PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
November 10, 2003

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

I. PRESENT

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
Chairman Victoria Sherman
Mr. Doug Beach, City Attorney
Mayor John Nations
Ms. Mary Brown, 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
Ms. Kathy Lone, Planning Assistant

ABSENT

Mr. B. G. Wardlaw

II. INVOCATION: Chairman Sherman

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Mayor John Nations; Councilmember Bruce Geiger (Ward II); Councilmember Connie Fults (Ward IV); and Council Liaison Mary Brown (Ward IV).

IV. PUBLIC HEARINGS:

Commissioner Macaluso read the first portion of the 'Opening Comments."

A. **P.Z. 25-2003 Precision Eatherton:** A request for a change in zoning from an "NU" Non-Urban District to "PC" Planned Commercial District for an approximately 2.9-acre tract of land located at 454 North Eatherton Road (Locator No. 18W-43-0068).

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

1. Mr. Bill Decker, Gray Design Group, 9159 Dana, St. Louis, MO 63123, architect for **P.Z. 25-2003 Precision Eatherton**, stated the following:

   - 10,750 square foot office/warehouse building;
   - Building will be 1-story;
   - Use will be for a lawn irrigation contracting company;
   - There will be on-site vehicle storage for the daily business operation; There will be 77 parking spaces to allow for operation of the business as well as storage of the vehicles;
   - Proposed site is 2.9 acres;
   - Proposed project will have approximately 30% green space;
   - There will be a 40-foot right-of-way to the north of the site which provides access to the properties to the east and future development;
   - A monument sign is being proposed near Eatherton Road and the proposed new right-of-way for this development and future development to the east;
   - The proposed landscaping will provide screening on the north side of the new proposed right-of-way for vehicles as well as highlight the building and allow for visibility from Eatherton Road from both directions;
   - Building materials and elevations have not been selected for this proposal;
   - Proposed site will be 2/3 office and 1/3 warehouse;
   - Wings Boulevard will be the access road for future development to the east and will be built to City standards;
   - There will not be any outdoor storage of materials, vehicles only;
   - This proposed development is not for retail;
   - Petitioner is working on getting sewers to the site.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL – None

REBUTTAL – None

Mr. Bookless stated that the following issues would be reviewed and addressed:

- Stormwater and drainage;
- Outdoor storage;
- Amount of parking dedicated to the storage of vehicles related to the business versus clientele;
- Clarification on the front parking lot-too much asphalt for the front and back parking and the number of employees;
- Clarification on screening around the parking lot for the commercial vehicles.

Commissioner Macaluso read the next portion of the 'Opening Comments.'

B. **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.

Project Planner Kyle Dubber gave a power point presentation with an overview of this petition and stated the following:

- Establishment of this district will allow for flexibility in the development of a unified medical campus;
- The majority of uses in this district are ancillary to the primary uses;
- The uses and criteria are specific to a self-contained medical campus;
- The maximum height allowed will be eight (8) stories and the minimum lot size will be three (3) acres;
- Procedures to establish this district will be similar to any other planned district.

Commissioner Hirsch suggested that there be an ancillary use that has to do with educational programs, such as certificate college or university programs in health-related fields or health administration (school of nursing or pharmacy).

Commissioner Banks stated that if this use were near residential, eight (8) stories may too much.

Chairman Sherman asked for a history on why this district is needed.

Commissioner Perantoni stated that if the stories would be counted above grade, there could be more then eight (8) stories with what would be below grade.

Councilmember Brown asked what the setbacks would be if this use adjoined residential.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL – None

REBUTTAL – None

Mr. Dubbert stated that the following issues would be reviewed and addressed:

- Educational facility should be reviewed as an ancillary use;
- Concern about being eight (8) stories;
- Provide history of why this district is being created;
- Setbacks – if adjoining residential.

Commissioner Macaluso read the closing portion of the 'Opening Comments.'

