**PLANNING COMMISSION**
**OF THE CITY OF CHESTERFIELD**
**AT CHESTERFIELD CITY HALL**
**NOVEMBER 23, 2015**

The meeting was called to order at 7:02 p.m.

## I. ROLL CALL

| **PRESENT** | **ABSENT** |
|---|---|
| Ms. Wendy Geckeler | Mr. Steven Wuennenberg |
| Ms. Merrell Hansen | |
| Ms. Allison Harris | |
| Ms. Laura Lueking | |
| Ms. Debbie Midgley | |
| Ms. Amy Nolan | |
| Mr. Guy Tilman | |
| Chair Stanley Proctor | |

Councilmember Connie Fults, Council Liaison
Interim City Attorney Harry O'Rourke
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Jonathan Raiche, Senior Planner
Ms. Purvi Patel, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Proctor acknowledged the attendance of Councilmember Connie Fults, Council Liaison; and Councilmember Bruce DeGroot, Ward IV

## II. PLEDGE OF ALLEGIANCE

## III. SILENT PRAYER

**IV. PUBLIC HEARINGS –** Commissioner Nolan read the "Opening Comments" for the Public Hearings.

**A. P.Z. 11-2015 Kemp Auto Museum (16861 Chesterfield Airport Road)**: A request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District for 2.65 acres located on the south side of Interstate 64 east of Chesterfield Commons Drive (17T230190).

**STAFF PRESENTATION:**
Senior Planner Jonathan Raiche gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Raiche then provided the following information about the subject site:

**Zoning History**
In 1974, a portion of the site was zoned "M3" Planned Industrial by St. Louis County with the remaining portion zoned as "NU" Non-Urban. In 1991, the City of Chesterfield zoned the entire site "M3" Planned Industrial and then rezoned the site to "PC" Planned Commercial in 2007 to allow the single use of *Restaurant, sit down*.

**Requested Uses**
1. Restaurant, Sit Down *(currently permitted)*
2. Coffee Shop
3. Commercial Service Facility
4. Office, General
5. Professional and Technical Service Facility
6. Restaurant, Take Out
7. Restaurant, Fast Food
    a. Without drive-through
    b. Limited to "Fast Casual"
8. Retail Sales Establishment, Neighborhood

The majority of the requested uses are permitted on the Pacific Dental site immediately to the west. The Petitioner has restricted the *Fast Food* use by prohibiting a drive-through and limiting it to a "fast casual" use.

**Land Use**
The Comprehensive Land Use Plan designates the subject site as *Mixed Commercial* and all of the requested uses fit within this land use designation.

**Preliminary Plan**
The Preliminary Plan shows two proposed shared access drives – one on each end of the development. The western access is at a signalized intersection and would be shared with Pacific Dental. The eastern access is shared with the Sachs maintenance building.

The Petitioner has requested a modification to the landscape buffer, which is currently under review by Staff. The modification request is for 20-foot vs. 30-foot landscape buffers on both road frontages.

Parking is proposed along the southern portion of the site with the proposed building envelope shown in the northern portion. The proposed building has a footprint of 16,900 square feet and a two-story maximum.

**Items under Review and Staff Concerns**
1. Awaiting Agency Comments
2. Proposed Access/Cross Access
3. Restrictions on Fast Food use
4. Changes to various plan notes (Open Space, Parking, etc.)

5. Sidewalk along Chesterfield Airport Road to be required
6. Landscape Modification Request

Mr. Raiche advised that Staff received comments today from St. Louis County regarding a restriction on the eastern access so it appears County will restrict the site to just one access at the western end.

**PETITIONER'S PRESENTATION:**
Mr. Mike Doster, Legal Counsel on the development team for the Applicant, 16090 Swingley Ridge Road, Chesterfield, MO. Mr. Doster provided the following information about the Applicant's request:

**Requested Uses**
The governing ordinance adopted in 2007 approved only one use, *Restaurant, sit down*, which has not been feasible for this property. The property owner is pursuing a rezoning application to the new "PC" Planned Commercial District in order to add permitted uses to the site.

The 2.65 acre site is long and narrow and the uses being requested take the site's size and shape into consideration. The Applicant has also taken into account the uses approved on the dental office development immediately to the west and has requested similar uses for the subject site. However, a *dental office* use is not being requested for the subject site because of a condition in an existing agreement between the owner of the dental office development and the owner of the subject site.

