

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 9, 2009**

The meeting was called to order at 7:05 p.m.

I. ROLL CALL

PRESENT

ABSENT

Mr. David Banks
Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Ms. Amy Nolan
Ms. Lu Perantoni
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Michael Watson
Chairman Maurice L. Hirsch, Jr.

Mayor John Nations
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Annissa McCaskill-Clay, Lead Senior Planner
Ms. Mara Perry, Senior Planner
Mr. Justin Wyse, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Connie Fults, Council Liaison; and Councilmember Randy Logan, Ward III.

IV. PUBLIC HEARING – Commissioner Nolan read the “Opening Comments” for the Public Hearing.

- A. **P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Company)**: A request for a change of zoning from a "M-3" Planned Industrial District to a "PI" Planned Industrial District for a 5.2 acre tract of land located at 18614 Olive Street Road, located 4,100 feet west of the intersection of Olive Street Road and Chesterfield Airport Road (Locator Number 17W510093).

STAFF PRESENTATION:

Project Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Wyse stated the following:

- All local and State statutory regulations for this petition have been completed.
- The site is currently developed and in use as the operations for Chesterfield Fence. They will be moving all of their operations to a new building immediately west of the subject site.
- The current ordinance for the subject site allows for *office, warehouse, and outdoor storage for a fence company*. Because of the tight restrictions in the current ordinance, the Petitioner is requesting to rezone the property.
- A house on the site was recently cited for property maintenance concerns. Since that time, the house has been demolished.
- The property was rezoned by the City from "NU" to "M-3" in February 1990. The ordinance was then amended in May 1990 to reduce the setbacks for an eight-foot tall privacy fence.
- In November 1991, the Site Development Plan and a cell tower structure were approved for the site but were not recorded within the required timeframe. So in February 1992, the Site Development Plan and cellular tower were re-presented, approved, and recorded.

Requested Permitted Uses: It was noted that all of these uses are allowed under the new "PI" ordinance.

- (11) Blacksmith shop
- (12) Boat (and marine supply) storage, charter, repair, sale
- (14) Brewpub
- (15) Broadcasting studios
- (16) Cafeterias for employees and guests only
- (17) Car wash
- (21) Churches and other places of worship
- (23) Commercial service facility
- (32) Dry cleaning plant
- (36) Education facility - vocational school, outdoor training
- (40) Filling station and convenience store with pump stations
- (42) Film processing plant
- (43) Financial institutions
- (46) Gymnasiums
- (49) Highway department garages
- (52) Industrial sales, service, and storage
- (56) Laboratories - professional, scientific

- (59) Local public utility facility
- (60) Local public utility facility - over 60 feet in height
- (63) Mail order sale warehouses
- (64) Manufacturing, fabrication, assembly, processing, or packaging facility
- (65) Meat packing facilities
- (66) Office, dental
- (67) Office, general
- (68) Office, medical
- (71) Parking areas, including garages, for automobiles
- (73) Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities
- (74) Professional and technical service facility
- (77) Research facilities
- (78) Restaurants, fast food
- (80) Restaurant, with drive-thru window
- (86) Sheet metal shop
- (93) Storage and repair garages for public mass transit vehicles
- (97) Telecommunications structure
- (98) Telecommunications tower or facility
- (102) Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage
- (103) Union halls and hiring halls
- (104) Vehicle repair and service facilities
- (105) Veterinary clinics
- (106) Warehouse - general
- (108) Welding shop
- (109) Yard for storage of contractors' equipment, materials, and supplies

Requested Ancillary Uses:

- Automatic vending facilities for:
 - Ice and solid carbon dioxide (dry ice)
 - Beverages
 - Confections
- The Preliminary Plan, as submitted by the Petitioner, depicts the site as it currently exists today.
- The Comprehensive Land Use Plan designates the site as *Spirit Airport*.

Open Issues:

- The Petitioner has requested a modification to the open space requirement. The recently-amended PI District requires **35% open space**. The Petitioner is requesting a **30% open space** requirement.
- As part of the City's normal routine, the rezoning request is submitted to the area Agencies. The Spirit of St. Louis Airport has objections to the following three uses:
 - Churches and other places of worship
 - Education facility - vocational school, outdoor training
 - Medical office

- The Petitioner has also asked for the following modifications to the existing standards, which are carryovers from the old M-3 District:
 - A reduction to the western, southern, and eastern building setbacks from **50 feet to 25 feet.**
 - An increase in the building height from **40 feet, or 1-1/2 stories to 45 feet, or 2 stories.**

Staff has no objection to either of these requests. Chair Hirsch noted that the PI District has no specifics on height or setbacks.

