

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 14, 1994**



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

PRESENT

Mr. Rick Bly
Mr. Fred Broemmer
Mr. Michael Casey
Mr. Dave Dalton
Ms. Mary Domahidy
Mr. Bill Kirchoff
Ms. Linda McCarthy
Chairman Barbara McGuinness
Councilmember Ed Levinson - Council Liaison
Mr. Douglas R. Beach, City Attorney
Mr. Jerry Duepner, Director of Planning
Mr. Joe Hanke, Planner II
Ms. Sandra Lohman, Executive Secretary

ABSENT

Ms. Patricia O'Brien

INVOCATION - Commissioner Mary Domahidy

PLEDGE OF ALLEGIANCE - All

Chairman McGuinness recognized the Honorable Councilmember from Ward II, Mr. Ed Levinson, who is here as Liaison from the Planning and Zoning Committee to the Planning Commission.

PUBLIC HEARINGS - Commissioner Fred Broemmer read the "Opening Comments"

- A. P.Z. 23-94 Joseph and Edith Ernst (Goodyear Tire); a request for a change in zoning from "C-1" Neighborhood Business District and "R-3" 10,000 square foot Residence District to "C-8" Planned Commercial District for a 26,080 square foot tract of land located on the east side of Chesterfield Parkway North (formerly Schoettler Road) approximately 200 feet south of Olive Boulevard (State Highway 340); (Locator Numbers 18S52-0789, 18S52-0877, and 18S52-0888). Proposed Use: Vehicle Service Center

Joe Hanke, Planner II, presented a slide presentation of the proposed site and surrounding area.

Mr. Al Michenfelder, Attorney, spoke on behalf of Joseph and Edith Ernst (the owners of this property) noting the following:

- The request is for a motor vehicle service center.
- He described the surrounding land uses/zoning, noting that Conway Cove is a distance of approximately one-quarter mile from the proposed site.
- The Comprehensive Plan of the City depicts this site as part of the area designated as "Urban Core," which is high density retail, residential, and office.
- The proposed vehicle service center would front the Parkway, with one (1) entrance to the Parkway.
- The proposed building would be one (1) story, 5776 square feet in area, with six (6) service bays. Three (3) bays will open to the south.
- The doors for the bays will be double doors (i.e., instead of six (6) overhead doors, there will be three (3) double doors). Two (2) double doors will be on the east, and one (1) on the south in order to moderate, as much as possible, the visibility of overhead doors.
- No overhead doors will be visible from the Parkway.
- Twenty-six (26) parking spaces are required, however, thirty (32) spaces will be provided.
- When the grading is completed, the platform or building elevation of the structure itself will be seven (7) or eight (8) feet below the property to the south. It will not be necessary to have a retaining wall, due to sufficient slope separation.
- A ten (10) foot landscape buffer is proposed along the south line, a five (5) foot buffer along the east and north (abutting commercial), and a twenty (20) foot buffer along the Parkway. As depicted on the plan, twenty percent (20%) is green space.
- A monument sign is proposed to be six (6) to eight (8) feet in height, and a maximum size of fifty (50) square feet.
- The business would be an H & H Goodyear Center, which currently owns and operates four (4) centers in St. Louis County.