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the October 27, 2003 Meeting Minutes. The motion was seconded by Commissioner Perantoni **and passes by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT -

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, attorney for and speaking in favor of **P.Z. 21-2003 Jim Lynch/Larry Enterprises);**

   - Speaker stated that there needs to be a customer drop-off area in the designated area in order to have customers drop off their vehicles and leave the area safely;
   - Speaker stated that to shield from Highway 40 there would be a curbed entrance in the customer drop-off area and trees would be planted on either side to provide screening.

2. Mr. Rick Clawson, ACI/Boland, Inc., 11477 Olde Cabin Road, St. Louis, MO, architect and speaking in favor of **P.Z. 21-2003 Jim Lynch/Larry Enterprises)**;

   - Speaker presented a revised Site Development Plan and elevations;
   - Speaker stated that the entrance by the service area would be screened;
   - Speaker stated that the petitioner would like to place vehicles at a few 2.5-3 foot high piles of a landscaping rock. Speaker stated that these cars were included in the overall parking count.

3. Mr. James R. Hall, Hall & Halsey Associates, 424 South Clay Avenue, St. Louis, MO, Land Planner and speaking in favor of **P.Z. 17-2003 Rausch Tract**;

- Speaker stated that the Department of Public Works wants a 50-foot setback from the edge of pavement of Kehrs Mill Road to the first driveway entrance for lot 1 but petitioner would like it to be 30 feet from the right-of-way but would accept the request of 50 feet.

3. Mr. John Wagner, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, representing the petitioner and speaking in favor of **Shenandoah Ordinance Amendment**;

- Speaker stated that the petitioner has met with Mr. Harvey Present, trustee, and he is in favor of this ordinance amendment;
- Speaker stated that the County has approved the two (2) additional curb cuts on Conway Road;
- Speaker stated that the petitioner is awaiting comments from MSD and the Fire District.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

A. Westchester Manor: a Record Plat for a 7.401 acre tract of land zoned "E-3" Estate Residence District, located south of Wild Horse Creek Road, east of Kehrs Mill Road.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Record Plat for **Westchester Manor**. The motion was seconded by Commissioner Banks **and passes by a voice vote of 8 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).

The requested amendment is to allow the following permitted uses:

(b) Animal hospitals, veterinary clinics, and kennels.

(e) Associated work and storage areas required by a business, firm, or service to carry on business operations.

(g) Automatic vending facilities for:
  (i) Ice and solid carbon dioxide (dry ice);
  (ii) Beverages;
  (iii) Confections.
(h) Barber shops and beauty parlors.
(i) Bookstores.
(o) Dry cleaning drop-off and pick-up stations.
(q) Film drop-off and pick-up stations.
(s) Financial institutions.
(w) Local public utility facilities, provided that any installation, other than poles and equipment attached to poles, shall be:
  (i) Adequately screened with landscaping, fencing, or walls, or any combinations thereof; or
  (ii) Placed underground; or
  (iii) Enclosed in a structure in such manner so as to blend with and complement the character of the surrounding area.
(x) Medical and dental offices.
(y) Offices or office buildings.
(cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
(dd) Police, fire, and postal stations.
(ee) Public utility facilities.
(ii) Restaurants, sit down,
(pp) Permitted signs (see Section 1003.168 'Sign Regulations').
(tt) Stores, shops, markets, service facilities and automatic vending machines in which goods or services of any kind, including indoor sale of motor vehicles, are offered for sale or hire to the general public on the premises.

The following use listed above is excluded:
(tt) Indoor sale of motor vehicles.

Chairman Sherman stated that the Commission received a letter from the petitioner of **P.Z. 11-2003 Capitol Land Company** requesting that this petition be held.

Commissioner Layton made a motion to hold **P.Z. 11-2003 Capitol Land Company** until the November 24, 2003 Planning Commission meeting. The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 8 to 0.**

B. **P.Z. 17-2003 Rausch Tract**: A request for a change of zoning from a "NU" Non-Urban District to an "R-3" Residence District for a 1.17 acre tract located west of the intersection of Kehrs Mill Road and Wendimill at 2759 Kehrs Mill Road in a subdivision called "Kissling Acres" (Locator number 21T 62 0044).

Project Planner Christine Smith Ross gave an overview of **P.Z. 17-2003 Rausch Tract**.