Commissioner Perantoni questioned whether the Landmarks Preservation Commission (LPC) had been notified that the 100+ year-old building on the site was going to be demolished. Ms Aimee Nassif, Planning & Development Service Director, stated that LPC was notified. Members of LPC went to the site and photographed the house before it was removed.

PETITIONER'S PRESENTATION:

1. Mr. George M. Stock, Stock & Associates Consulting Engineers – representing Chesterfield Fence, 257 Chesterfield Business Parkway, Chesterfield, MO 63005 presented a PowerPoint presentation showing photographs of the site and surrounding area. He stated the following:
 - Chesterfield Fence is requesting a rezoning of the subject property from M-3 to PI Planned Industrial.
 - Chesterfield Fence has been operating at the subject location under the M-3 zoning since 1990. Chesterfield Fence has recently purchased property immediately to the west in Spirit Valley Business Park in order to construct a new headquarters for their operations.
 - Erosion Drainage Products (EDP), a Chesterfield business currently located at 743 Goddard, is the proposed tenant for the existing Chesterfield Fence site. EDP has outdoor storage at its current location.
 - The regulations of the PI District offer a method for the industrial and selected commercial development of land in the City of Chesterfield that allows flexibility in applying certain zoning standards.
 - The PI District method allows innovative designs, meets market niches, and promotes well designed developments. The Petitioner feels they have a *market niche* as the goal is to have EDP occupy this facility as it exists today. EDP is a specific niche similar to Chesterfield Fence. EDP has outside storage and a showroom and sales that occur within the building.
 - Chesterfield Fence is trying to plan for the long-term for this property and its potential redevelopment.
 - The PI District Regulations should have the following outcomes:
 - Promote environmentally sensitive developments; and
 - Allow development, under a specifically approved design concept and site plan, which otherwise may not be permitted by the Zoning Ordinance.

The following modifications are requested to the draft Attachment A: (modifications shown in **bold**)

Section B – Floor Area, Height, Building and Parking Structure Requirements

1. Height

- a. The maximum height of the building, exclusive of roof screening, shall not exceed ~~forty (40) or 1 1/2 stories~~ **forty-five (45) feet or 2 stories**.

2. Building Requirements:

- a. A minimum of ~~35%~~ **30%** open space is required for this development. *(It was noted that currently the site is in excess of 60% open space – the requested 30% “is for the long-term, creating flexibility, and to be competitive and consistent with the developments that are to the west, east, south, and north”.)*

Section C - Setbacks

1. Structure Setbacks

- b. ~~Fifty (50)~~ **Twenty-five (25)** feet from all other boundaries of the PI District.

Mr. Stock presented the Site Plan as it exists today noting the following:

- Road improvements are forthcoming under the Blue Valley development.
- The drive will ultimately be a signalized intersection.
- The outside storage is buffered from Olive Street by the eight-foot fence.
- There is excess open space located on the property.
- EDP intends to occupy and operate with no changes to the Site Plan.

The Petitioner is requesting a vote tonight as EDP’s lease expires in its existing building at the end of the year. They hope to obtain the Planned Industrial Zoning District to accommodate EDP. The current M-3 ordinance is limited to a fence company, which prohibits the Petitioner from moving forward.

Regarding the requested 30% open space, Mr. Stock pointed out that the PI criteria addresses *market niches, unique development, and sensitivity*. It also includes a provision whereby the Planning Commission can grant flexibility on the open space. The Petitioner does not feel that their request would be detrimental to the public health, safety and welfare of Chesterfield.

Mr. Stock then presented a drawing of the subject site and surrounding area, which shows that the Blue Valley Development, Spirit Valley Business Park I and II, Spirit of St. Louis Airport property, and Wings Corporate Estates all have 30% open space.

