

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JANUARY 8, 2007**

The meeting was called to order at 7:04 p.m.

I. PRESENT

Mr. David Asmus
Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Dr. Lynn O'Connor
Ms. Lu Perantoni
Chairman Maurice L. Hirsch, Jr.

ABSENT

Mr. Gene Schenberg
Ms. Victoria Sherman

Councilmember Mary Brown, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Acting Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Mara Perry, Senior Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Asmus

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Councilmember Mary Brown, Council Liaison; Councilmember Mike Casey, Ward III; and City Administrator Mike Herring.

PUBLIC HEARINGS - None

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the December 11, 2006 Planning Commission Meeting. The motion was

seconded by Commissioner Geckeler and **passed** by a voice vote of 6 to 0, with 1 abstention from Commissioner Asmus who was not in attendance at the December 11th meeting.

VI. PUBLIC COMMENT

RE: Wal-Mart Supercenter Expansion (Chesterfield Commons)

Petitioner:

1. Mr. Mark Woolridge, Wolverton & Associates, 6745 Sugarloaf Parkway, Ste. 100, Norcross, GA stated he was available for any questions.
 2. Mr. Brett Martinez, Architect for the Petitioner, 345 Riverview, Ste. 200, Wichita, KS stated he was available for questions regarding the architectural elements and elevations.
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RE: P.Z. 5-2005 Winter Wheat Place (Dollar Building Company)

Petitioner:

1. Mr. John Wagner, 17107 Chesterfield Airport Road, Chesterfield, MO gave a PowerPoint Presentation and stated the following:
 - The proposed petition is a rezoning request for a four-acre site from Non-Urban District to E-One Acre Estate for three homes.
 - The subject site is south of the Chesterfield Manors site, on which the Planning Commission recently recommended approval by a vote of 6 to 1.
 - The City's Land Use Plan designates the site as one-acre density.
 - The site is comprised of three lots – two at 1.30 acres and one at 1.40 acres.

In Opposition;

1. Mr. Tom Fleming, Trustee of Wild Horse Ridge Subdivision, 17067 Rooster Ridge, Chesterfield, MO read a letter to the Commission, dated January 8, 2007, which stated the following:

“The residents of Wild Horse Ridge Subdivision are 100% opposed to this rezoning petition. On November 27th 2006, this Commission voted in favor of P.Z. 20-2006 Mayer Homes petition for rezoning a four acre lot in our subdivision from NU to E-One, thereby potentially creating a second subdivision. If Winter Wheat Place is approved, based on this precedent, a possible third subdivision could be created, all with only one access through an adjoining subdivision. There are currently six 3-plus acre lots, salt-and-peppered throughout our subdivisions, that are undeveloped. They all represent potential petitions

waiting to happen, thus leading to the creation of six more mini, separately-named, and planned subdivisions for a grand total of nine.

If this is beginning to sound a little convoluted and an irresponsible development approach, you are correct. This is exactly what happens when spot rezoning occurs. We, therefore, ask the Planning Commission to take into consideration, not only this development, but the reasonable and foreseeable development of our entire subdivision and surrounding properties.

Commissioner Broemmer asked Mr. Fleming how he would like to see the site developed. Mr. Fleming responded that he felt Large-Lot Residential zoning would be appropriate for this site as it would take into consideration the character of the subdivision and surrounding area. He also felt E-2 zoning would be appropriate for the site and felt the residents of Wild Horse Ridge Subdivision would support such a rezoning.

RE: P.Z. 9-2006 St. Luke's Episcopal Presbyterian Hospitals (Parcel D)

Petitioner:

1. Mr. Mike Doster, Attorney for the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO gave a PowerPoint Presentation and stated the following:

- The rezoning request is for Medical Use and pertains to Parcel D of the subject site.
- They have met with Attorney Steve Kling, representing the residents of Green Trails Subdivision, to address issues raised by the residents.
- The two open issues pertain to:
 1. The construction of a berm on Parcel D, which would be planted with trees. They have responded, by letter to Steve Kling, to a list of questions from the residents regarding the berm.
 2. The setback from Highway 141. The residents request that the Parcel D setback be 25 feet closer to Highway 141. Under the Medical Use District Ordinance, a 50-foot setback is required from Highway 141. They have been in discussion with City Attorney Rob Heggie about the possibility of obtaining a variance, which poses a technical issue with respect to the timing. The residents would like to have the 25-foot setback approved as part of the rezoning; however, it may not be legally possible to have the setback amended until after the rezoning is approved. The proposed plan being presented depicts the 25-foot setback from Highway 141.