- The hours of operation are proposed to be 7:00 a.m. to 8:00 p.m., Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday.
- The average number of customers per day would be thirty-five (35).
- The proposed center would provide: state inspections, oil and grease changes, tune-ups, alignments, undercoatings, and occasional installation of engines or transmissions.
- Work performed **does not include** body repair, any form of painting, or rebuilding of transmissions or engines.
- The design of the building was customized to introduce a residential style into the concept of this service center.
- The previous rezoning request for this site was in 1990, for a Dobbs facility, a similar use. The current proposal contains significant changes. Some of those changes are: a) instead of eight (8) bays, they are proposing six (6); b) instead of eight (8) overhead doors, they are proposing three (3) double doors; c) the doors front to the east (commercial) and south (multi-family); d) doors are not visible from the Parkway; e) the building represents the most significant visible change (i.e., customized with brick veneer on the exterior); and f) a monument sign.
- He stated that Sears discontinued its service center approximately two (2) years ago; therefore, state inspections, automobile tune-ups, etc., are not available in a convenient area of Chesterfield.
- It makes good sense to locate a service center in this vicinity (i.e., near the existing Shell Service Station-Car Wash and Amoco Service Station-Car Wash).
- One concern the Commission raised, upon denial of the previous request in 1990, was noise that might be generated towards the residential area to the south (i.e., Peachtree, Conway Cove). A sound study was recommended.
- Dr. J. T. Weissenburger, DSc, PE, was employed to conduct a Noise Impact Study of the proposed tire service center. This report was presented to the Commission.
- Mr. Michenfelder identified the locations of the sound monitors and the results of the study.
- The tool which would produce the most noise is the "pneumatic chisel," and this is used only on an infrequent/sporadic basis (once per week).

- The petitioner would be willing to erect a six (6) foot board fence on the southeast corner of the site, if the Commission believes it appropriate.
- The Conway Cove development is approximately 1700 feet from the proposed site, and would not be adversely affected by the sound produced from the proposed business.
- The sound study concluded that the sound emanating from the proposed facility would not present a problem/nuisance to the neighborhood.

Mr. Elliot Silk, Vice President, will manage and operate the proposed store, noted the following:

- He is also a resident of the City of Chesterfield (Shenandoah Subdivision).
- The proposed building was designed to look pleasing to the community.
- A petition supporting the proposed center, signed by approximately two-hundred (200) people [residents and owners of businesses in the City] was given to the Commission.

Mr. Michenfelder recognized the attendance of Dr. Tick Weissenburger, and Al Watter, the Civil Engineer with McDaniel Engineering Company who drew up the site plan.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Casey inquired about the storage of tires, fencing, etc.

Mr. Silk noted there would be an indoor storage area (with roof and door) located on the side of the building. The tires (usually when 75 tires accumulate) are picked-up about once a week.

Commissioner Bly inquired about comments received regarding water detention, and location of same.

Mr. Michenfelder noted that, in the event water retention is required, it will either be by swales within the parking lot to a drain, or, if necessary, in an under ground structure. The engineering for that has not yet been performed.

Chairman McGuinness recognized Councilmember Hilbert (Ward I), and Councilmember Devers (Ward II), as being in attendance at the meeting.

Commissioner Kirchoff inquired regarding the service bays.

Mr. Silk stated there would be three (3) double garage doors, two (2) bays each, and the one located on the side is strictly a loading door.

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION:

1. Mr. Mel Sands, 34 Conway Cove Drive, Chesterfield, MO 63017, spoke as President of the Conway Cove Condo Association noting the following:

- He represents fifty-four (54) homeowners who would be directly affected by the proposed development.
- He suggested the signatures on the petition were solicited by those not affected by this development.

Chairman McGuinness asked whether the petitioner met with residents of Conway Cove.

Mr. Sands stated he met with Mr. Silk but not regarding the petition signatures.

Mr. Sands continued:

- He believes sufficient vehicle service is provided to City residents at this time, noting that Sears aligned the wheels on his car yesterday.
- He objects not only to the noise, but, primarily, he doesn't believe this type of business belongs on the Chesterfield Parkway.
- It was his understanding that the subject site was to be rezoned for office type use (doctors or attorneys).
- He expressed concern that, once this building is up, the City loses control of the site.
- He objects to the proposed sign along the Parkway.
- Concern was expressed regarding cars being left there over night.
- Concern was expressed regarding traffic (i.e., entering/exiting the proposed site).
- Concern that Conway Cove, a private road, would be turned into a u-turn driveway for the proposed business.

Chairman McGuinness inquired whether Mr. Sands brought this up to Mr. Silk when he met with him.

Mr. Sands said he didn't feel it was proper to bring it up at that time, and he wanted to bring it up to the Commission.

Chairman McGuinness requested a Noise Impact Study be given to Mr. Sands.

