to use the property as green space. Under the terms of the easement, the petitioners are obligated to maintain the property.

- The Planning Commission has approved a Boundary Adjustment to acquire the small piece of property to allow for the exit from the property.
- Access to the site is from the westbound 40 exit ramp, Boone's Crossing, and the North Outer Road. There would be an exit-only bypass lane at the eastern end of the property, along with three drive-thru lanes - one of which will have an ATM.
- Parking is provided for both buildings in the form of surface parking. The parking ratio will be provided in accordance with the Ordinance to meet the requirements of the proposed uses.
- The proposed 3-story Medical Building features primarily red iron-spot brick façade with metal treatment around the parapet.
- The proposed 2-story Bank Building would be constructed utilizing the same red iron-spot brick with similar metal accents.
- The tenant for the first floor of the Bank is proposed to be Westbridge Bank.

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

- **Regarding fill for the site:** The site was filled at the same time as the Northwest Interchange site was filled. Trash and debris left on the site was remediated. However, the fill wasn't suitable for building construction with respect to the Levee District's requirements for the under-seepage berm. Currently the site is undergoing some remediation. Other than sand being brought in to meet the requirements for the under-seepage berm, no additional fill is anticipated being hauled to the site.
- **Regarding concerns about low spots on the site collecting water:** Currently, the site is not graded to the way it ultimately will be graded when construction is complete. The fill was stockpiled on the site but was not pushed all the way eastward into the Levee District property because there is a culvert that collects storm water from the Interstate. There is a swale that ran across the property into the existing pipe culvert under the North Outer Road, ultimately into the ditch on the north side of the Outer Road. The property was not filled to facilitate the movement of storm water from the Interstate. With this development and subsequent construction, the storm water will be piped into the ditch system on the north side of the Outer Road to eliminate the accumulation of water. The Levee District piece of property will be filled somewhat to facilitate the storm water drainage design. No additional earthwork needs to be hauled on to the property in order to accomplish this.
- **Regarding two curb cuts on the site:** The bank drive-thru necessitates the two curb cuts. The Northwest Interchange site only has one curb cut, which serves only one building. The proposed site has an additional two acres of property associated with it – substantially larger than the site on the northwest corner. They will be proposing to subdivide the site into parcels. In order to minimize the curb cut effect, they are proposing a full-service access point at one area only – the other curb cut would be “exit only” for the drive-thru lanes.
- **Regarding permanent easement for green space:** The Levee District will not sell this property as it wants to maintain utility access along Highway 40. As part of the Sale Contract, the petitioner has agreed to provide utilities for the District's property north and east of the subject property. The District is conveying the

property to the petitioner in the form of a permanent easement to be used for green space. The petitioner is obligated to maintain the easement. Without the easement, the project does not meet the green space requirements. It was noted that this easement is not part of the rezoning request.

- **Regarding landscaping of right-of-way:** The developer will be irrigating and landscaping the right-of-way – everything between the exit ramp and the Outer Road, which is bound by the pavement, would be landscaped.
2. Mr. Art Weiss, Managing Partner of CVPBAIII, 1399 Regency Estates Court, Chesterfield, MO was available for questions.
 3. Mr. Jeff Kaiser, TRI Architects, 8241 Maryland Avenue, Ste. 300, St. Louis, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Does the permanent easement count towards green space? Is there any precedence for green space being counted using a permanent easement? Provide information on any projects where this was done in the past.
2. Address the two curb cuts. Is the exit wider than the curb cut used for full access? Is there any precedence for two curb cuts on similar lots?
3. Can anything be planted on the property owned by the Levee District?
4. Considering the site will be newly-graded, can construction take place before the fill is settled? Can construction take place considering the consistency of the fill?
5. Provide the Agreement language pertaining to the permanent easement.
6. Provide the green space calculations with, and without, the easement.
7. Provide the ratio of the buildings and parking to the site with, and without, the easement.

Commissioner Perantoni read the Closing Comments for Public Hearing **P.Z. 33-2005 THE Chesterfield Development (North Interstate Development-CVPBAIII LLC)** noting the earliest possible date the Planning Commission could vote on the subject petition would be February 13, 2006.

