

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 26, 2012**

The meeting was called to order at 7:03 p.m.

I. ROLL CALL

PRESENT

ABSENT

Mr. Bruce DeGroot
Ms. Wendy Geckeler
Ms. Laura Lueking
Ms. Debbie Midgley
Ms. Amy Nolan
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Steven Wuennenberg
Chair Michael Watson

Mayor Bruce Geiger
Councilmember Randy Logan, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Justin Wyse, Senior Planner
Mr. Kevin Neill, Project Planner
Ms. Kim Streicher, Civil Engineer
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Chair Watson acknowledged the attendance of Mayor Bruce Geiger; Councilmember Randy Logan, Council Liaison; Councilmember Elliot Grissom, Ward II; and Councilmember Connie Fults, Ward IV. Chair Watson also welcomed Boy Scout Caleb Harter of Troops 387/321 to the meeting.

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

- A. **P.Z. 13-2012 U-Gas, Inc. (17551 & 17555 Chesterfield Airport Road)**: A request for an amendment to City of Chesterfield Ordinance 2379 for modifications to permitted uses and development standards for a 2.31 acre tract of land located on Chesterfield Airport Road, approximately 100 feet east of Long Road (17U140263, 17U140203).

STAFF PRESENTATION:

Project Planner Kevin Neill gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Neill noted that all Public Hearing notification requirements for the petition were met and then gave further information as follows:

- The Petitioner is seeking the ordinance amendment in order to construct and operate a filling station with convenience store, pump stations, car wash and a fast-food restaurant.
- Current Condition of the Site:
The site is currently under demolition to remove existing improvements and to return it to a developable condition. It has three existing curb cuts; however, the governing ordinance requires that only one curb cut be constructed when the site is redeveloped.
- Site History
The site was originally developed in the late 1950's with three buildings and a few lumber sheds for Chesterfield Hardware. It was zoned "NU" Non-Urban District by St. Louis County prior to the incorporation of the City of Chesterfield.

In 2007, at the request of the property owner, the site was rezoned by the City of Chesterfield to "PC" Planned Commercial District for Simply Storage. A Site Development Plan was approved in 2007 to construct a self-storage facility and retail shops, but the Improvement Plans were never completed and the development was never constructed. The original buildings on the site were demolished earlier this year.
- Requested Permitted Uses: *(Uses shown in **bold** are uses currently permitted under Ordinance 2379. The other uses are being requested by the Petitioner at this time.)*
 - a. **Animal grooming service**
 - b. **Bakery**
 - c. **Barber or beauty shop**
 - d. **Car wash**
 - e. **Check cashing facility**
 - f. Coffee shop, drive thru
 - g. **Commercial service facility**
 - h. Dry cleaning establishment, drive thru

- i. Filling station and convenience store with gas pump station
 - j. Financial institution, drive thru
 - k. **Grocery – neighborhood**
 - l. **Newspaper stand**
 - m. Office, dental
 - n. Office, general
 - o. Office, medical
 - p. **Professional and technical service facility**
 - q. **Restaurant, fast food**
 - r. **Restaurant, outdoor customer dining area**
 - s. Restaurant, with drive thru window
 - t. **Retail sales establishment, community**
 - u. **Retail sales establishment, neighborhood**
- Preliminary Plan
Preliminary Plans are intended to provide the general site layout for buildings, parking locations and access points. The Preliminary Plan for this site, as submitted, provides a level of detail greater than what is required. As such, Staff is working with the Petitioner to revise the Plan as necessary.
 - The Comprehensive Land Use Plan designates the site as *Mixed Commercial Use*, which encourages retail, low-density office, and warehouse facilities.
 - Issues Under Review by Staff:
 1. Cross-access to east and west properties
 2. Limit of one curb cut to Chesterfield Airport Road
 3. Revisions to the Preliminary Plan
 4. Amendments to the setbacks and uses
 5. Traffic impacts, particularly with regard to the gas station use
 6. Other existing development requirements in current ordinance to remain

DISCUSSION

Commissioner DeGroot asked if there are any plans to modify Chesterfield Airport Road in order to accommodate the proposed gas station. Mr. Neill replied that the City is working with both St. Louis County Highways & Traffic and MoDOT noting that County maintains Chesterfield Airport Road. Both agencies have submitted comments to the City and MoDOT has suggested extending the median between eastbound and westbound traffic on Chesterfield Airport Road further east to provide some separation between left-turn movements into the subject site and westbound traffic turning left onto Long Road.