The *Restaurant-fast food, without drive-through* use is being requested for the subject site and will be limited to *fast-casual*. Mr. Doster noted that this particular use is not permitted on the dental office development site. He also explained that *fast-casual* requires that the restaurant utilize non-disposable dishware, along with other specific elements.

**Access**
The existing ordinance permits two access points – one to the west at the signalized intersection at Chesterfield Commons East Drive and Chesterfield Airport Road; and one to the east.

The ordinance also notes that the eastern access point may be limited to a right-in/right-out access. A right-in/right out access at this point may be workable as it would allow motorists traveling westbound on Chesterfield Airport Road to enter the site without having to enter at the signalized access where there are multiple uses on both sides of Chesterfield Airport Road.

**Preliminary Plan**
At this stage in the process, the Preliminary Plan shows a building envelope and a parking area but does not provide a lot of detail, which is the current practice in the City.

## DISCUSSION

During discussion the following items were reviewed and clarified as necessary:

**Cross Access**

Mr. Doster confirmed that there is a shared access between the subject site and the dental office development to the west. There is also a rudimentary and joint access at the eastern end of the subject site, which services the existing landscaping business to the east.

Mr. Doster then pointed out that there is a recorded agreement in place between the owners of the dental office development and the subject site which prohibits reciprocal parking between these two sites. There is also an easement behind the dental office development property which is for service access only to the Kemp Auto Museum property to the west.

Mr. Doster stated that having cross access to the east that crosses the entire site may be problematic unless the "M3" site redevelops to a use that is more compatible to the uses being requested for the subject site. Currently the "M3" site is light industrial with truck traffic and he questions whether the City would want truck traffic passing through the subject site which will have potential retail, restaurant and office uses.

Ms. Aimee Nassif, Planning and Development Services Director stated that the current ordinance requires cross access to the east and west, and this requirement will be maintained. She also noted that Pacific Dental to the west is currently constructing its entrance, which allows access to both Pacific Dental and the subject site.

The small access point on the westernmost side of the Sachs maintenance building is currently allowed to remain but could possibly be restricted to a right-in/right out once the subject site is developed. In 2007, the City's intent was to allow this access to remain as a shared access but advised the property owner of the Sachs maintenance building that when the subject site is developed, Sachs' eastern access, closer to Commons East Road, would be required to be closed.

**Comprehensive Plan/Site Design**

Commissioner Hansen noted that the Comprehensive Plan includes *Policy 3.1 Quality Commercial Development* which requires developments to positively reflect the image of the City of Chesterfield. She stated that she will be interested in seeing how the Applicant addresses this requirement as the site is in a very visible area of the City.

Mr. Doster responded that this will be addressed at the Site Development Plan stage when the Applicant is required to submit materials and elevations to both the Architectural Review Board and the Planning Commission.

Commissioner Harris added that she hopes there will be a cohesiveness of design and coordination with the dental office development to the west. It was confirmed that the dental office building is a one-story building and that the Preliminary Plan for the subject site includes a notation indicating that the *maximum building height shall be two stories*.

**Hours of Operation**

Ms. Nassif requested direction from the Commission on any possible restrictions to the hours of operation noting that the Pacific Dental site has operating hours from 6:00 a.m.

to 11:00 p.m. It was the Commission's consensus to have the hours restricted. The Petitioner was then asked for a response as to proposed operating hours. Mr. Doster stated that the development team will discuss the matter with the property owner while reviewing the requested uses and then will offer a response.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:** None

A. **P.Z. 10-2015 Kemp Auto Museum (16955 Chesterfield Airport Rd)**: A request for a zoning map amendment from a "PC" Planned Commercial District with a "MAA" Museum and Arts Overlay District to the new "PC" Planned Commercial District for a 5.104 acre tract located northeast of the intersection of Chesterfield Airport Road and Chesterfield Commons Drive (17T140211).

**STAFF PRESENTATION:**
Project Planner Purvi Patel gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Patel then provided the following information about the subject site:

**Current Uses Permitted on the Site**
Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.

**Zoning History**
In 1974, St. Louis County zoned a 4.7 acre portion of the site "M3" Planned Industrial with the remaining portion zoned as "NU" Non-Urban. In 2002, both "M3" Planned Industrial and "NU" Non-Urban portions were zoned "PC" Planned Commercial by the City of Chesterfield. The "MAA" Museum and Art Overlay District was added to the site in 2004.