A copy was provided to Mr. Sands.

Mr. Sands continued:

- He believes the garage doors would be open nine (9) months, not six (6) months of the year.

COMMENTS/DISCUSSION BY COMMISSION

Councilmember Levinson asked Mr. Sands if he has seen the drawings, and whether the architectural style of the building is pleasing, objectionable, etc., to him.

Mr. Sands noted he objects to the garage. If it were used as an office building he would be in favor of it. He further noted that, if this is rezoned as requested, it would set a precedent that would make the Parkway look like a small Manchester Road.

Chairman McGuinness noted that if that Parkway ends up looking like a small Manchester Road, we'll all be dead.

Commissioner Kirchoff inquired regarding the access issue, noting he doesn't understand why you can't turn into this property coming from Olive Street Road. He noted it is currently a five (5) lane road with no island.

Mr. Sands stated it is against the law to turn there. He further stated he doesn't believe there is a passing lane at that location, and inquired whether the City has a recommendation from the County on this.

Commissioner Kirchoff noted he assumes that whomever is in charge of that portion of road will point out that problem, if there is a real problem.

Mr. Sands noted he would like to see that information.

Commissioner Kirchoff noted we may not have that information because it is not perceived as being a problem.

Mr. Sands noted he does see it as a problem.

Commissioner Dalton inquired whether there is currently a problem with u-turns on Conway Cove.

Mr. Sands replied "no, but they always have a few."

Commissioner Dalton inquired whether Conway Cove has a sign identifying it as a private drive.

Mr. Sands replied, "absolutely." He noted that signs don't seem to mean much, and he believes it is going to be a problem.

Commissioner Broemmer inquired whether it would be the same type of traffic situation if it were to be a doctor's or dentist's office.

Mr. Sands said it might be, but he believes the Highway Department should settle it with the City before making a decision.

Commissioner Broemmer inquired whether any type of occupancy in that building would, essentially, promote the same traffic situation.

Mr. Sands stated it might be, he doesn't know, but, that doesn't justify the proposed use. He further stated he believes these types of operations belong either in Chesterfield Valley, or with an entrance from Olive Street Road.

Commissioner Dalton inquired whether Mr. Sands believes people would utilize the stop light located between the entrance and Conway Cove to turn around.

Mr. Sands stated the problem is how they will turn around.

Councilmember Levinson noted comments received from St. Louis County Highway Department and the State Highway Department made no reference to a traffic problem, and handed Mr. Sands his copies.

Mr. Sands stated he doesn't know if the Highway Department is even aware of this problem.

2. Mr. Paul H. Switzer, 36 Conway Cove Drive, Chesterfield, MO 63017, spoke as an individual noting the following:

- He concurred with Mr. Sands' comments.
- He stated the Parkway should remain a parkway (i.e., landscaped, broad, thoroughfare, with a nice median). It should look good at all times.

Chairman McGuinness gave her renderings of the proposed development to Mr. Switzer.

3. Ms. Terri Cohn, 915 Peach Hill Lane, Chesterfield, MO 63017, spoke on behalf of Chesterfield Limited Partnership (Peachtree Apartments) noting the following:

- She noted their biggest concern is noise. She further noted that the gentleman speaking on behalf of the petition earlier stated the bays would be open only on nice days, and this is also when their residents would have their windows open and, therefore, be subjected to the noise.
- She noted they have received no information from the petitioner.

Chairman McGuinness asked for a noise study and rendering to be given to Ms. Cohn.

These were given to Ms. Cohn.

SPEAKERS NEUTRAL - None

REBUTTAL

Chairman McGuinness inquired about the meetings between the petitioner(s) and residents.

Mr. Silk noted he met with Mr. Sands to ask him what he would like the building to look like, and what they would need to do to please him. He further noted they did not discuss the petition.

Mr. Michenfelder noted the petition was circulated about a week and a half ago. It was circulated in the area of Chesterfield Mall.