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

- **Regarding a request for a copy of the letter sent to Attorney Steve Kling with respect to the berm:** Mr. Doster will advise Mr. Kling that the Commission has requested a copy of this letter.
- **Regarding the requested 25-foot setback:** The 25-foot setback would affect the view of the buildings in terms of their height. Because of the topography of the site, if the setback is moved 25 feet closer to Hwy. 141, the height of the buildings is lowered. If the 25-foot setback is granted, a variance would then be necessary for Parcel B to move the parking structure closer to Hwy. 141 to accommodate the movement of part of that structure that will sit on Parcel D.

2. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:

- The presented plan is a reflection of moving buildings D-1, D-2, D-3, and Parking Garage C forward 25 feet closer to Hwy. 141.
- By moving the buildings forward, they are better screened because the topography of the site drops four feet vertically. The movement also allows the construction of a four-foot high, ten-foot wide berm on the west side that would include plantings.
- The movement of the buildings improves the sight line for the residents of Green Trails Subdivision.
- The MoDOT issues outlined in their letter of April 24, 2006 include three minor comments and conditions, which are very easy to address.

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

- **Regarding a change in access to Ladue Farms Subdivision:** The obligation of St. Luke's Hospital was to investigate an alternative access for Ladue Farms Subdivision, which has been done. In 2006, a solution was developed for an alternative access by having a U-turn and a right-in only to Ladue Farms from Hwy. 141. The concept was approved by MoDOT. The City of Chesterfield, as a municipality, has the onus to request a break in access from the Highway Commission, which is now in process. The improvements to Ladue Farms intersection can either be incorporated with improvements of Hwy. 141 by MoDOT at such time as 141 is improved – or the improvements would be triggered by additional development of Parcel A, the main hospital campus.
- **Regarding grading on the western slope of the parking garage:** The limits of disturbance do not change.
- **Regarding construction of the berm:** The berm will be constructed from materials on site.

3. Mr. Rick Clawson, ACI Boland, 11477 Olde Cabin Road, St. Louis, MO stated he was available for questions.

RE: P.Z. 25-2006 Simply Storage (OB Development, Inc.)

In Opposition:

1. Mr. John Burrows, 941 Chesterfield Villas, Chesterfield, MO stated the following:
 - He feels approving the subject petition would be a serious mistake.
 - He has been in the self-storage industry business in Chesterfield for over 21 years opening his business in 1985. His business was seriously affected by the 1993 flood – taking eight years to recover.
 - He does not oppose the petition because of more competition – he has eight locations in four different states with many competitors.
 - He is protesting the approval of the subject petition because the self-storage business is limited. He can determine how many square feet of storage will be needed prior to building a structure.
 - The maximum number of units that he has ever rented in the Chesterfield location is 724. The proposed petition shows 90,000 sq. ft., which could be about 900 units for storage.
 - If the petition is approved, his business and Simply Storage will split whatever business is there.

Petitioner:

1. Mr. Steve Polk, Zavradinos & Polk – Civil Engineers for Simply Storage, 17813 Edison Avenue, Chesterfield, MO gave a PowerPoint Presentation showing the building elevations and stated the following:
 - Since the last presentation, the plans have been changed to square off the back of the building by removing the stairs from the back of the building.
 - The height of the building – 53 sq. ft. – includes the points on the tops of the corners, which are about 8 ft. above the regular parapet wall.
 - In the rear of the building, a mezzanine level has been added between the first and second floors.
 - They have been able to reduce the floor plan of the building while keeping the same overall square footage.
 - A variance will be necessary for the project if the rezoning is approved.

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

- **Regarding the building's distance from Chesterfield Airport Road:** The building is about 80 feet from the road with a 25-foot buffer and parking in front of the building.
- **Regarding the number of floors in the building:** There are three floors in the front of the building. The mezzanine level in the back-half of the building makes the back-half four floors. The addition of the fourth floor has not changed the height of the building since the last presentation.

Commissioner Perantoni expressed concern about entering the building and stepping down approximately 6" without any stairs. Mr. Polk replied that stairs are not required for this area but that handicapped access would have to be provided.

2. Mr. Jared Farmer, Simply Storage, 10154 Sparkle Court, Orlando, FL stated he was available for questions.

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

- **Regarding the types of customers who use self-storage:** They anticipate they will have residential customers, along with commercial customers. Because of the number of businesses in the area, they expect business customers would use the space for file storage, with possible storage use from pharmaceutical representatives and salespersons.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Anheuser Busch Hangar (Mechanical Enclosure for Generator):

A mechanical enclosure for a 400 Kilowatt Generator located in the Anheuser Busch Hangar Subdivision on a 6.00 acre parcel zoned "M-3" Planned Industrial District. The site is located on the south side along Edison Road and west of Goddard Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the mechanical enclosure for a generator. The motion was seconded by Commissioner Banks and **passed by a voice vote of 7 to 0.**

B. Wal-Mart Supercenter Expansion (Chesterfield Commons):

Amended Site Development Concept Plan, Landscape Plan and Lighting Plan for an expansion into a supercenter located in a "C-8" Planned Commercial District within the Chesterfield Commons development, west of Chesterfield Commons Drive on the south side of Chesterfield Airport Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan, Landscape Plan, and Lighting Plan. The motion was seconded by Commissioner Perantoni.