- B. **P.Z. 35-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.):** A request for a change of zoning from “NU” Non-Urban to “R4” Residence District for 2.0 acre tracts of land located south of Century Lake and west of Old Baxter Road (19S420031, 19S420042)

And

- C. **P.Z. 36-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.):** A request for a Planned Environment Unit (PEU) Procedure within an “R4” Residence District for 2.0 acre tracts of land located south of Century Lake and west of Old Baxter Road (19S420031, 19S420042)

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

- Public Hearing notices were posted on December 22, 2005.
- There are issues with the City’s Tree Manual in meeting some of the required setbacks.
- The site is located within the Urban Core, which allows for high-density residential, retail or office.

PETITIONER’S PRESENTATION:

1. Mr. Donald Flower, Flower Homes, 1518 Madison Creek Lane, Wildwood, MO stated the following:
 - The subject site is comprised of 2 one-acre pieces of property. Both parcels currently have residences on them. The area is transitional between residential and commercial.
 - The sellers of the property are intent on selling it as commercial property. However, the petitioner is requesting residential zoning to meet the desires of the City and the surrounding neighbors.
 - The proposal includes 8 single-family homes. There is a single entrance coming into the site off of Old Baxter Road. Asphalt streets would be constructed coming into the project.
 - A plaza is being proposed in the middle of the site with the 8 homes centered around it.
 - The homes range in size from 3,000-3,800 sq. ft and range in price from \$650,000-\$950,000.
 - The site will incorporate significant landscaping.
 - There will be six serpentine-type masonry walls throughout the project, which will be used to close up the views.
 - The drives will alternate between cobblestone and asphalt. Four additional guest parking spaces will be provided.
 - The site will be a fully-gated community. The home sites will be fully landscaped, fully irrigated and maintained by the Association. Flower Homes will design and select all the exterior landscaping.

- Flower Homes will select all materials and colors for the exteriors of the units, along with the architectural style.
- Three-car garages are available on 5 of the 8 units.
- The style of the homes is described as Early American with the addition of some French details. Each unit will have its own distinctive front.
- Lots 4 and 5 are the only attached units at the back of the project. They are attached at the garage with a clock tower.
- Presentations have been made for the Mayor, the Council members, surrounding neighbors, and Trustees of neighboring subdivisions.
- MSD has no problem serving the site but they have an issue with a section of sewer outside of the immediate site. Funds have been allocated for repair of the sewer.
- Monarch Fire Department has three issues regarding street geometry. Mr. Flower has spoken to the Fire Chief and they agreed it would not be a problem to meet the Fire District's criteria.

Commissioner Broemmer commended Mr. Flower on his use of residential for this site.

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

- **Regarding tree removal:** They have assessed the monarch trees on the site and have removed several of them. They have identified on the plan how many of the monarch trees will be saved and where they will be saved. They are attempting to save as many as possible – there are approximately 20 monarch trees, of which 7 are being saved. About 5 trees along Old Baxter are being saved.
- **Regarding the serpentine wall:** It will be 5' high and made from brick or stone – stone is preferred but it will be based on cost. There are large piers at each side of the entrance, which will have cap lights. There will be about 5-6 lights along the road front.
- **Regarding the rear exteriors of the buildings:** The area behind the subject project is 12' below the proposed development. The developer will maintain the existing screening, along with adding to it, in order to screen the existing roofs of the neighboring commercial center. Where the project backs up to a street, it will be screened by the serpentine wall.
- **Regarding Century Lake:** They will have silt control measures around the perimeter of the site. They will attempt to build Unit #1 as a display, if needed. The exteriors of the remaining units will be constructed all at the same time so that ground cover can be put back down to prevent any erosion problems.

SPEAKERS IN FAVOR:

1. Mr. Dan Hillis, 1634 Old Baxter Road, Chesterfield, MO stated the following:
 - He lives across the street from the proposed development and is in favor of the project.
 - He is looking forward to the storm water that presently comes across his property being managed.
 - He has visited other Flower developments and was quite impressed with them.