Commissioner Lueking asked if Staff is considering having the one curb cut being closer to the adjacent office park vs. the other side of the development by Long Road. Ms. Nassif, Planning & Development Services Director stated that

the current ordinance requires the curb cut to be closer to the Highway 40 Park and farthest from Long Road; this requirement will remain.

Commissioner Lueking asked if it is within the Commission's purview to limit the site to the car wash and one drive-thru. City Attorney Rob Heggie replied that it is within the Commission's purview to consider such a restriction. He added that from a practical standpoint, considering the size of the site, it may be difficult to have more than one drive-thru use.

City Attorney Heggie asked for information about the traffic access with respect to the property north of the subject site. Ms. Nassif stated that Highway 40 Park is required to provide access to the undeveloped property to the north.

City Attorney Heggie inquired as to the property owner of the strip of land to the west of the "NU" property next to the subject site. Ms. Nassif stated that the property is MoDOT right-of-way.

PETITIONER'S PRESENTATION:

Mr. Bill Bermann, 1795 Clarkson Road, Suite 190, Chesterfield MO stated the following:

- U-Gas, the proposed primary user of the site, currently owns and operates 19 convenience store facilities in the St. Louis area. It is a locally-owned, family-owned business which is looking to expand into Chesterfield Valley.
- They are currently in negotiations with a "quick-casual restaurant" that would occupy a portion of the building. However, since negotiations have not been completed, they are seeking additional uses to provide some flexibility in the event they are unable to come to terms with the proposed restaurant user.

Commissioner Geckeler asked if the Petitioner anticipates the proposed restaurant use to be a drive-thru facility. Mr. Bermann replied in the affirmative.

Ms. Nassif noted the concern expressed earlier about the number of drive-thru uses on the site and asked the Petitioner to take this into consideration and to work with Mr. Neill on amending some of the uses. Mr. Bermann indicated the Petitioner's openness to the suggestion.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Harold Hurlbut, Owner of the Mobile Station at 17287 Wild Horse Creek Road, Chesterfield, MO stated the following:
 - His station was built 17 years ago according to City standards and he feels it fits the community and the people who live there. He has done improvements to the site over the years with the most recent renovations being done to the interior of the building.

- He noted that there are already four gas stations in this area and expressed concern about how an additional station would affect the financial stability of the existing stations. He fears his station will go out of business.
- Currently his business is valued at \$2.5 million but he feels that if the proposed station is constructed, he will only be able to recoup \$1.5 million for his site.

City Attorney Heggie thanked Mr. Hurlbut for his comments and then explained the City's obligations with respect to how it rezones property. Under Federal and State laws, the City is not allowed to take into consideration the economic impact of a proposed business on existing businesses.

2. Mr. Chad Wallis, 16775 Eagle Bluff Court, Chesterfield, MO stated the following:

- He currently supplies and has convenience food store operations in Chesterfield.
- He has concerns that the proposed U-Gas plan will take business away from the existing stations. He understands that the City cannot take this into consideration but noted that the gasoline demand in the United States is shrinking so there is not an under-served market for this product.

3. Mr. Bijan Zahiri, 17707 Little Leaf Court, Chesterfield, MO stated the following:

- He owns the BP Station in the subject area and questioned how many gas stations are needed in a one square mile area noting that there are already four in the vicinity.
- He agrees that the proposed station will take business from the existing stations and has concerns that his family-owned operation will be put out of business.
- As a resident of Chesterfield, he has concerns about the amount of traffic that will be generated by the addition of another gas station in this area.

City Attorney Heggie thanked Mr. Zahiri for sharing his concerns and then pointed out that the City is currently working with two outlet malls coming to the Valley which should benefit all of the businesses in the area. He added that under the existing system of government, cities do not pick and choose what economic development will occur. While cities can encourage economic development, at a certain level, it is a decision that is left to the free market and the consumers decide what businesses succeed or fail. The City has a constitutional obligation to make certain that properties are zoned correctly.

SPEAKERS – NEUTRAL: None

REBUTTAL:

Mr. Bermann, on behalf of the Petitioner, chose not to address any of the concerns raised at this time.