DISCUSSION

30% Open Space

Chair Hirsch felt there was no “strong rationale” presented with respect to the proposed 30% open space inasmuch as the property at this stage will be occupied exactly as the Site Plan shows. He suggested that such a modification be requested at a time when the Petitioner wants to redevelop the land and is able to present a Site Plan.

Permitted Uses

Commissioner Grissom felt that there are a large number of uses being requested and asked that the Petitioner consider reducing the number. Ms. Nassif pointed out that the requested uses fall under the new PI District. All of the generic, general conceptual uses have been removed from the new ordinance and replaced with very specific uses per City Council's direction. As a result, petitions will come forward with many more requested uses because the "catchall" uses no longer exist. Commissioner Grissom still asked that the number of uses be reviewed to determine if any can be eliminated.

Commissioner Banks asked why the Airport has objections to the following uses – *Churches, Education facilities, and Medical offices*. Mr. Wyse stated that according to the Airport, these uses are identified in their Noise Study as being problematic. In the event that any of these uses remain in the Ordinance and come in as a possible tenant, Staff would request comments and approval from the Airport as part of any Site Plan approval process.

Number of Modifications being Requested

Commissioner Perantoni expressed concern about the number of modifications being requested – reduction to open space, reduction to setbacks, and an increase to building height.

- **Height:** She feels that if the height of buildings is being increased, the setbacks should be increased. With respect to height, Mr. Stock explained that the current Attachment A was written around the M-3 ordinance – the requested 45-foot height is less than the height of buildings adjacent to the site.
- **Setbacks:** Mr. Stock stated that the requested 25-foot setback is not less than what is allowed under the PI District, or less than adjacent developments. The 50-foot setback was written into the Attachment A in 1990 and is site-specific to the 1990 plan.

Outdoor Storage

Commissioner Watson asked whether EDP's storage of material would be above the existing eight-foot fence line at the subject site. It was noted that material is stored in three-foot high pallets – currently three pallets are being stacked making the stack nine feet high. Commissioner Watson expressed concern that anything that could be seen over the fence line would be a "sight detriment to Olive Street Road".

2. Mr. Dennis Wibbenmeyer, President and Owner of Chesterfield Fence, 16292 Upper Chesterfield Ridge, Chesterfield, MO chose to pass on speaking.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

1. Open Space reduction to 30%
2. Should Attachment A be specific with respect to the height to which materials can be stored in order to be screened by the existing fence? Mr. Wyse pointed out that the Attachment A includes language under *Section O – Miscellaneous*, which states *“Screening of exterior storage of materials and/or equipment along Olive Street Road shall be depicted on the Site Development Plan and approved by the City of Chesterfield. Outdoor storage shall be located only at the south end of the development within the sight proof fence area as depicted on the preliminary plan.”*
3. Can the number of uses be reduced? Specifically review the uses to which the Airport objects and any other use that will not be used.
4. Reduction to setbacks
5. Increase to building height

Commissioner Nolan read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Perantoni made a motion to approve the minutes of the **October 26, 2009 Planning Commission Meeting**. The motion was seconded by Commissioner Watson and **passed by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

- A. **508 Redondo Drive (Claymont Estates Subdivision):** Request for a MOTION TO RECONSIDER

Speakers in Favor:

1. Ms. Jean Donley, 518 Redondo Drive, Chesterfield, MO stated that she is a neighbor of the Petitioner and is in favor of the proposed addition.
2. Mr. Kurt Goebel, 609 Claymont Estates Drive, Chesterfield, MO stated that he has reviewed the plans for the proposed addition, which will utilize quality materials and are consistent with the current architecture of the home. The homes in the subdivision are around 40 years old and storage is minimal. He feels that improvements of the type proposed will improve the value of the subdivision and is in favor of it.
3. Mr. Jack Runk, 519 Redondo Drive, Chesterfield, MO stated that he has reviewed the plans for the proposed carriage house at a meeting held by the Brenners and is in favor of the project.