- He hopes that this will set a precedent so that the property across the street from his home will be zoned residential as opposed to commercial.
2. Ms. Diane Unger, 26 Baxter Lane, Chesterfield, MO stated the following:
- She lives in a 50-year-old subdivision just to the northeast of the proposed development.
 - She attended the preliminary meeting arranged by Mr. Flower.
 - She and her neighbors look forward to the proposed development.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. John Collins, Trustee of Baxter Village Subdivision, 15485 Country Mill Court, Chesterfield, MO stated the following:
- He has concerns with the sanitary sewers. Based on a conversation with Mr. Jeffery Smith of MSD, it is his understanding that the proposed homes will be connected to an existing 8" sewer that eventually passes through the Baxter Village Subdivision. The homes on Country Mill Court are presently connected to this sewer system.
 - In a letter dated October 5, 2005, MSD informed the speaker that the sewer presently has 428 homes connected to it with a capacity of only 386 homes. The letter also states that this may explain why there have been numerous basement back-ups on Country Mill Court.
 - On August 31, 2005, MSD held a public meeting at which time they presented plans for a project termed "The Schoettler Sanitary Relief". This project is designed to alleviate the problems experienced by homeowners on Country Mill Court. The project is scheduled for construction in 2007.
 - Speaker asked that the Commission carefully consider the impact of any plans that would result in additional connections to the existing overloaded sanitary sewer.
2. Mr. David Sterneck, Trustee of Baxter Oaks Subdivision, 15644 Century Lake, Chesterfield, MO stated the following:
- During the construction period, they request that some of the same stipulations be put on this project that have been put on the other projects going on in the area.
 - They request that barriers be put in place to keep mud from running into the lake.
 - They request that Old Baxter Road be cleaned after construction hours.
 - They request that the depth of the lake be surveyed before and after construction. If the depth level changes from the construction process, they request that the contractor be responsible for dredging the lake.
 - They asked if any provisions have been made for retaining storm water on site after the project is complete. They asked if storm water drainage could be directed towards Clarkson.
 - They asked if there would be any coordination between the contractor and the Public Works Department regarding the widening of Old Baxter Road. They

expressed concern about the impact on traffic if both of these projects are done simultaneously.

- They have concern that only 4 visitor parking spaces have been provided for the development.

REBUTTAL:

Mr. Flower stated the following:

- The sanitary sewer downstream is a separate issue from additional taps onto the sewer line. According to MSD, there is a section of the sanitary sewer downstream that is old and is run at 6/10 of a percent, which is a standard they allow occasionally. But because a stretch of sewer is so flat, the sewage can't pass through quickly enough and tends to back up into laterals and then into some houses. It is being increased by ground water that has gotten into the system. MSD has allocated funds to fix the problem before the proposed development connects to the sewer line.
- The developer will use siltation devices at the perimeter of the project. They are aware that they will be required to do a pre-survey and post-survey of the lake. In addition, they will be posting a bond.
- They will make a serious attempt to keep the streets clean during the construction process.
- MSD has granted a detention waiver for the site because very small detention basins do not work very well. Because the site is so small, the differential run-off was under 2 cfs. MSD does not want a detention basin on site.
- The City has already designed a road-widening for Old Baxter. The developer will be required to provide this improvement and it is shown as part of their plans.
- Regarding visitor parking, Speaker noted that there will be three-car garages available, along with off-street parking. There are a total of 10 extra spaces – not counting the 3-car garage spaces.

ISSUES:

1. Provide more clarification for which trees are to be removed.
2. Provide information regarding materials to be used on buildings viewed from a public street.
3. Address lake siltation and run-off concerns
4. Insure that the cleaning of Old Baxter Road is done.
5. Coordination with Public Works Department of widening Old Baxter Road with respect to timing.
6. Review the number of visitor parking spaces.
7. Include similar language used for the Capitol Land project regarding construction requirements.
8. Provide information about the storm water run-off situation. Where will the water be directed and what is Public Works' position on the matter?

(Mayor Nations left the meeting at 8:10 p.m.)

Mayor Nations commended Mr. Flower on his proposal. He stated that the Old Baxter Road widening project is anticipated to be done this summer. The final scheduling should be complete within the next 2-3 weeks.

Commissioner Perantoni read the Closing Comments for Public Hearing **P.Z. 35-2005 & P.Z. 36-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.)** noting the earliest possible date the Planning Commission could vote on the subject petition would be February 13, 2006.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the December 12, 2005 Planning Commission Meeting. The motion was seconded by Commissioner Sandifer and **passed** by a voice vote of 8 to 0.

