

CORRECTED

PLANNING COMMISSION OF THE CITY OF CHESTERFIELD AT CHESTERFIELD CITY HALL DECEMBER 13, 2004

The meeting was called to order at 7:05 p.m.

I. PRESENT

ABSENT

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

Mayor John Nations
City Attorney Doug Beach
Ms. Annissa McCaskill-Clay, Senior Planner
Mr. Kyle Dubbert, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Perantoni

III. PLEDGE OF ALLEGIANCE

Chairman Sherman acknowledged the attendance of Mayor John Nations and Councilmember Jane Durrell, Ward I.

Commissioner Broemmer read the "Opening Comments" for Public Hearings.

IV. PUBLIC HEARINGS

- A. **P.Z. 27-2004 THF Chesterfield Three Development (Home Depot):** A request for an amendment to City of Chesterfield Ordinance 1624 to allow for seasonal outdoor sales and storage at the easternmost anchor of Chesterfield Commons West from March 15th until October 15th of each year. (17U-22-0080)

Senior Planner Annis McCaskill-Clay gave a power point presentation showing an aerial view and photographs of the Home Depot site.

PETITIONER'S PRESENTATION:

1. Mr. Geoff Yothers, Casco Engineers and Architects, 10877 Watson Road, St. Louis, MO 63127, representing Home Depot, stated the following:
 - Speaker pointed out that the petition states “*the **easternmost** anchor of Chesterfield Commons West*”. For clarification, he stated that The Home Depot is located directly in the center, or the west side, of the parcel. There is a vacant parcel next door on the eastern side for future retail.
 - Regarding the operational aspect of The Home Depot, one side is the lumber/professional sales area, the center area is the main entry and exit vestibule for retail and the other side is the Garden Center.
 - The proposed outdoor sales and storage area will be comprised of approximately 3,000 square feet directly in front of the existing Garden Center.
 - The current egress will be maintained and the aisle widths will be kept ADA-compliant.
 - During the proposed seasonal timeframe, the overhead doors will be open in the Garden Center, with cash registers, to make it a self-sufficient retail area.

Commissioner Perantoni asked for clarification on the length of the area to be utilized for the outdoor sales and storage.

Commissioner O'Connor asked if the outdoor sales and storage area is intended solely for plant materials or if it would include fountains, lawn mowers, tractors, barbeque grills, fertilizers, grass seed, landscape ties, dirt, or mulch. Mr. Yothers replied that the area would be used for plants and planting materials.

Chairman Sherman stated that at Lowe's and Wal-Mart, there are seasonal sales out in front of the store. The sales are governed by specific language and asked Mr. Yothers if Home Depot would be willing to accept the same definitions used for these two stores. Mr. Yothers replied that his client is looking for nothing less and nothing more.

2. Ms. Meredith Knopp, General Manager for The Home Depot, 390 THF Boulevard, Chesterfield, MO 63005 stated she was available for any questions.

Commissioner Macaluso expressed her approval of the screened fencing around the outside and commended The Home Depot for not extending the height of the fencing.

Commissioner O'Connell expressed her approval also of the screened fencing and the roof design.

3. Mr. Dean Burns of THF Realty, representing the owner, THF Chesterfield Three Development, LLC, stated the following:
 - They have reviewed the proposed seasonal storage area and find it consistent with what has previously been allowed at Lowe's and Wal-Mart.
 - The Home Depot has been very responsive with respect to trash in the back and outdoor storage.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

- Clarify the length of the area to be utilized for the outdoor storage.
- Clarify the types of materials to be sold.
- Clarify the specific language to be used to define what is allowed to be sold/stored in the outdoor area - whether or not the same language utilized for Lowe's outdoor storage could be utilized for The Home Depot.
- Clarification as to whether cash registers will be brought outside when the overhead doors are open. Are sales going to be inside/outside?

Commissioner Broemmer read the "Closing Comments" for Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the November 22, 2004 Meeting. The motion was seconded by Commissioner Macaluso and **passed by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

1. Mr. Todd Rogan, 291 Chesterfield Mall, Chesterfield, MO 63005 speaking **in favor** of **Spectrasite (Westfield Shoppingtown Chesterfield)** stated that he is available for any questions.
2. Ms. Kelly Drew, 1812 South Federal Street, #10, Chicago, IL 60616 speaking **in favor** of **Spectrasite (Westfield Shoppingtown Chesterfield)** stated that she is available for any questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

Commissioner Macaluso made a motion to change the agenda to move Item **VII. E. Spectrasite (Westfield Shoppingtown Chesterfield)** to the first item to be considered under **Site Plans, Building Elevations and Signs**. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0**.

- E. SpectraSite (Westfield Shoppingtown Chesterfield):** An amended Landscape Plan and fencing for a telecommunications equipment yard at a “C-8” Planned Commercial District-zoned regional shopping center located south of Highway 40/Interstate 64.

Commissioner Macaluso invited the petitioners to make their presentation.

Mr. Todd Rogan, 291 Chesterfield Mall, Chesterfield, MO 63005 stated the following:

- The proposal is directed at improving the mobile phone service within the Mall.
- The location is on the back portion of the Mall between Famous-Barr and Sears, immediately adjacent to a loading dock.

