

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
November 24, 2003**

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

I. PRESENT

ABSENT

Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. B. G. Wardlaw
Chairman Victoria Sherman
Mr. Doug Beach, City Attorney
Mayor John Nations
Ms. Jane Durrell, Council Liaison
Ms. Teresa Price, Director of Planning
Mr. David Bookless, Project Planner
Mr. Kyle Dubbert, Project Planner
Mr. Mike Hurlbert, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Christine Smith Ross, Project Planner
Ms. Joyce Collins-Catling, Executive Secretary

II. INVOCATION: Commissioner Broemmer

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Mayor John Nations; Councilmember Mike Casey (Ward III); Councilmember Bruce Geiger (Ward II); Councilmember Connie Fults (Ward IV); and Council Liaison Jane Durrell (Ward I).

IV. PUBLIC HEARINGS:

Commissioner Hirsch read the first portion of the 'Opening Comments.'

- A. **P.Z. 22-2003 14691 Clayton Road (Susan Daigle)**: A request for a change in zoning from an “NU” Non-Urban District to an “E-One Acre” Residential District for an approximately 1.0-acre tract of land located at 14691 Clayton Road (Locator Number: 21R-44-1504).

Proposed Use: One Single-family detached residence

The public may speak on this petition. There will be no vote taken tonight.

Project Planner David Bookless gave a power point presentation showing the subject site and surrounding area.

Ms. Susan Daigle, Petitioner, stated the following:

- E-1 Acre Rezoning request made to the Planning Commission and approved by City Council

Commissioner Broemmer motioned to approve the request for a change from an “NU” Non-Urban district to an “E-One Acre” **P.Z. 22-2003 14691 Clayton Road**. The motion was seconded by Commissioner Wardlaw and **passes** by a voice vote of 9 to 0.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL – None

REBUTTAL – None

Commissioner Hirsch read the next portion of the ‘Opening Comments.’

- B. **P.Z. 35-2003 City of Chesterfield (Subdivision Development Regulations and Time Requirement for Subdivision Improvements)**: A request to amend Section 1005.080 relating to subdivision development regulations by enacting a new Section 1005.080 and Section 1005.240 relating to subdivision improvements by identifying a time when said improvements must be completed.

Project Planner Aimee Nassif stated the following:

- Language has been drafted to improve the enforcement of subdivision improvements; and to address issues with cost of maintaining improvements to subdivisions after their completion.

- Language has been drafted to ensure that all improvements as required by the subdivision code are completed during construction of the subdivision, or immediately upon its completion.
- Section 1005.240.2 of the draft language states that all improvements required by the City shall be complete and approved prior to issuance of more than 85% of the building permits of all lots in the subdivision plat.
- Section 1005.080 of the draft language requires the developer to provide a deposit to guarantee maintenance of improvements, establishes a construction deposit, and a maintenance deposit.
- Language also addresses deposit options, deposit amounts, agreement releases, maintenance guarantee, deposit and release.
- Section on failure to complete improvements and remedy for defaults are included
- Letters of Credit are included.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL – None

REBUTTAL – None

Commissioner Hirsch read the closing portion of the ‘Opening Comments.’

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the November 10 2003 Meeting Minutes. The motion was seconded by Commissioner Perantoni and **passes** by a voice vote of **9 to 0**.

VI. PUBLIC COMMENT -

1. Mr. Don Anderson, Attorney for Capitol Land, speaking to answer any questions or any concerns regarding **P.Z. 11-2003 Capitol Land Company** stated the following:

- 3 principles concern have been identified
- Two Variances and Architectural concerns have been identified

SPEAKERS IN FAVOR -

2. Mr. Jerry Ebest, 16028 Clarkson Woods Dr., stated the following:
 - Dierbergs Market is a part of joint venture of the proposed project
 - Previous postponement was due to revising site plans
 - Made change on site plan due to a request made by adjoining development, Drew Station to increase visibility
 - Total parking spaces has increased slightly
 - Green space percentage has been reduced due to increased parking
 - Possibility of adding a feature (i.e., art, sculpture, etc.) to increase the landscape look
3. Mr. Michael Mindlin, 33 Plant, stated the following:
 - No significant differences from previous submittal and current submittal besides one accommodation made for adjoining property owner
 - Slightly higher parking ratio reducing green space in response to adjoining development
 - More retail activity facing Clarkson Rd.
 - Will look at additional landscaping at sidewalk
 - Strong landscape buffer to the rear
 - Open to any addition landscape ideas
 - Current development provides covered walkway
 - Outdoor seating area created as an amenity for customers
 - Robust trees will cover back of building
4. Mr. Robert Goetz, 909 S. Gore, stated the following:
 - Berm is against building with a retaining wall
 - Earthfill will be away from tree root
 - Existing tree along Baxter will remain
 - Row of Pines to be planted and will be higher than normal
 - Berm covers foundation to provide mature trees
5. Mr. David Brammeier, 1830 Craig Park Ct., stated the following:
 - Chart containing parking data per the Institute of Transportation Regression Analysis does not respond to this center
 - Parking spaces are more than sufficient for the development
6. Mr. Marty Henson, 11920 Westline Industrial Dr., chose not to speak.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. **River Crossings Development Lot 6 (Modern Homes by Dolnick):** An Amended Site Development Concept Plan and Landscape Plan for a proposed development consisting of a furniture store, zoned Planned Commercial District located north of Chesterfield Airport Road, across from Public Works Drive.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve an Amended Site Development Concept Plan for **River Crossings Development Lot 6 (Modern Homes by Dolnick)**. The motion was seconded by Commissioner Banks and **passes** by a voice vote of 9 to 0.

