# PLANNING COMMISSION
# OF THE CITY OF CHESTERFIELD
# AT CHESTERFIELD CITY HALL
# SPECIAL MEETING – CHESTERFIELD COMMONS
# November 18, 1998

The meeting was called to order at 5:30 p.m.

**PRESENT**
Mr. Fred Broemmer
Mr. Charles Eifler
Mr. Dan Layton, Jr.
Ms. Rachel Nolen
Mr. Jerry Right
Ms. Victoria Sherman
Chairman Robert Grant
Ms. Teresa Price, Director of Planning
Mr. Todd Streiler, Planner II
Ms. Kathy Lone, Executive Secretary, Planning Assistant

**ABSENT**
Mr. Allen Yaffe

**INVOCATION**: Chairman Robert Grant

**PLEDGE OF ALLEGIANCE**: All

**INVOCATION**: Chairman Robert Grant

Chairman Grant recognized the attendance of Council Laision - Councilmember Mary Brown (Ward IV). Also in attendance were Mayor Nancy Greenwood, Councilmember Larry Grosser (Ward II), Councilmember Mike Casey (Ward III) and Councilmember Dan Hurt (Ward III).

Chairman Grant stated that the only purpose of the meeting was to consider the following project:

> **P.Z. 24-97 THF Chesterfield Development L.L.C. (Chesterfield Commons);** C-8 Planned Commercial District, Site Development Section Plan; South Side of Chesterfield Airport Road (Between Sachs Electric and the McBride Building).

Director of Planning Teresa Price stated that since the project was so large she suggested the following process:

1. Mr. Todd Streiler, project planner, provide a review of the project and state the issues;
2. Mr. Jim Rocca, City of Chesterfield tree consultant, present a landscape plan review;
3. Mr. David Whitfield, Architectural Review Board representative, answer questions;

4. Mr. Michael Geisel, Director of Public Works, to answer questions.

Teresa Price commended the applicant on their progress and compliance to the City's ordinances and guidelines.

Todd Streiler, Planner II, gave an overview of the project:

On November 17, 1997, the City of Chesterfield adopted Ordinance Number 1344 to govern the development of a 125-acre tract located on Chesterfield Airport Road. This ordinance rezoned the tract from "M-3" Planned Industrial to "C-8" Planned Commercial. The total square footage permitted is 1,185,400 square feet. Uses permitted are: retail, professional offices, hotel, restaurants, fast food restaurants, theaters, recreation and entertainment.

The developer is requesting approval of a Site Development Section Plan for 517,290 square feet of retail space and 18 out lots ranging in size from 1.18 to 4.11 acres.

The proposed development requires 2,710 parking stalls; 4,004 will be provided. These figures do not take into account future retail, out lots or any proposed uses north of Chesterfield Airport Road.

All outlots, areas designated as future retail, and the area north of Chesterfield Airport Road, will require separate Section Plan approval. This will include the review and approval of architectural elevations and landscape plans.

All plans have been reviewed for conformance to the appropriate ordinances and guidelines. Issues outstanding are as follows:

1. The City has a concern regarding the depth of the parking spaces designated for handicapped persons. Per the City's Zoning Ordinance, a typical parking space is 19 feet in depth. The plan depicts handicapped accessible spaces of less that 17 feet in depth. There is a 2–foot deviation which would require a variance from the Board of Adjustment.

The American Disabilities Act (ADA) requires an access aisle whenever parking spaces are stacked to prevent handicapped persons going behind vehicles. The petitioner has provided a 36-inch wide aisle in front of the vehicles. This takes 1 foot 6 inches from each stall depth which indicates the difference in depth.

Chairman Grant asked whether the ordinance requires the 19 feet.

Mr. Streiler stated that since the developer has provided for more than the required parking, they could have this parking for compact cars. An ordinance amendment may be necessary for the difference.

City Attorney Doug Beach stated that page 215, City of Chesterfield Zoning Ordinance, states that if the zoning ordinance requires 19 feet, the only way it can be varied is by ordinance amendment.

Chairman Grant stated that if there is a deviation from the ordinance, the Planning Commission can't approve the deviation.