Speakers in Opposition:

1. Mr. Grant Richard Oscarson, 625 Packford Drive, Chesterfield, MO stated the following:
 - He is an original homeowner in the subdivision and he chose this subdivision because of the large lots.
 - The restrictions are very clear that there can only be a private residence on each lot.
 - The Indenture restrictions state that *no lot shall be used except for residential purposes and no dwelling building shall be erected, or placed, or permitted to remain on any lot other than one single-family dwelling. No garages or other buildings are to be permitted unless the garage is attached to the house.*
 - He is concerned about the size of the proposed structure. Most of the homes in the subdivision are approximately 2600-3000 sq. ft. The requested addition is approximately 1300 sq. ft. to be built behind the home and not attached to the home.
 - He is concerned about the use of the structure.
 - He requests that the Commission reconsider the petition so that more detailed discussion can be held at a future meeting.

City Attorney Heggie advised that the City does not enforce Subdivision Indentures – those are private agreements between the members of the subdivision and would be up to the subdivision to enforce. The City reviews the zoning of the site, which only allows residential uses.

Speakers – Neutral:

1. Mr. Bill Lister, representing the Trustees of Claymont Estates, 631 Claymont Estates, Chesterfield, MO stated the following:
 - On about September 22nd, the Petitioner, Mr. Brenner, requested a meeting with the Trustees to discuss building a structure on his property. He was invited to a Trustee meeting on September 26th, at which time the plans were reviewed. After the meeting, some of the Trustees did a visual inspection of his property and of what was being proposed.
 - This type of structure is unprecedented in the Claymont Estates subdivision.
 - The subdivision consists of large lots with a lot of green space and over 30 acres of common ground. The residents enjoy the sight lines and wooded areas.
 - Since the Trustees did not feel comfortable making a decision autonomously with respect to the proposed addition, the Block Captains were invited to discuss the issue with the Trustees at an October 3rd meeting.
 - It was determined that the Subdivision Indentures allow for a 30-day window in which to respond to such a request. Because of the potential precedent that it could set, it was not felt that everything was in place, from a process perspective, to make this decision within the 30-day timeframe. The Trustees decided to close the 30-day window with a denial of the request to build the proposed structure.
 - The Trustees then notified the Brenners of the reasons why it was being denied – to allow the Trustees more time to develop processes. On October 3rd, the

Trustees sent a letter to the Brenners advising them that the proposed structure was denied.

- On October 5th, one of the subdivision residents met with a member of City Staff to learn the City's process for review of the proposed structure. Staff advised that at that time, the City had not yet received anything from the Brenners. It was later learned that the Brenners had submitted plans to the City shortly after the meeting of October 5th. The Trustees were disappointed that they were not notified by Staff that the plans had been received, and subsequently approved, by the City since the residents had not had the opportunity to voice their opinion.
- The Trustees are asking for a Motion to Reconsider so that the residents can be present to express their opinions.

Chair Hirsch stated that the Planning Commission had received letters from a number of residents, both for and against the proposed structure. He asked what new information might be made available at a future meeting as compared to the information being presented tonight. Mr. Lister replied that while the Trustees are neutral in this matter, he is aware of some residents who were unable to attend tonight's meeting to express their concerns. He noted that the subject property backs up to another subdivision and he doesn't believe those residents were made aware of the request.

Commissioner Perantoni noted that the site is zoned residential and asked whether the proposed carriage house is considered residential. Ms. Nassif replied that the zoning district allows a detached structure and as long as it meets the setbacks, it remains residential.

Noting the Trustees' neutral position, Commissioner Puyear stated that the subdivision indentures allow the Trustees to grant an exception and he felt that a decision should be made. Mr. Lister advised that the Trustees are prepared to make a decision on this matter but they did not feel they could make it within the 30-day window of time.

Commissioner Watson asked for clarification as to whether any detached structure of this size had been allowed in the subdivision to date. Mr. Lister indicated that smaller, detached structures – such as a gazebo – have been allowed inasmuch as gazebos do not impede sight lines. The subject property is situated such that the construction of the proposed structure doesn't necessarily interfere with sight lines the way a structure in another area of the subdivision would. The Trustees want to put a process in place before making a decision on this particular structure. They want to be very clear as to why any structure is approved or disapproved – consideration will be given to the location of the structure, such as whether or not it backs up to common ground.

Commissioner Puyear noted his reluctance to approve a structure if denied by the Trustees. City Attorney Heggie advised that the City's only obligation is to judge the proposal against the City's design standards and determine whether it qualifies as a residential addition. The City values all of the Trustees' and residents' input but ultimately, the Trustees' decision is separate from the City's decision and the Planning Commission cannot base its decision on the Trustees' decision.