Commissioner Hirsch made a motion to approve **P.Z. 17-2003 Rausch Tract**, as presented in Attachment A with the 50-foot setback. The motion was seconded by Commissioner Perantoni.

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; Chairman Sherman, yes.

The motion passes by a vote of 8 to 0.

C. **P.Z. 21-2003 Jim Lynch/Larry Enterprises)**: a request for the following amendments to City of Chesterfield Ordinance 1790 for a 14.1 acre "PI" Planned Industrial District located North of Interstate 64/Highway 40 and North Outer 40, west of Boone's Crossing (Locator Number 17U520027):

Attachment A, § I, Permitted Uses, A(xx): Sales, rental, leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles

Attachment A, § VII, Specific Criteria, A. Structure Setbacks (1): Two hundred fifteen (215) feet from the northern district boundaries.

Attachment A, § VII, Specific Criteria, A. Structure Setbacks (2): One hundred twenty (120) feet from the southern district boundary.

Attachment A, § VII, Specific Criteria, A. Structure Setbacks (4): Seventy-five (75) feet from the eastern district boundary.

Director of Planning Teresa Price gave an overview of **P.Z. 21-2003 Jim Lynch/Larry Enterprises)** and stated that remaining issues involve the customer drop-off area and the display parking area that is located in the front of the proposed development. Ms. Price stated that the Design Guidelines will need to be addressed at the Site Development Plan stage because the Guidelines state that 'no outdoor storage or parking of equipment, trucks, automobiles for sale or being repaired should be visible from Interstate

64/Highway 40 for North Outer Forty Road,' in Chesterfield Valley. Ms. Price stated that the Commission could waive the Guidelines but they will be an issue at the Site Development Plan stage.

Commissioner Hirsch questioned that if someone drops off a car and it is at the entrance for a couple of minutes before being taken into the garage, is it defined as 'parking' and would therefore be a violation of the Design Guidelines?

Commissioner Hirsch asked if the language for Permitted Use '(ll) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours (excluding for a period in excess of seventy-two (72) hours)' was in conflict and is appropriate as written.

Ms. Price stated that a Sign Package is not included in Attachment A.

Chairman Sherman suggested adding language to Attachment A to require the buffer to be heavily landscaped.

Commissioner Hirsch suggested language for VII. SPECIFIC CRITERIA, Miscellaneous, e. 'No service facility entrances ~~or customer drop-off areas~~ shall be located on the south side of any building nor shall they be visible from Interstate 64/Highway 40,' to include specifically a landscaped buffer.

City Attorney Beach expressed concern that a 'customer drop-off area' could be considered a 'service-facility entrance' and suggested wording 'other then customer drop-off areas' and adding specific landscaping wording.

Ms. Price suggested adding 'f'. to this section to state, 'Customer drop-off areas shall be landscaped with dense vegetation as shown on the plan dated 11/3/2003.'

Commissioner Broemmer made a motion to approve **P.Z. 21-2003 Jim Lynch/Larry Enterprises).** The motion was seconded by Commissioner Layton. (Motion was made and seconded for purpose of discussion.)

City Attorney Beach suggested 'Customer drop-off areas shall be located on the southeast portion and shall be landscaped as shown on the 11/3/2003 plan.'

Commissioner Hirsch made an amendment to the motion to include the following language in Attachment A:
VII. SPECIFIC CRITERIA, Miscellaneous, e. 'No service facility entrances ~~or customer drop-off areas~~ shall be located on the south side of any building nor shall they be visible from Interstate 64/Highway 40.'
'f. Customer drop-off areas shall be landscaped with dense vegetation as shown on the plan dated 11/3/2003 to minimize visibility of Interstate 64/Highway 40.'

The amendment to the motion was accepted by Commissioner Broemmer and Commissioner Layton.

Commissioner Macaluso stated that she considered the car displays as signage.

City Attorney Beach suggested the wording, 'Vehicle display is not specifically approved by this ordinance but is to be reviewed, considered and approved at the Site Development Plan stage.'