Thomas Roof, TRI Architects (representing Petitioner), said that the ADA states that it is a hazard for a disabled person to have to bypass any more than their own vehicle in order to access the building or property that they are visiting. A solution is to provide an access aisle between the head-in rows of parking to allow the disabled to access the cross aisle, travel in front of the cars and travel safely to the building. The building code enforced by the City references a code to follow in design standards. This code includes ADA references and incorporates this design. The Zoning Ordinance does not recognize the same standard so there is a conflict between the two codes in what a handicapped space should be. Parking stalls are generally 9-feet wide and ADA asked for an 8-foot wide stall with an aisle and the 8-foot stall is accepted by the City. It is his opinion that the ADA would govern in this situation.

City Attorney Beach needs to have the ADA standards presented to him. The Planning Commission could approve, subject to the City Attorney's review and, if the ADA regulations override the ordinance, the ordinance would have to be changed. If, after review, it complies, the ADA regulations would be acceptable even under the City's ordinance.

Staff does not have any other concerns with the parking.

Commissioner Yaffe arrived for the meeting at 6:05 PM.

Chairman Grant made a motion to approve the Site Plan as proposed by the developer with respect to the depth of the parking spaces and the 36-inch wide aisles which are addressed on page 2, paragraphs 2 and 3, of the Staff report, subject to the City Attorney being able to verify that those dimensions are required by ADA and that ADA supercedes the City's parking ordinances. This motion was seconded by Commissioner Eifler. The motion **passes by a voice vote of 9 to 0.**

Mr. Jim Rocca gave a review of the Landscape Plan. He stated that his concern is the use of so many trees of a similar species on such a large tract. He has a concern that the large number of like species lays the development open to the potential widespread loss of trees in the event of pest or severe weather events. The developer intends to use locust trees on the north side, flowering crab extend throughout the parking and some access areas, red maples would be used in the aisles between the parking areas and Cleveland Select Pear trees would line the proposed Edison Road.

Mr. Rocca's recommendation is to break the site into a variety of planting zones, diversifying the types and/or species throughout the development. The main concern is the potential for disease to wipe out entire species creating a very unattractive and costly problem.

Mr. Rocca stated that no surface parking space should be farther than 50 feet from a tree. This is in the landscape guidelines and not an ordinance. This should serve as a guide for the number of trees needed in this development. The guidelines recommend that 60% of the trees reach 35 feet in height or greater at maturity.

Commissioner Sherman asked Mr. Rocca if the crab trees would reach 35 feet or taller and Mr. Rocca responded, "no." The crab trees will reach a maximum of 10 to 12 feet in height. Commissioner Macaluso stated that the flowering crab tree is very dense and questioned if said characteristics would provide for screening.

Mr. Rocca stated that the flowering crab trees would possibly block the line of sight within the parking lot, although they are not very tall. The crab trees would not be a good screening tree from Highway 40.

Commissioner Eifler made a motion that the number of spines be increased to have a spine between every third set of parking spaces (double parking space, end to end). The motion was seconded by Commissioner Sherman.

Commissioner Broemmer amended the motion that no surface parking should be farther than 50 feet from a tree, according to Guideline specifications. The amendment failed due to lack of a second.

Randy Mardis, Landscape Technologies, stated that the number of trees on the site will be 1,400, whereas 1,250 is the required amount. Per the Architectural Review Board's recommendation, the developer added the spines to the parking area to provide quality groupings of trees.

Tom Roof, stated that the parking lot is 5,600 feet in length and 400 feet in the north, south direction. The parking lot is 2.24 million square feet of asphalt. All of the trees in the spines are trees that are in excess of the minimum number required per the Guidelines.
*(Please note the actual length of the parking lot is approximately 3,620 feet and approximately 340 feet wide and approximately 1,230,800 square feet.)

Commissioner Eifler commented that as you drive down Highway 40 or Chesterfield Airport Road, when you look parallel to the spines you see the pavement, but when you look at a slanted angle, the parking lot will look tree covered. He is more concerned about the appearance of the parking lot by the surrounding area and the appearance of the overall development than the canopy itself.