Chairman McGuinness summarized some of the concerns as follows:

- doesn't belong on the Parkway;
- office building type use would be better;
- City would lose control;
- what about the cars in the evening;
- address traffic;
- garage doors open too much;
- sets a precedent;
- we don't need it; and
- the noise affect on Peachtree.

Mr. Michenfelder responded as follows:

- The problem Mr. Sands described regarding the u-turn into Conway Cove doesn't apply to the subject property, as it lies south of the median, and allows left turns out of the proposed site at this time. It doesn't appear this would be a problem.
- The average number of customers would be thirty-five (35) per day, added to eight (8) employees, would total forty-three (43) trips per day. Virtually any other type of office/retail would be likely to generate much more traffic than the proposed use.

Mr. Silk noted he doesn't understand Mr. Sands earlier comment about losing control of the business after it is approved. His other four (4) stores perform the exact same work being proposed tonight (i.e., basic tune-ups, state inspections, brakes, alignments, and tire work). They don't rebuild engines on the premises, but, occasionally they do remove engines and replace them with new ones.

Mr. Michenfelder noted he drove through the Conway Cove Condo development and determined there is absolutely no visibility from its location to the proposed development. He further noted that the Noise Study determined there would be no audible interference with Conway Cove.

Chairman McGuinness inquired about the concern over garage doors being open too much.

Mr. Silk noted this depends upon the weather, and, as an average, the bay doors are open during six (6) months of the year.

Chairman McGuinness noted that the concern stated about setting a precedence is a philosophical issue that does not need to be responded to at this time.

Commissioner Broemmer noted his concerns would be things related to outside storage of tires, old automobiles, oil, etc. He further suggested the building, conceivably, could be air conditioned, thereby reducing the noise problem.

Mr. Michenfelder noted there will be no outdoor storage, and wrecked cars would not come to this center because they are not repaired here. He further noted the cars that would occasionally remain over night on the premises would be no more than three (3) or four (4) (people who would drop off their cars after 7:00 p.m. for work the following day). He noted that used oil can no longer be stored under ground. The proposed facility will have an above ground tank at the rear of the building, per environmental regulations. Tires would not be stored outside.

Mr. Silk noted oil regulations are such that he now uses a vacuum pump plugged into the tank, and there is no chance of spillage.

Commissioner Broemmer read the next portion of the "Opening Comments"

SHOW OF HANDS

In Favor: 12 In Opposition: 6 Neutral 2

Commissioner Broemmer read the remainder of the "Opening Comments."

Chairman McGuinness noted, for informational purposes, that whoever comes here to address this Commission by being here, petitioning the Commission by letter, etc., does not need to be a Chesterfield resident. They just need to come here.

- B. **P.Z. 24-94 City of Chesterfield Planning Commission**; a proposal to amend Section 1003.300 Procedure for Amending the Zoning Ordinance of the City of Chesterfield.

Jerry Duepner, Director of Planning for the City of Chesterfield, 922 Roosevelt Parkway, spoke on behalf of the petition noting the following:

- The proposed amendment would put back into the Zoning Ordinance a portion of the Ordinance that was deleted, inadvertently, when an amendment was done to the ordinance about one (1) year ago.
- The section deals with the public hearing process, but more specifically, it was revised in 1993, to clarify the vote necessary by the City Council on matters that the Planning Commission recommends approval on, as well as those it recommends for denial. At that time, it was unclear whether or not a super majority vote was needed. When that revision was made, paragraph 2 of Section 1003.300 was revised and, inadvertently, what was deleted was the portion that deals with the ability to file a petition for the same classification within twelve (12) months from the filing of a report by the Planning Commission; and also the Section that requires the introduction of a bill by the City Council relative to a Rezoning and Special Procedure request within ninety (90) days of receiving the Planning Commission's report. This section would be re-inserted into the Ordinance. Although that was done, inadvertently, when the revision was done, it can't be re-inserted - it has to go through the process of public hearing, vote and amendment.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION: - None

SPEAKERS - NEUTRAL: - None

REBUTTAL - Waived

Commissioner Broemmer read the next portion of the "Opening Comments."

Commissioner Dalton left the meeting at this time.