VI. PUBLIC COMMENT

RE: P.Z. 29-2005 Chris Schulenburg (14310 Olive Road)

Petitioner:

1. Mr. Chris Schulenburg, 14264 Forest Crest, Chesterfield, MO stated he would be addressing the recommendations to their variance request pertaining to “A 20’ landscape buffer when adjacent to residential property”.
 - a. **Rear yard:** Additional trees are being recommended for the rear yard. The petitioner is agreeable to this. Speaker noted that on the less than ½ acre lot, they have 8 monarch trees out of 13 existing trees. They have also added over 50 additional trees and shrubs for a total of 63 trees and shrubs.
 - b. **Side yard:** They have an existing monarch tree on the side and have added an additional 14 shrubs. A fence has been recommended but they feel a fence adjacent to the drive would create a visibility hazard for entering and exiting the property.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Gascony Record Plat:** A record plat for an approximately 3.74-acre tract of land, zoned “R-3” Residential, located on Clayton Road west of Schoettler Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Hirsch and **passed** by a voice vote of 8 to 0.

- B. **National City Bank (Chesterfield Commons Six, Outlot 2):** Amended Sign Package for 1.35 acre tract of land, zoned “C-8” Planned Commercial, located north of Chesterfield Airport Road and east of Public Works Drive

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Sign Package. The motion was seconded by **Commissioner Broemmer** and **passed** by a voice vote of 8 to 0.

- C. **Paddington Hill Record Plat:** A record plat for an approximately 7.8-acre tract of land, zoned “R-3” Residential, located on Olive Blvd. west of Sharon Drive east of Spyglass Summit Drive.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by **Commissioner Broemmer** and **passed** by a voice vote of 8 to 0.

- D. **Resubdivision of Lot 4 of Long Road Crossing Lots 2, 3 and 4 A Resubdivision of Long Road Crossing:** A record plat for an approximately 14.43 acre tract of land, zoned PC Planned Commercial, located north of Chesterfield Airport Road and west of Long Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by **Commissioner Hirsch** and **passed** by a voice vote of 8 to 0.

- E. **Resubdivision of Adjusted Lot 12 of the Boundary Adjustment Plat of Lots 12 and 13 of Spirit Trade Center Plat 2:** A record plat for an approximately 4.03 acre tract of land, zoned M3 Planned Industrial District, located on the west side of Trade Center Blvd. approximately 500 ft. south of Chesterfield Airport Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by **Commissioner Perantoni** and **passed** by a voice vote of 8 to 0.

VIII. OLD BUSINESS

- A. **P.Z. 29-2005 Chris Schulenburg (14310 Olive Road):** A request for a Residential Business Use Procedure in an “R-2” Residential Zoning District for a 0.48 acre tract of land located at 14310 Olive Road, south of Olive Road and east of Glenfield Ridge. (Locator Number 16R310846)
The request contains the following permitted uses: Office.

Project Planner Aimee Nassif stated that the Public Hearing was held on October 24, 2005. All issues have been addressed with the exception of several variance requests made by the Petitioner:

1. **Parking setback requirement:** Since the time of the request, the Petitioner has amended the Preliminary Plan and now meets the requirement.
2. **Landscape buffer requirement – rear yard:** A 20’ landscape buffer is required when adjacent to residential property. Since the time of the request, the Petitioner has amended the Preliminary Plan and now meets the requirement.
3. **Landscape buffer requirement – side yard:** The Petitioner has submitted an Amended Preliminary Plan, which added some boxwood to the eastern portion of the site. Currently the landscape buffer is 2’ in lieu of the 20’ requirement. The recommendation from the Director of Planning and the Department of Planning is to add decorative fencing to the side, along with some near-ground planting. This variance request is open at this time.

Commissioner Sherman suggested that the recommended decorative fencing be put back from the street to resolve any visibility concerns. Director of Planning Teresa Price stated that the fencing was recommended because the parcel next to the site is residential, whose rear yards could face the proposed development’s parking lot.

Commissioner Sherman made a motion to accept P.Z. 29-2005 Chris Schulenburg (14310 Olive Road) with its Attachment A and with the variances as written in the Staff Report, allowing some flexibility with the length of the decorative fencing as approved by the Department. The motion was seconded by Commissioner Sandifer.

Upon roll call, the vote was as follows:

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

Nay: Commissioner Broemmer

The motion passed by a vote of 7 to 1.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

- A. Committee of the Whole**
- B. Ordinance Review Committee**
- C. Architectural Review Committee**
- D. Landscape Committee**
- E. Comprehensive Plan Committee**
- F. Procedures and Planning Committee**
- G. Landmarks Preservation Commission**

XI. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Lynn O'Connor, Secretary