Tom Roof stated that every spine added would eliminate a vertical row of cars. The two major spine areas are approximately 30 feet wide. The number of parking spaces required for this site is 2,700; 4,400 will be provided.

Mike Doster, attorney for the developer, stated that if the center portion is completely developed,

the parking requirement would be reduced 15%. Another part of the ordinance permits a 20% reduction in parking, however, requires Planning Commission and City Council approval.

City Attorney Beach stated that perhaps this is the best time to make the ordinance amendment.

Tom Roof stated the tenant requirements preclude the developer from reducing the required parking.

Commissioner Eifler left the meeting at 7:00 PM.

Councilmember Linda Tilley (Ward IV) arrived at the meeting.

Mike Staenberg, developer, stated that there will be two fountains that cost $150,000 each located at the main entrance of the parking lot. He wants to create a 'commons effect', a gathering spot. Store tenants were opposed to having spines in the parking lot. He has tried to do everything that Staff and the Architectural Review Board have asked him to do. Each of the outlots will support their own parking.

Chairman Grant stated that in place of the motion, the developer is willing to place some trees in front of Lowe's and Wal-Mart, perpendicular to the proposed spines.

Mayor Greenwood asked if the soil had been tested to accommodate the trees. Mr. Staenberg stated that it had been tested. The top soil has been saved and will be reused.

David Whitfield, member of Architectural Review Board (ARB), stated that the ARB felt that creating rows of trees in spines was more desirable than individual trees. He stated that the developer has made a good effort to follow the ARB's suggestion of creating clusters of trees. The ARB would like to see as many spines as practicable.

Mr. Whitfield stated that the current site plan is new but good. There was discussion on the linear building layout. The ARB strongly encouraged to have as much off sets and articulation in the facade to provide visual relief and break the development up.

The motion by Commissioner Eifler was read back – that the number of spines be increased to have a spine between every third set of parking spaces. This motion was seconded by Commissioner Sherman. **The motion fails by a vote 7 to 1.**

Commissioner Macaluso made a motion that the developer look again at the parking landscape situation with the idea of trying to increase the vertical spines and add horizontal spines. Commissioner Layton seconded the motion.

Chairman Grant stated that it is his understanding that the City Council has indicated that they are

going to exercise their power of review.

Chairman Grant reworded Commissioner Macaluso's motion to read that the Planning Commission is approving the proposed Landscape Plan; however, the Commission is **strongly** recommending to the Council to require the developer, where appropriate, to increase the number of north, south spines and especially the east,west spines on the two end lots.

Commissioner Layton seconded the motion **and it passes by a voice vote of 5 to 3.**

Chairman Grant recessed the meeting for a break at 7:35 PM. Mayor Nancy Greenwood left the meeting at this time. The meeting reconvened at 7:50 PM.

Mr. Mike Geisel, Director of Public Works, believes that RHL Drive should be relocated completely adjacent to the west property line. The original zoning condition was written that way. It could then provide access to future development to the west. Chesterfield Airport Road will be a five-lane arterial road. The north, south roads are used to get as much traffic off of them as possible. Cross access should be provided to allow that access to occur onto that roadway.

Chairman Grant stated that what the developer is proposing is that the road is not to the extreme west end – there is some privately-held property between the roadway and the out boundary of the project.

Mike Geisel said it would prevent any connections, absent an easement or right-of-way dedication from whomever the property owner is at that time.

Chairman Grant stated that property owners to the west can't access RHL Drive unless there are cross easements or the roadway would be relocated, which is approximately 60 feet. It would be a publicly maintained roadway. Presently, there is not a road there but it will be constructed with the development.

Mike Staenberg stated that there is a 40-foot area between the property line and RHL Drive. There is a drainage ditch that runs along the existing property line that the developer is planning on keeping and utilizing. There is a 3-inch sanitary sewer that is not very deep in that area and, to do the regrading, the sewer would have to be relocated. The developer doesn't plan on doing that. The developer could not get an easement for their radius at that point from Mr. Siteman. On the TIF, they did not receive any moneys for RHL Drive or THF Boulevard to be developed. The developer believes that it was designed to city specifications according to the ordinance and will be dedicated to the City. These are the reasons why there is a 40-foot area between RHL Drive and the property to the west. Mr. Siteman is not interested in selling any property to the developer.