Commissioner Macaluso made an amendment to the motion 'Vehicle display area is not specifically approved by this ordinance but is to be reviewed at the Site Development Plan stage.' The amendment to the motion was seconded by Commissioner Perantoni. The amendment to the motion was accepted by Commissioner Broemmer and Commissioner Layton.

Commissioner Macaluso made an amendment to the motion that 'When a sign package is required for a proposed or existing development, the criteria for signs located in the City of Chesterfield Zoning Ordinance Section 1003.168 are no longer applicable. The reasons for the variation are because the purpose of a Sign Package is to provide for flexible sign criteria that promote superior design and are tailored to a specific development which may vary from general ordinance provisions if it can be demonstrated that the proposed terms would encourage, promote, and reward good architecture and urban planning.' The amendment to the motion was accepted by Commissioner Broemmer and Commissioner Layton.

City Attorney Beach stated that the Performance Standards do not authorize parking of vehicles along the side of the building for display purposes and not just parking of the vehicles.

Commissioner Hirsch made an amendment to the motion that there will be no vehicle displays on grassy areas (does not apply to displays.) The amendment to the motion was seconded by Commissioner Banks. The amendment to the motion was accepted by Commissioner Broemmer and Commissioner Layton.

Vote on the motion, as amended:

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

The motion, as amended, passes by a vote of 8 to 0.

D. **P.Z. 23-2003 (LPC 3-2003) Elijah W. Payne House**; a property, located at 16 Greymore Court, has been nominated for Landmark Designation under the process established by the City of Chesterfield Ordinance Number 1719.

Project Planner Michael Hurlbert gave an overview of the Landmark Designation for **P.Z. 23-2003 (LPC 3-2003) Elijah W. Payne House**.

Commissioner Macaluso made a motion to approve the Landmark Designation for **P.Z. 23-2003 (LPC 3-2003) Elijah W. Payne House**. The motion was seconded by Commissioner Banks.

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

The motion passes by a vote of 8 to 0.

E. **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 gave an overview of **P.Z. 27-2003 City of Chesterfield (Sign Package Requirements)**.

The Planning Commission did not have additional issues to be reviewed and addressed.

Chairman Sherman stated that this petition would be held until all issues are reviewed and addressed.

F. **P.Z. 28-2003 City of Chesterfield (Time Limitation on Inactive Petitions):** A request to amend Section 1003.300 (Procedure for amending the Zoning Ordinance) of the City of Chesterfield Zoning Ordinance to establish Section 1003.300 (12) to establish time limitations on inactive petitions

Project Planner Aimee Nassif gave an overview of **P.Z. 28-2003 City of Chesterfield (Time Limitation on Inactive Petitions)**.

Commissioner Broemmer made a motion to approve **P.Z. 28-2003 City of Chesterfield (Time Limitation on Inactive Petitions)**. The motion was seconded by Commissioner Banks.

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

The motion passes by a vote of 8 to 0.

G. **P.Z. 31-2003 City of Chesterfield (Museum & Arts District)**: A request to amend the City of Chesterfield Zoning Ordinance to establish Section 1003.141 for establishment of a Museum and Arts District.

Director of Planning Teresa Price gave an overview of **P.Z. 31-2003 City of Chesterfield (Museum & Arts District)**. Ms. Price stated that the Ordinance Review Committee reviewed the issues and decided to have an overlay district.

The consensus of the Commission was that they did not want the overlay on 'NU' Non-Urban zoning.

Commissioner Hirsch expressed concern with the following:

1. When the next draft of this petition is completed, have it reviewed by the Chesterfield Arts Commission for their review before it goes back to the Ordinance Review Committee;
2. Paragraph 1. *Purpose and intent*. '…through the performance and exhibition of the arts.' and paragraph 2. …'appreciation and performance of the fine arts.' There should be some consistency in the language;
3. Paragraph 1. *Purpose and intent*. There is a limitation in the drafting to performance and exhibition of the arts. Is it too limiting?
4. Paragraph 2 – (1) and (2) are questions and (3) is a statement. Have them all consistent as statements;
5. Paragraph 3. *Additional permitted land uses and developments*. (1) Museums. Some redundancy with the three (3) criteria in Paragraph 2.
6. Paragraph 3. *Additional permitted land uses and developments*. (3) Theaters – There is no definition and would propose that it would have something to do with 'live performances in front of a live audience;'
7. Numbering issues;
8. Ancillary uses – nothing about teaching workshops, studios, etc. Concerns with 'associated work and storage areas' – may need input from the Chesterfield Arts Commission;
9. Ancillary uses – (6) Outdoor art displays. 'Said displays must be related to the purpose of the museum…' – should be more general than should be limited to permitted uses and developments because a theater might want to have an outdoor art display related to the work of the theater or theater, in general.