Ms. Kelly Drew, representing SpectraSite Communications, 1812 South Federal Street, #10, Chicago, IL 60616 stated the following:

- Many wireless carriers are experiencing a lack of coverage and capacity within Chesterfield Mall.
- SpectraSite Communications has entered into a lease agreement and secured a lease-hold interest for the placement of an in-building distributed antenna system.
- The antenna system will be distributed throughout the common areas of the Mall and will be placed within the Mall ceilings so it will not be visible.
- The primary objective is to allow several carriers to ride the antenna system to provide wireless coverage to people who work and travel through the Mall.
- The proposal includes an outdoor equipment space area that would hold the support equipment of the antenna system. The proposed outdoor equipment area is approximately 22’ by 31’, between Sears and Famous-Barr – adjacent to the current loading dock.

- The proposed equipment space area includes using brick in some areas and 8' chain link fence in other areas, with privacy screens.
- The existing shrubbery, trees, and pines would be relocated to the outside of the brick area to better conceal the equipment room. If not all of the existing shrubbery and trees will fit in the parameter of this area, it is possible they will be relocated to other places on the property.

Commissioner Banks asked for clarification that brick would be used on two of the outside areas. Ms. Drew replied that brick would be used on the two sides that extend from the existing brick wall.

Commissioner Perantoni asked if there was a technical reason as to why the brick couldn't be continued around to the other end. Ms. Drew responded that there is not a technical reason for not using brick; they are proposing chain link fence since that area is not visible to the public. Commissioner Perantoni stated she would prefer to see brick used as opposed to the chain link fence.

Commissioner Broemmer asked for clarification that the proposal is an indoor antenna system, which is totally enclosed – with no antennas outside. Ms. Drew responded that there is nothing outside – the antennas are placed inside within the drywall in the ceilings of the Mall. Nothing is visible – this is a neutral host system built to accommodate up to six carriers, which could potentially eliminate the need for additional tower development in the area.

Commissioner Broemmer asked for clarification that this would not cause any interference with any existing equipment or security departments. Ms. Drew replied that there would not be any interference – they are required to comply with all FCC rules and regulations in order not to lose their license. The FCC mandates that they remain within the frequency ranges for which they are licensed, which insures there will be no frequency interference issues with any other carriers or devices.

Commissioner Banks made a motion to approve SpectraSite's proposal for an Amended Landscape Plan and fencing as presented with the provision that the west and southwest walls be made of masonry of similar style and material as the existing wall around the trash enclosure. The motion was seconded by Commissioner Asmus and **passed** by a **voice vote of 9 to 0**.

- A. **Chesterfield Commons East Outlot 4 (Smokey Bones) Restaurant:** Amended Site Development Section Plan, Landscape Plan and Architectural Elevations for a restaurant in the Chesterfield Commons East development, zoned "PC" Planned Commercial and located south of Chesterfield Airport Road, west of Chesterfield Commons East Rd at 17030 Chesterfield Airport Road.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Landscape Plan and Architectural Elevations. The motion was seconded by Commissioner O'Connor.

Commissioner Broemmer wanted the record to note his displeasure with the fact that this project was allowed to be under construction, and the footprint of the building moved by two feet, prior to approval.

The vote on the motion to approve passed by a voice vote of 8 to 1. (Commissioner Banks voted no.)

- B. **Delmar Gardens Amended Site Development Plan:** An Amended Site Development Plan, Architectural Elevations, Landscape Plan, and Architect's Statement of Design for office and medical office buildings in a "PC" Planned Commercial District located on the north side of North Outer 40 Road, east of Delmar Gardens at 14825 and 14805 North Outer 40 Road.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan, Architectural Elevations, and Landscape Plan with the condition that the flat-lens light fixtures be specified on the Site Plan. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 9 to 0.**

- C. **Emperor's Wok Amended Elevations:** Amended elevations in a "PC" Planned Commercial District for a restaurant located on the south side of Chesterfield Airport Road and west of RHL Drive at 17360 Chesterfield Airport Road.

Commissioner Macaluso stated that the Amended Elevations for Emperor's Wok has been held until the next meeting of the Planning Commission.

- D. **Gascony (Fischer & Frichtel):** Site Development Plan, Architectural Elevations and Landscape Plan for an "R-3" Planned Environment Unit (PEU)-zoned residential development located on the north side of Clayton Road, west of the intersection of Clayton Road and Schoettler Road.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Architectural Elevations, and Landscape Plan with the stipulation that Lots 11, 12, 13, 14, 1 and 2 have some of the same masonry elements that the front elevations have, including, but not limited to, the chimney masses. The motion was seconded by Commissioner Hirsch and **passed** by a voice vote of 8 to 1.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS

- A. 2005 Meeting Schedule for Planning Commission

Commissioner Broemmer made a motion to accept the meeting schedule as presented. The motion was seconded by Commissioner Perantoni and **passed** by a voice vote of 9 to 0.

- B. Miscellaneous

Commissioner Hirsch referred to the last Planning Commission Meeting wherein Commissioner Macaluso brought up the issue of signs painted in the windows of particular buildings. Commissioner Hirsch stated that he has taken pictures in various retail developments of minor to major signage, which included more than just painted signs. It also included using the window space with posters and other kinds of paper materials to create a sign across all the glass area of an entire building. The pictures have been submitted to Staff and to Chairman Sherman. It was noted that currently 40% of the window space can be covered for signage. Chairman Sherman stated that this will be an agenda item for the next meeting of the Ordinance Review Committee.

Commissioner Broemmer referred to the discussion held at the preceding Site Plan Committee regarding the calling of a meeting of Planning Commission members, Planning Department members, and developers to review the current permitting and construction process. Commissioner Macaluso felt the meeting ~~she~~ **should** be held as soon as possible after the New Year.

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 7:45 p.m.

Lynn O'Connor, Secretary