SHOW OF HANDS

IN FAVOR: 0

IN OPPOSITION: 0

NEUTRAL: 0

Commissioner Broemmer read the remainder of the "Opening Comments."

APPROVAL OF THE MINUTES

Commissioner Casey made a motion to approve the minutes from the meeting of October 24, 1994. The motion was seconded by Commissioner Broemmer and **approved by a voice vote of 8 to 0.**

PUBLIC COMMENTS

1. Mr. Chris Layton, 16809 Wild Horse Creek Road, Chesterfield, MO 63005, spoke regarding the West Area Study Committee.
 - He noted that several weeks ago the West Area Study Group voted for and asked if they could include the first one-quarter to one-half mile of Wild Horse Creek Road into their plan.
 - He believes both Ward IV Councilmembers also supported this addition.
 - The Planning Commission voted down this request.
 - He believes the only valid reason brought up regarding denial of this addition was a concern about the length of time it would take to complete the study with this additional area; however, we now know it will be some

time before Mr. Kendig finishes his report and submits his recommendations. He assumes the West Area group will want to see Mr. Kendig's report before finalizing their own report. Even with this additional area, he feels confident the West Area Study Group will be finished before Mr. Kendig.

- The Planning and Zoning Committee had discussed this matter, and they agreed with the West Area Study Group that all of Wild Horse Creek Road should be included. They have asked the Commission to reconsider this and vote on it again.
- He stated that he understood that Chairman McGuinness, after voting down this request, spoke with Dr. Theodosios Korakianitis. Dr. Theodosios Korakianitis stated that he told Chairman McGuinness that when you look at a house you start at the front door, you don't start in the kitchen. Wild Horse Creek Road has, basically, three (3) doors - Chesterfield Airport Road, Long Road, and Highway 109. It makes no sense to bypass the front door (Chesterfield Airport Road) and start an arbitrary line which is not even an intersection, or even at the same point on both sides of the road. He noted he understands that Chairman McGuinness told Theo that, if he had said this prior to her vote, she would have agreed with him and voted to add this additional area to the Study. He said Chairman McGuinness could correct him if he is wrong.
- Tonight is one of those rare opportunities when you get a chance to vote on the same issue and, hopefully, this time you will agree to include this additional area to allow the report to encompass the complete West End of Chesterfield and, as such, would be far more beneficial to Chesterfield.

Chairman McGuinness stated she did speak to Theo, and she did say that if he needed to have those comments brought forward he should have done so. She further noted she stated that Chris Layton was there for your group, and Chris Layton could have made those comments during the Public Comment portion of the meeting. She stated it might have made a difference, it might not have made a difference.

OLD BUSINESS - None

NEW BUSINESS

- A. **P.Z. 22-94 City of Chesterfield Planning Commission**; a proposal to amend the Zoning Ordinance of the City of Chesterfield relative to Home Day Care.

Planner II Joe Hanke summarized the issues to be evaluated by the Department of Planning in its report to the Commission on November 28, 1994. In keeping with Commission policy, the Department recommends this matter be held until the meeting of November 28, 1994.

No items were added to the list.

A motion to hold this matter was made by Commissioner Casey, seconded by Commissioner McCarthy and **approved** by a voice vote of 7 to 0.

- B. Memorandum from the Director of Planning regarding request of Planning and Zoning Committee for reconsideration of boundaries of West Area Study.

Planner II Joe Hanke summarized the memorandum, noting the Planning and Zoning Committee by a vote of 3 to 0, concurred with the appointment of Chris Layton to serve as an additional resident member of the West Area Study Committee. The Planning and Zoning Committee by a vote of 2 to 1, requests the Commission reconsider the extension of the West Area Study boundaries. Mr. Hanke noted that Councilmember Levinson had some concern and requested that the Old Chesterfield Area be excluded, because he believes it is of a different character than the rest of the area. Mr. Hanke noted, on behalf of the Department, this boundary extension is considerably different than the West Area which is encompassed within the Comprehensive Plan. This would be a significant change to the Plan.