**Requested Uses**

1. Administrative offices for educational or religious institutions
2. Animal grooming service
3. Art gallery
4. Art studio
5. Auditorium
6. Automobile dealership
7. Automotive retail supply
8. Bakery
9. Banquet facility
10. Bar
11. Barber or beauty shop
12. Bowling center
13. Brewpub
14. Broadcasting studio
15. Church and other places of worship
16. Club
17. Coffee shop
18. College/university
19. Commercial service facility
20. Community Center
21. Day care center
22. Drug store and pharmacy, with drive-thru
23. Dry cleaning establishment
24. Filling station and convenience store with pump stations
25. Film drop-off and pick up stations
26. Financial institution, drive-thru
27. Grocery-community
28. Grocery-neighborhood
29. Gymnasium
30. Hospital
31. Hotel and motel

32. Hotel and motel-extended stay
33. Kindergarten or nursery school
34. Library
35. Museum
36. Newspaper stand
37. Nursing home
38. Office-dental
39. Office-general
40. Office-medical
41. Oil change facility
42. Postal stations
43. Professional and technical service facility
44. Public building facilities owned or leased by the City of Chesterfield
45. Public safety facility
46. Reading room
47. Recreation facility
48. Research laboratory & facility
49. Restaurant-fast food
50. Restaurant-sit down
51. Restaurant-take out
52. Retail sales establishment-community
53. Retail sales establishment-neighborhood
54. Specialized private school
55. Tackle and bait shop
56. Telecommunications structure
57. Telecommunications tower or facility
58. Theatre, indoor
59. Vehicle repair and service facility
60. Veterinary clinic
61. Vocational school

**Land Use**

The Comprehensive Land Use Plan designates the subject site as *Mixed Commercial*, which allows for retail, low-density and limited office/warehouse facilities. Compatibility of the requested uses with the mixed commercial land use is under review by Staff.

**Preliminary Plan**

The Preliminary Plan depicts existing "Building A" which will remain at the eastern end of site and proposed "Building B" to be built at the western end of the site.

The main access to the site will remain on the west side. On the east side of the site is a service access drive between the subject site and Pacific Dental.

The existing outbuilding in front of the museum will be removed.

**Items under Review and Staff Concerns**

1. Requested Uses
2. Updates to Preliminary Plan
3. Open Space/Floor Area Ratio requirements
4. Landscape Modification Request
5. Awaiting Agency Comments

## DISCUSSION

**PETITIONER'S PRESENTATION:**

Mr. Mike Doster, Legal Counsel on the development team for the Applicant, 16090 Swingley Ridge Road, Chesterfield, MO. Mr. Doster provided the following information about the Applicant's request:

**Requested Uses**

Mr. Doster stated that basically the use permitted for the site is *museum;* however, the museum was not able to fulfill its mission and has sold the property. The site is 5.104 acres in size and has a deep width, which allows for a variety of uses. The list of requested uses is lengthy in order to cover all the potential uses for this site considering

the market and surrounding uses. The Applicant has received a tremendous number of inquiries across a broad range of uses.

**Site Buildings/Site Design**
Inquiries and interest have been received about the existing Building A at the east end of the site. It is intended that Building A will be used with some interior modifications, along with possible exterior modifications depending upon the ultimate use of the building.

The building to the west will be removed from the site as soon as the site has a user for Building A and the property is redeveloped.

The site will be divided into parcels with the eastern parcel to include existing Building A and associated parking; plans for the western parcel have not been conclusively determined but the parcel will include either one or two buildings with associated parking, and will remain within the building area as shown on the Preliminary Plan.

A three-story building is being requested for the site, which would be compatible with the three-story office building on the Chesterfield Commons North site to the west.

**Access**
The main vehicular access to the site is from Chesterfield Commons Drive, which is shared access with the THF development to the west. The right of access for the subject site is by way of a recorded easement granted by THF. One of the provisions of this easement limits the use of that access for truck traffic. Trucks and service vehicles use the eastern access.

**Preliminary Plan**
The Preliminary Plan conceptually shows a building area on each of the proposed parcels, along with a parking area. More details will be provided at the Site Development Plan phase, at which time elevations and materials will be submitted for review.

## DISCUSSION

During discussion the following items were reviewed and clarified as necessary:

**Site Buildings**
Mr. Doster stated that because of some of the potential users, the height on the existing building may have to be increased. In response to Commissioner Hansen's question regarding a larger buffer for a taller building, Mr. Doster noted that the buffer would not change because the existing building footprint would remain the same.