Commissioner Asmus stated that during the Site Plan Committee he opposed approval and clarified that he has an issue with expanding the size of a facility while reducing the parking for the site. He also expressed concern about some of the green space being removed with regard to the culvert and how it will involve building closer to Edison Road.

The motion to approve passed by a voice vote of 5 to 2 with Commissioners Asmus and Geckeler voting "no".

- C. **Wal-Mart Supercenter Expansion (Chesterfield Commons):** Amended Site Development Section Plan, Landscape Plan, Lighting Plan and Architectural Elevations for an expansion into a supercenter located in a "C-8" Planned Commercial District within the Chesterfield Commons development, west of Chesterfield Commons Drive on the south side of Chesterfield Airport Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Landscape Plan, Lighting Plan, and Architectural Elevations with the condition of additional screening, as directed by the Planning Department, to be no less than that which is located at the Home Depot store. The motion was seconded by Commissioner Banks.

Commissioner Asmus noted his opposition for the same reasons cited above.

Commissioner Geckler stated her opposition because of the removal of too much green space and planting in front of the building, along with her feeling that the proposal does not maintain the interest on the elevations as it currently exists.

Commissioner O'Connor stated that she is disappointed with the lack of windows on the new eastern section of the building.

The motion to approve **passed** by a voice vote of 5 to 2 with Commissioners Asmus and Geckeler voting "no".

- D. **Terra Corporate Park Amended Site Development Concept Plan:** Amended Site Development Concept Plan and Landscape Plan for a 24.9 acre parcel zoned "PI" Planned Industrial District located north of Chesterfield Airport Road across from its intersection with Trade Center Boulevard.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan and Concept Landscape Plan. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 7 to 0.

- E. **Terra Corporate Park Record Plat:** Record Plat for a 24.9 acre parcel zoned "PI" Planned Industrial District located north of Chesterfield Airport Road across from its intersection with Trade Center Boulevard.

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 7 to 0.

- F. **Long Road Crossing/Lipton Parcel (formerly Vantage Pointe Place)**: Record Plat for 20.0 acres of land zoned "PI" Planned Industrial District located at the intersection of Chesterfield Industrial Boulevard and 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 7 to 0.**

VIII. OLD BUSINESS

- A. **P.Z. 5-2005 Winter Wheat Place (Dollar Building Company)**: A request for a change of zoning from "NU" Non-Urban District to E-One Acre for a 4.0 acre tract of land located on Winter Wheat Road, 3000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. (18U220092)

Annisca McCaskill-Clay, Assistant Director of Planning, stated that the petition was last on the agenda in February 2006 and asked if there were any questions or directives regarding it.

ISSUES:

1. Show the location of the roads that would offer access to the southern boundary areas - provide a depiction of the overall road system that goes to the south.

- B. **P.Z. 9-2006 St. Luke's Episcopal Presbyterian Hospitals (Parcel D)**: A request for a change of zoning from "NU" Non-Urban District, "FPNU" Flood-Plain Non-Urban District and "R1" Residence District/FPR1" Flood-Plain Residence District to "MU" Medical Use District for four (4) parcels of land located ¼ mile north of the Woods Mill and Conway Roads intersection.

Annisca McCaskill Clay stated that the Public Hearing was held on April 14, 2006. The Petitioner proposes expanding upon the campus across South Woods Mill Road (Highway 141).

Setbacks for the MU district require 50 feet from rights-of-way; if a 25-foot setback is allowed, the topography of the site could be used to lower the height of the buildings and to construct a landscaped berm. It was noted that the MU District does not provide a mechanism, such as through good planning practices, to allow the 25-foot setback. The Petitioner is working with City Attorney Heggie to determine if there is a means to allow the 25-foot setback from Highway 141. The Petitioner would have the option of presenting before the Board of

Adjustment for the 25-foot setback after zoning approval, but it would not be guaranteed that the variance would be granted.

ISSUES:

1. Approval from the Fire Protection District.
2. Address the comments from the Traffic Study with respect to receiving comments from the MoDOT about the proposed improvements.
3. Have the residents of Ladue Farms been notified about the proposed 25-foot setback from Highway 141? Mr. Doster stated that the Petitioner is of the opinion that if the buildings are moved 25 feet closer to Highway 141, it will not have a material impact on Ladue Farms. If there is any impact, it will lower the height of the buildings for them as well.
4. How much extra traffic will be generated between the main campus and the expansion across Highway 141? Ms. McCaskill-Clay replied that a traffic report for St. Luke's was done at the initial sites for Parcels A and B. An updated report has since been provided, which will be forwarded to the Commission. The report includes some recommendations for improvements that could be made to the area, which would have to be approved by MoDOT.