Chairman Sherman suggested language that theaters not just be live theaters due to small art movie theaters.

Ms. Price stated that the Ordinance Review Committee asked that the above be removed because to allow a movie theater, they could always go to the 'PC' Planned Commercial District and also due to lax signage.

Chairman Sherman stated that if a museum wanted to run a film festival, it would be considered an ancillary use.

Chairman Sherman suggested that in Paragraph 1. *Purpose and intent*. Since heritage and cultural education items are referenced, perhaps language could be included 'through the performance and exhibition of the arts **and appreciation of culture, history and heritage.'**

Commissioner Hirsch stated that he considered it too restrictive to limit outdoor art displays to museums and they should be allowed as an ancillary use for any of the permitted uses in the Museum and Arts Area (MAA).

Commissioner Hirsch stated that live shows with the billboards would fit in the Sign Ordinance.

Commissioner Perantoni stated that she does not want all of this limited to visual art as other art forms should be considered.

Commissioner Hirsch asked that the next draft of this petition be sent to the Chesterfield Arts Commission for their written comments for review by the Ordinance Review Committee.

Ms. Price stated that the Chesterfield Arts Commission has received a copy of this draft.

Commissioner Hirsch stated that he wants a draft sent to the Chesterfield Arts Commission that includes the issues raised tonight.

City Attorney Beach stated that the information sent to the Chesterfield Arts Commission should clearly state that it is a 'draft.'

Chairman Sherman requested that the next draft of this petition be sent to the Ordinance Review Committee before it comes before the Planning Commission as a Whole.

Chairman Sherman stated that this petition would be held until all issues are reviewed and addressed.

IX. NEW BUSINESS –

A. **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.

Project Planner Christine Smith Ross gave an overview of **Burgundy Arrow - Ordinance Amendment** and asked the Commission if they had issues to be reviewed and addressed. Ms. Smith Ross stated that she is waiting for agency comments.

The following issues will be reviewed and addressed:

- Parking requirements for Building A and Building B;
- Plan is for 'PI' Planned Industrial but shows a retail building;
- Building configuration;
- Definition of retail versus what uses would be permitted under 'PI' Planned Industrial District;
- Traffic on the southwestern and northwestern sides of the lot – circulation and safety issues.

Commissioner Banks made a motion to hold **Burgundy Arrow - Ordinance Amendment** until the November 24, 2003 Planning Commission meeting. The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 8 to 0.**

B. **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.

Project Planner Christine Smith Ross gave an overview of the **Shenandoah Ordinance Amendment** and asked the Commission if they had issues to be reviewed and addressed.

City Attorney Beach will review what would happen if this ordinance amendment is not approved.

The following issues will be reviewed and addressed:

- Two (2) additional curb cuts along Conway Road;
- Safety with the road grade for lots 3, 4 and 5;
- Stormwater and drainage;
- Minutes or documentation from the County when the Planned Environment Unit (PEU) was placed on the property;
- Is it good planning practice to divide the property along Conway Road with the additional curb cuts;

- Precautions taken by the Department of Public Works to protect the residents by the creek bed at the bottom of the hill;
- Letter from the Trustees and whether the issues been addressed.

Commissioner Macaluso made a motion to hold **Shenandoah Ordinance Amendment** until the November 24, 2003 Planning Commission meeting. The motion was seconded by Commissioner Perantoni **and passes by a voice vote of 8 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 9:01 p.m.

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B. G. Wardlaw, Secretary