- B. **River Crossing Lot 6 (Modern Homes by Dolnick):** An Amended Site Development Section Plan, Amended Landscape Plan, Architectural Elevations, and Light Plan for a retail building in a Planned Commercial District located south of Missouri State Highway 40 across from Public Works Drive.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve an Amended Site Development Section Plan, Architectural Elevations, and Light Plan for **River Crossings Lot 6 (Modern Homes by Dolnick)**. The motion was seconded by Commissioner O'Connor and **passes** by a voice vote of 8 to 1

- C. **Walgreen's - Parkway:** Revised Architectural Elevations for a 14,145 square foot building located on a 2.08-acre tract of land within a "PC" Planned Commercial District on Chesterfield Parkway East between Swingley Ridge Road and Olive Boulevard.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Revised Architectural Elevations for **Walgreen's - Parkway**. The motion was seconded by Commissioner Hirsch and **passes** by a voice vote of 9 to 0

- D. **Chesterfield Valley Medical Building II:** An Amended Landscape Plan for a medical, dental, and professional office building zoned "PC" Planned Commercial District located north of I-64/Highway 40-61, west of Boone's Crossing, and south of North Outer Forty Road.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve an Amended Landscape Plan for **Chesterfield Valley Medical Building II**. The motion was seconded by Commissioner Banks and **passes** by a voice vote of 9 to 0

VIII. OLD BUSINESS –

- A. **P.Z. 11-2003 Capitol Land Company**: a request for a change of zoning from a “C-8” Planned Commercial District to a “PC” Planned Commercial District for 6.494 acre tract of land located north of Lea Oaks Drive, east of Clarkson Road, west of Old Baxter Road, and south of Chesterfield Parkway East. (Locator Numbers: 19S420349, 19S420404, 19S420305, 19S440512, 19S440161, 19S420130).

Project Planner Michael Hurlbert gave an overview of **P.Z. 11-2003 Capitol Land Company**

Chair Sherman explained if the item is “**addressed**” it means the Planning Commission’s question has been answered and/or a requirement will be placed in the ordinance for rezoning.

Issues identified at the Public Hearing

- 1) Traffic from the Dierbergs Market Place --- **Issue addressed**
- 2) Density --- **Open**
- 3) Graph specific to the site --- **Issue addressed**
- 4) Number of Parking Spaces --- **Open**
- 5) Green space to include the MoDOT right-of-way --- **Open**
- 6) Parking and green space reduction --- **Open**
- 7) Parking percentage that was granted at Clarkson Corner --- **Issue Addressed**
- 8) Cross access with the shops to the north --- **Issue Addressed**
- 9) Cross access to NU Non-Urban parcels to the south --- **Open**
- 10) Sidewalk allowing residents to walk between Talbots and the bookstore --- **Open**
- 11) Sidewalks and pedestrian access with Drew Station to the south --- **Issue Addressed**
- 12) Residential look for the rear of the buildings --- **Issue Addressed**
- 13) Consideration of neighborhood along Old Baxter Road --- **Issue Addressed**
- 14) Are the trees and the height of the trees appropriate for the screening of the rear of the buildings --- **Issue Addressed**
- 15) Visibility of the bookstore from Old Baxter Road --- **Issue Addressed**
- 16) Maintenance of the existing house on the site --- **Issue Addressed**
- 17) How many buildings from Highway 40 to Baxter Road have all brick construction --- **Issue Addressed**
- 18) Eliminate permitted uses (b) and (ii) --- **Open**
- 19) Grading --- **Issue Addressed**
- 20) Additional water run-off and drainage --- **Issue addressed in Attachment A**
- 21) Baxter Oaks Lake --- **Issue addressed in Attachment A**
- 22) Add language to Attachment A regarding down stream detention --- **No longer an issue (more det**