DISCUSSION:

With respect to zoning, Commissioner DeGroot asked for further clarification on his understanding that the Commission can only consider whether a petition is in compliance with City ordinances even though the City could receive numerous petitions for the same type of use for the same area. City Attorney Heggie stated that the Commission would consider the following with respect to zoning: (1) the current zoning in the particular neighborhood; (2) whether the proposed uses are in compliance with the City's Comprehensive Plan; (3) whether the proposed uses are in compliance with the existing zoning; and (4) the traffic issues in the area. But, constitutionally, the City is not allowed to make decisions based on the economic impact of a proposed use to existing businesses.

ISSUES:

Along with the issues Staff is already reviewing, Mr. Neill noted the following issues that were raised during the Public Hearing:

- Possible restriction of the number of drive-thru uses to one
- Traffic concerns

Commissioner Geckeler read the Closing Comments for the Public Hearing.

Ms. Nassif then informed the audience of the review process for this petition. She noted that after further work with the Petitioner, the petition will come back to the Commission for vote. The petition then moves forward to the Planning & Public Works Committee with the Planning Commission's recommendation. From there, it moves on to City Council for final vote. She advised that Mr. Neill can be contacted to determine the progress of the petition.

V. APPROVAL OF MEETING SUMMARY

Commissioner Puyear made a motion to approve the Meeting Summary of the **October 22, 2012 Planning Commission Meeting**. The motion was seconded by Commissioner Midgley and **passed** by a voice vote of 8 to 0 with **1 abstention** from Commissioner Lueking.

VI. PUBLIC COMMENT

1. Mr. Dan Hayes, 19120 Babler Forest, Wildwood, MO, Managing Partner for Spirit Valley Development stated he was available for questions with respect to **Spirit Valley Business Park II (P.Z. 42-2007 Time Extension)**.

2. Mr. Robert Long, 1370 Timberlake Manor, Chesterfield, MO representing the Petitioner for **Chesterfield Village, NW Quadrant, Parcel III, Bldg. Group B (RGA)** stated he was available for questions.
3. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO representing the Petitioners for **Chesterfield Village, NW Quadrant, Parcel III, Bldg. Group B (RGA)** and **Chesterfield Village, SE Quadrant (Mercy Health Systems)** stated he was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Spirit Valley Business Park II (P.Z. 42-2007 Time Extension)**: A request for a one (1) year extension of time to commence construction for a 27.4 acre tract of land zoned "PI" Planned Industrial District located south of Olive Street Road and west of Wardenburg Road (Locator ID: 17W420024).

Commissioner DeGroot, representing the Site Plan Committee, made a motion recommending approval of the Time Extension for **Spirit Valley Business Park II (P.Z. 42-2007 Time Extension)**. The motion was seconded by Commissioner Lueking and **passed** by a voice vote of 8 to 0 with 1 abstention from Commissioner Wuennenberg.

- B. **Chesterfield Village, NW Quadrant, Parcel III, Bldg. Group B (RGA)**: A Site Development Section Plan, Landscape Plan, Lighting Plan, Architect's Statement of Design and Architectural Elevations for a 17 acre tract of land zoned "C-8" Planned Commercial District located on the west side of Chesterfield Parkway W, south of Swingley Ridge Road.

Commissioner DeGroot, representing the Site Plan Committee, made a motion recommending approval of the Site Development Section Plan, Landscape Plan, Lighting Plan, Architect's Statement of Design, and Architectural Elevations for **Chesterfield Village, NW Quadrant, Parcel III, Bldg. Group B (RGA)**. The motion was seconded by Commissioner Geckeler and **passed** by a voice vote of 8 to 1 with Commissioner Lueking voting "no".

- C. **Chesterfield Village, SE Quadrant (Mercy Health Systems)**: A Site Development Concept Plan, Conceptual Landscape Plan and Tree Preservation Plan for a 40.040 acre tract of land zoned "UC" Urban Core District located north of Chesterfield Parkway E, south of I-64 (SE Quadrant).

Commissioner DeGroot, representing the Site Plan Committee, made a motion recommending approval of the Site Development Concept Plan, Conceptual Landscape Plan, and Tree Preservation Plan for **Chesterfield Village, SE Quadrant (Mercy Health Systems)**. The motion was seconded by **Commissioner Lueking** and **passed** by a voice vote of 9 to 0.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Bruce DeGroot, Secretary