Commissioner Banks suggested that the Ordinance Review Committee review the Ordinance for the Medical Use District to determine if it should be amended to allow variances for good planning practices for future petitions.

- C. P.Z. 25-2006 Simply Storage (OB Development, Inc.):** A request for a change of zoning from a Non-Urban "NU" to a Planned Industrial "PI" for an approximately 2.3 acre tract of land located at 17555 and 17551 Chesterfield Airport Road east of the intersection of Long Road and Chesterfield Airport Road.

Ms. Jennifer Yackley, Project Planner, stated that the Public Hearing was held on November 13, 2006.

ISSUES:

1. Parking setback requirement is **37 feet**; the proposed Site Plan shows a setback of **15 feet**. The requested 15-foot setback would need to be approved as a variance by the Board of Adjustment. Chair Hirsch stated that the 37-foot setback is required because of the NU property immediately to the west of the subject site. The NU property is a small piece of land located near the entrance to Highway 40 and Chesterfield Airport Road.
2. Review how the open space was calculated. Is the open space requirement being met?
3. Review the number of parking spaces.
4. Does the square footage of the building consider the four floors to the rear of the building and not just the three floors at the front of the building? Ms. Yackley replied that the square footage includes all four floors.

5. Provide drawings of the Gundaker Building at the same scale as the proposed Simply Storage structure – showing the height of the Gundaker Building. Provide information as to the distance of the Gundaker Building from Chesterfield Airport Road and Long Road.
6. Can the use of “drive-thru” be removed from the “fast food” use?

Chair Hirsch asked if the Commission wanted any further traffic data regarding this petition. No additional data was requested at this time.

Commissioner Broemmer asked if the Commission would be voting on the size of the building at the same time it is voting on the rezoning of the property. Chair Hirsch replied that the site-specific ordinance does refer to the specific height and square footage of the building. While the Commission is not approving a Site Plan or elevations at this time, it is determining the specificity of the size and height of the building.

Commissioner Broemmer expressed concern about reviewing a request for a building, which will require a variance, at the same time the Commission is being asked to review the rezoning request. Chair Hirsch noted that this situation stems from the ordinance that is in place, which does not allow the Commission the leeway to grant a variance to the side parking setback on a PI site next to an NU site. The size of the setback is also caused by the height of the building.

City Attorney Rob Heggie stated that the Petitioner cannot request a variance prior to the site being rezoned to PI. There is no guarantee that the Board of Adjustment would grant the variance. If the variance is not granted, then the proposed building, as depicted, would not be able to be built because it would not meet the requirements of the PI District for this parcel.

Commissioner Broemmer stated that he would have a problem approving the rezoning request with the knowledge that a variance is needed for the proposed building. Chair Hirsch pointed out that the Attachment A includes the required 37-foot parking setback so the Commission would not be approving a setback that is less than the site-specific ordinance. If the variance is not granted by the Board of Adjustment, the square footage of the building has to be decreased.

City Attorney Heggie stated that it takes four votes, out of five, for the Board of Adjustment to grant a variance.

Commissioner Banks asked the City Attorney to comment on what, if any, consideration the Commission can give to the comments made by Mr. John Burrows, who opposes the petition based on his opinion that there is a limited amount of business in the area for self-storage companies. City Attorney Heggie replied that the Planning Commission is not allowed to take into account the effect that competition may have on a particular project. In its deliberations on the rezoning request, he asked that the Commission set aside any thoughts it may have on the economic effect the rezoning may have on any businesses located in Chesterfield.

Chair Hirsch stated that the Planning & Zoning Committee has requested that the use of “automatic vending machines” be made an ancillary use on all petitions – unless the petition is for a major vending center. He asked that this be part of the motion when the petition is voted upon. Ms. Yackley indicated that the Petitioner is not opposed to making it an ancillary use.

Commissioner O'Connor made a motion to hold P.Z. 25-2006 Simply Storage (OB Development, Inc. until the next meeting of the Planning Commission. The motion was seconded by Commissioner Asmus and passed by a voice vote of 7 to 0.

IX. NEW BUSINESS

Discussion was held on voting on a rezoning request when it is known that the Petitioner will be requesting a variance after approval. It was noted that some of these situations are caused by site-specific ordinances that do not allow the Commission to grant variances based on good planning practices. However, the Attachment A will have the maximum requirements included. Any variances from the requirements must be granted by the Board of Adjustment. If not granted, the requirements of the Attachment A must be followed.

X. COMMITTEE REPORTS -None

XI. ADJOURNMENT

The meeting adjourned at 8:18 p.m.

David Banks, Secretary