- 23) Detention pond and its appearance (landscaping, water feature, etc.) --- **Issue Addressed**
- 24) Landscaping as shown is not consistent with plan --- **Issue Addressed**
- 25) Trees – few potential shade trees --- **Open**
- 26) Trees #51 through #59 with the exception of tree #56, are all proposed to be eliminated rather than retained which is also a density issue --- **Open**
- 27) Review by City Arborist on whether feasible to save the large trees in the rear with only a 45-foot setback --- **Issue Addressed**
- 28) Visual impact on Drew Station --- **Issue Addressed**
- 29) Parking impact on Drew Station --- **Open**
- 30) Overall compatibility with Drew Station --- **Issue Addressed**
- 31) Comparison of the building heights between this site and Clarkson Corners --- **Open**
- 32) Coordination of building styles --- **Open**

Additional issue

- 33) Additional Bicycle/Pedestrian Accommodations

Chairman Sherman recommended that the Commission hang on to this packet to refer back to these issues of **P.Z. 11-2003 Capitol Land Company**

- B. **P.Z. 26-2003 City of Chesterfield (Lighting Ordinance)**: A request to amend the City of Chesterfield Zoning Ordinance for the establishment of a unified ordinance to establish lighting criteria.

Project Planner Aimee Nassif gave an overview of **P.Z. 26-2003 City of Chesterfield (Lighting Ordinance)** stating that identified issues from Public Hearing have all been addressed as well as issues identified by the Department of Planning and added to the draft language presented.

Commissioner Broemmer suggested that the type of fixture be specified.

Commissioner Perantoni expressed concern of language regarding neon and coloring. Also suggested that there be no submission of a light plan.

Attorney Beach recommended language clarity regarding the differences of neon.

Commissioner Hirsch stated that distinction of the lighting source needs to be looked at.

Commissioner Banks stated that the usage seems to be more important.

Commissioner Wardlaw stated that the usage of neon lighting can be a light source as long as it is shielded. Exposed neon tubing is dangerous, and the language needs to be clear in this regard.

Commissioner Broemmer stated that he is not in favor of eliminating neon. There are some applications where neon can be used very tastefully. He recommends not making a statement to not allow neon.

Chair Sherman stated that the standards regarding neon will be tightened.

Director of Planning Teresa Price stated that the Department of Planning has researched the criteria regarding neon as used in other cities.

Chair Sherman stated that the project planner will look at this again. This is scheduled to come up for a vote on December 8, 2003, in which these issues will be reviewed.

- C. **P.Z. 27-2003 City of Chesterfield (Sign Package Requirements):** A request to amend Section 1003.168 (Sign regulations--general) of the City of Chesterfield Zoning Ordinance to include standard requirements for Sign Package submittals

Project Planner Aimee Nassif stated that all issues raised at Planning Commission have been addressed.

Commissioner Layton made a motion to accept **P.Z. 27-2003 City of Chesterfield (Sign Package Requirements)**. The motion was seconded by Commissioner Broemmer.

Upon a roll call the vote was as follows: Commissioner Banks, yes; Commissioner Broemmer, yes; Commissioner Hirsch, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner O'Connor, yes; Commissioner Perantoni, yes; Commissioner Wardlaw, yes; Chairman Sherman, yes.

The motion passes by a vote of 9 to 0.

- D. **P.Z. 30-2003 City of Chesterfield (Medical Use District):** A request to amend the City of Chesterfield Zoning Ordinance for the establishment of Section 1003.127 creating a Medical Use District.

Chair Sherman stated that issues had been discussed at last meeting. Additional language reflecting Planning Commission having ultimate authority. The next time to vote on this will be December 8, 2003.

Commissioner Banks made a motion to hold **P.Z. 30-2003 City of Chesterfield (Medical Use District)** until all issues have been addressed. The motion was seconded by Commissioner Macaluso and **passes** by a voice vote of 9 to 0.

- E. **Burgundy Arrow - Ordinance Amendment**: A request to amend City of Chesterfield ordinance 1745, relating to the Burgundy Arrow subdivision, a "PI" Planned Industrial district, located west of Public Works Drive at Chesterfield Airport Road.

Commissioner Hirsch made a motion to hold **Burgundy Arrow - Ordinance Amendment** until all issues have been addressed. The motion was seconded by Commissioner Macaluso and **passes** by a voice vote of 9 to 0.

- F. **Shenandoah Ordinance Amendment**: A request to amend the ordinance for a Planned Environment Unit in the R-1A, R-2 and R-3 districts, north of Conway Road, west of White Road, extending north to Olive Boulevard

Commissioner Macaluso made a motion to hold **Shenandoah Ordinance Amendment** until all issues have been addressed. The motion was seconded by Commissioner Wardlaw and **passes** by a voice vote of 9 to 0.

IX. NEW BUSINESS –

- A. **Approval of 2004 Planning Commission Meeting Calendar**

Commissioner Banks made a motion to hold **Approval of 2004 Planning Commission Meeting Calendar** until all issues have been addressed. The motion was seconded by Commissioner Broemmer and **passes** by a voice vote of 9 to 0.

X. COMMITTEE REPORTS:

- 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**

The meeting unanimously adjourned at 9:00 p.m.

B. G. Wardlaw, Secretary