Chairman McGuinness stated that in order to reconsider this, according to Robert's Rules of Order, a member who voted with the majority would need to make the motion for reconsideration (the majority meaning those who voted no, not to extend the boundaries).

Chairman McGuinness inquired "is there a motion to reconsider the boundaries from a member of the majority."

No motion was made.

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No motion was made.

Councilmember Levinson noted that one of the things discussed at the Committee was the importance of the "Historic District" (the area along Chesterfield Airport Road). He further noted that everyone on the Committee felt that area was important in terms of trying to encourage historic renovation. Councilmember Levinson inquired if the Planning Commission would be interested in looking at that area in terms of standards or ways to encourage the preservation, enhancement and redevelopment of that area as something special for Chesterfield. This would be outside of the West Area Study.

Chairman McGuinness noted this would be "The Old Town," and asked Councilmember Levinson to define "Old Town."

Councilmember Levinson stated they did not state specifics, but you could imagine from the New Baxter Road Extension and the Brick House, up to Wild Horse Creek Road.

Commissioner Domahidy noted there are other historical areas in the area we are studying at this time, and she has been encouraged to bring these areas to the attention of the City's Historic Commission for their agenda.

Councilmember Levinson stated there are two (2) things to consider: what type of rules or standards, guidelines the City Council would set; and the Historical Committee could work for the grant. He further stated someone has to initiate this process other than the Council (i.e., the Planning Commission could initiate).

Chairman McGuinness noted the Old Town Chesterfield could be discussed at the next quarterly meeting.

Director Duepner noted the next quarterly meeting would be in January of 1995.

Commissioner Broemmer inquired regarding the status of the West Area Study.

Chairman McGuinness noted the status is quo, and they will have a report under Committee Reports.

C. Memorandum from the Director of Planning concerning 1995 meeting schedule.

Director Duepner noted this is made available to the Planning Commission for informational purposes.

This was received and filed by the Commission.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **Conway Bend Subdivision**; Subdivision Record Plat in the "R-1A" 22,000 square foot Residence District and "FPR-1A" Residence District; north side of Conway Road, east of White Road.

Commissioner Broemmer, on behalf of the Site Plan Review Committee, recommended approval of the Subdivision Record Plat. The motion was seconded by Councilmember Casey and **approved** by a vote of 7 to 0.

COMMITTEE REPORTS

- A. **Ordinance Review Committee** - No report.
- B. **Architectural Review Committee** - No report.
- C. **Site Plan/Landscape Committee**

Committee Chairman Kirchoff noted the Landscape Committee finalized the Landscape Guidelines, in a draft form, for Chesterfield Valley developments.

Director Duepner noted, in the past, these items have been referred back to the Planning Commission after reviewed by the Committee, commented on by the Planning and Zoning Committee, and forwarded back to the Planning Commission for adoption. He further noted these are back to the Commission tonight for consideration and action for adoption and direction that they be utilized by the Department as guidelines.

A motion to approve the Guidelines was made by Commissioner Broemmer. The motion was seconded by Commissioner Domahidy and **approved** by a voice vote of 7 to 0.

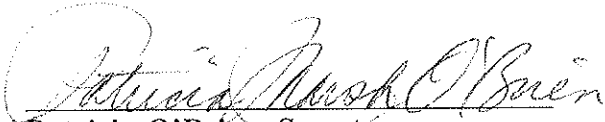
- D. **Comprehensive Plan Committee**

Committee Co-Chairman Domahidy noted those members of the West Area Study Committee received, in their packets, the agenda for Wednesday's West Area meeting.

E. **Procedures and Planning Committee - None**

Director Duepner noted, with regard to the 1995 Planning Commission Meeting Schedule, that the Department will draft a letter advising everyone who has appeared before the Commission the last several years (petitioners, consultants, etc.), just what that meeting schedule is, and keep everyone (including the Commission) apprised so they may make their schedules accordingly.

The meeting adjourned at 8:22 p.m.


Patricia O'Brien, Secretary

[MIN11-14.094]