Commissioner Nolan expressed concern about adequate parking for two three-story buildings on the site. Mr. Doster noted that he was not at liberty to identify a potential user, but stated that the Commission should not equate a three-story building with an *office* use.

**Landscape Buffer Modification**
Mr. Doster stated that a reduction to the landscape buffer is being requested in order to reflect existing conditions, which includes a drive aisle on the north portion of the site. This drive aisle provides the service access around the dental development and enters the intersection of Chesterfield Commons East Drive and Chesterfield Airport Road.

**Requested Uses**

In response to Commissioner Tilman's inquiry, Ms. Nassif confirmed that *Telecommunications structure* and *Telecommunications tower or facility* are uses that every property is entitled to have.

Commissioner Hansen questioned whether the *Filling station and convenience store* use is a viable use for the site as the traffic volume would be increased substantially during peak hours causing traffic conflicts and backing up onto Chesterfield Airport Road. Mr. Doster replied that there has not been a queuing issue in this area because the access is quite wide. He also pointed out that the Applicant would be restricted from making modifications because of the existing easement agreement between THF and the property owner. The easement is on THF's property and the rights for the owners' ingress/egress are spelled out in this recorded easement agreement.

Commissioner Nolan questioned whether the site could adequately park a *Nursing home* use.

In response to Commissioner Lueking's inquiry, Mr. Doster stated that there is no agreement prohibiting an *Office-dental* use for the subject site.

Commissioner Lueking then expressed concern about the following uses being requested for this site:

- Animal grooming service
- Automobile dealership
- Automotive retail supply
- Oil change facility
- Research laboratory and facility
- Restaurant-fast food
- Tackle and bait store
- Vehicle repair and service facility

A couple of the Commissioners indicated that they do not have an issue with an *Animal grooming service* for the site.

Ms. Nassif stated that the majority of the uses identified by the Commission as areas of concern are uses already identified by Staff as well. She then asked for a consensus from the Commission in order to understand the concerns of the Commission as a whole as some members' individual lists may vary. Ms. Nassif also explained that Staff had reviewed the list of requested uses from a compatibility and visibility standpoint, and how they compare to the existing surrounding uses and surrounding zoning and site location. From Staff's perspective, specific uses of concern identified to date include the following:

- Automobile dealership
- Automotive retail supply
- Brewpub
- Daycare center
- Kindergarten or nursery school
- Nursing home
- Research laboratory and facility
- Restaurant-fast food

- Vehicle repair and service facility, and
- Any use with a drive-through component

Commissioner Midgley voiced her concern about *Grocery store* uses with respect to truck deliveries and how they may impact traffic in this area. Mr. Doster stated that this use was specifically reviewed and noted that one of the advantages of the site is that the service entrance comes off of Chesterfield Commons East Drive and would not conflict with the main access point at Chesterfield Commons Drive.

Commissioner Geckeler stated she relies on Staff's advice in reviewing the requested uses as Staff has a good understanding of what uses may be problematic.

Chair Proctor then summarized that it is the consensus of the Commission that there are some uses that may be inconsistent with the location and size of the site, and requested Staff's review of the entire list of uses.

**Hours of Operation**
It was confirmed that the hours of operation currently are not restricted. Commissioner Tilman pointed out that if the Commission chooses to restrict the hours, consideration should be given to the fact that specific operating hours may not be appropriate for all uses – such as *Hospital* and *Hotel/motel* uses.

Ms. Nassif stated that if the Commission chooses to restrict hours of operation, restrictions could be established by use category.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:** None

Commissioner Nolan read the Closing Comments for the Public Hearings.

## V. APPROVAL OF MEETING SUMMARY

**Commissioner Midgley made a motion to approve the Meeting Summary of the October 26, 2015 Planning Commission Meeting.** The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 8 to 0.**

## VI. PUBLIC COMMENT - None

## VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

## VIII. OLD BUSINESS - None

## IX. NEW BUSINESS - None

## X. COMMITTEE REPORTS - None

Ms. Nassif thanked all those who participated in the recent Planning Commission training and noted that she has received a lot of helpful feedback.

Commissioner Hansen then acknowledged the departure of Senior Planner John Boyer from the City, who has accepted the Planning Manager position with St. Charles, and noted the Commission's appreciation of his service.

## XI. ADJOURNMENT

The meeting adjourned at 8:07 p.m.

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Steve Wuennenberg, Secretary