Chairman Grant questioned why this couldn't be done with cross access easements.

Mr. Staenberg said it would cost approximately $300,000 and it was an approval of the

development per the ordinance to put that road in per the City's specifications and dedicate it to the City. Mr. Staenberg disagrees with Mr. Geisel on the interpretation of where the road had to be and whether there had to be cross access. If the ordinance required cross access then it would have been put in the ordinance. The developer's attorney has a similar opinion.

Mike Doster stated that the developer has done everything that is a requirement. In the Redevelopment Agreement there is a specific provision that addresses the dedication of these two roads. It said they have to be dedicated to public use but does not specify that they have to be on the boundary line. It doesn't say where they have to be located.

Mike Geisel said there are a couple of differences. Old Olive Street Road intersects the eastern-most drive (approximately half-way between Chesterfield Airport Road and the new Edison Ave.). There is an existing connector there now. The property narrows significantly as you go from west to east so RHL Drive is longer than the eastern-most drive. Public Works doesn't have any objection on the eastern drive. To bisect it further would be unnecessary. Traffic could go out Edison Avenue or Old Olive Road. The developer will not directly have access to THF Boulevard. The sewer is not an issue. It can be located on the shoulder or it can be on the widening utility maintenance easement. The problem is to make sure that you have public access to that strip. It is not an issue as far as the location of the road goes but who controls the strip and who has right of access. The location of the road is satisfactory with Public Works as long as they can ensure cross access or right-of-way dedication when the adjacent parcel comes in.

Mike Doster stated that in reference to the Redevelopment Agreement, which specifically refers to the connecting roads, there were to be connecting roads beween Edison Avenue and Chesterfield Airport Road. There is no mention of any access to future development to the west. The Concept Site Plan shows that road off the property line to the east. The agreement requires it to be built as shown.

City Attorney Beach stated that the City wants access and the developer wants to be precise and exact with the ordinance.

Mike Staenberg wants to hold this matter for a couple of weeks for further discussion.

Commissioner Macaluso stated that she would like to know why there is a need to rush this project along. It appears that this project will go forward to City Council without Planning Commission recommendation.

Director of Planning Teresa Price stated that the City Council wanted this project placed on the Planning & Zoning Committee agenda for Thursday, November 19, 1998, so that if the project was approved by the Planning Commission it could keep moving forward.

Mike Staenberg stated that the tenants want to open and he will not have revenue to service the TIF bonds until the bonds are sold. That is the reason he is trying to move the project forward.

Commissioner Macaluso questioned that if the developer is under time constraints, why not give access to the road.

**The vote on the motion to hold is 6 to 2.**

Director of Planning Teresa Price gave an overview of the massing by the Architectural Review Board. The ARB requested to see more offsets so it would not be so flat and to add sidewalk features.

Commissioner Layton stated that there are massive improvements when comparing the current plan with the original.

Commissioner Broemmer made a motion that the development be broken up with individual buildings and parking spaces and not so massed. This motion was seconded by Commissioner Nolen. The motion **fails by a voice vote of 7 to 1.**

Teresa Price gave an overview on the materials.

Commissioner Layton stated that the ARB's recommendations have been complied with.

Commissioner Nolen questioned the need for the black chain link fence by Wal-Mart. The ARB would rather have brick but with cost constraints, the ARB felt the fence was adequate.

Commissioner Nolen made a motion that that the black chain link fence area will be heavily landscaped. There was not a second and Chairman Grant asked Commissioner Nolen to bring this up at he next meeting when the landscaping was discussed.

Commissioner Layton made a motion to approve the materials as proposed by the developer and Staff. The motion was seconded by Commissioner Right. The motion **passed by a voice vote of 8 to 0** and will be passed on to City Council.

Commissioner Sherman made a motion to adjourn and this motion was seconded by Commissioner Macaluso **and passes by a voice vote of 8 to 0**. The meeting adjourned at 8:58 PM.

for Fred Broemmer, Secretary

The next Special Planning Commission Meeting to discuss the Commons will be Tuesday, December 1, 1998 at 5:30 PM.