2. Ms. Karen Runk, 519 Redondo Drive, Chesterfield, MO 63017 stated the following:
- She is a Block Captain in the subdivision.
 - She is aware that the neighbor who would have the most visual sight of the structure is in favor of the proposed addition.
 - Of all the residents on Redondo Drive, 13 have no issues with the proposal, 1 is opposed to it, and 7 have not indicated their preference.

Petitioner:

1. Mr. George J. Brenner, 508 Redondo Drive, Chesterfield, MO 63017 stated the following:
- He expressed his thanks to Ms. Mara Perry and Mr. Kristian Corbin for their help in facilitating the approval process for the proposed carriage house.
 - He has followed the approval procedures for both the subdivision and the City.
 - He met with the Trustees on September 26th and provided them with detailed plans. Written notification of his intent to build a carriage house was sent to each of the adjacent residents in Claymont Estates. This was done prior to submission to the City.
 - The proposed structure “backs up into the cusp of a hill that was left as the original grade line between Claymont Estates and Brookmont. It’s an ugly hill that blocks view.” His property does not adjoin common ground.
 - He intends to build a structure that will be compatible with his home, enhance his property and his neighborhood.
 - He has received letters of support from all of the neighbors who can see the proposed carriage house from their home – except from the neighbor to the east, who is concerned that the carriage house will de-value her property.
 - He has the support and encouragement of most of the neighbors on Redondo Drive. These are the neighbors who will see the carriage house as they drive east on Redondo Drive.
 - The Trustees’ correspondence to the Brenners states: *“It appears to be a very well-thought-out project and the presentation and information you provided was in-depth.”*
 - The Trustees have withheld their approval of the carriage house until *“a process is developed to review proposals of such projects that allow for input from the subdivision as a whole before a decision is made by the Trustees.”*
 - He looks forward to working with the Trustees to reach a solution acceptable to all.
 - Since the Commission approved the proposal, the proposed plans have not been changed.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **St. Luke's Rehabilitation Hospital**: Amended Architectural Elevations and Amended Landscape Plan for a rehabilitation hospital governed by Conditional Use Permit (CUP) #15 in an R1A Residence District located at 14701 Olive Boulevard, east of the intersection of Ladue Road and Olive Boulevard.

Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the Amended Architectural Elevations and Amended Landscape Plan for **St. Luke's Rehabilitation Hospital** with the condition that at least one-third of the evergreens be of a species other than White Pine. The motion was seconded by **Commissioner Grissom** and **passed** by a voice vote of 6 to 3 with **Commissioners Banks, Grissom and Watson** voting "no".

VIII. OLD BUSINESS

- A. **P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Company)**: A request for a change of zoning from a "M-3" Planned Industrial District to a "PI" Planned Industrial District for a 5.2 acre tract of land located at 18614 Olive Street Road, located 4,100 feet west of the intersection of Olive Street Road and Chesterfield Airport Road (Locator Number 17W510093).

Project Planner Justin Wyse stated that he has spoken to the Petitioner since the earlier Public Hearing and they are requesting that the petition be held so they can address the issues which have been raised. It is felt that they would be able to respond quickly so that the petition can be placed on the November 23rd agenda for vote.

Mayor Nations pointed out that there are only two City Council meetings left this year and if this petition is not voted on tonight, it is quite probable that it won't be voted on by City Council before the end of the year. **Mr. Wyse** stated that the Petitioner has been advised of the timeframe and they are aware of how this will affect their project.

Commissioner Watson made a motion to hold **P.Z. 14-2009 Chesterfield Fence (Chesterfield Fence and Deck Company)** until the next meeting of the Planning Commission. The motion was seconded by **Commissioner Banks** and **passed** by a voice vote of 9 to 0.

- B. **508 Redondo Drive (Claymont Estates Subdivision):** This is a request for a MOTION TO RECONSIDER a request for a detached residential addition behind an existing home on the west side of the lot zoned "R1" Residential District, located at 508 Redondo Drive in the Claymont Estates Subdivision.

Ms. Mara Perry, Senior Planner, stated that this project has been reviewed against the "R1" Residential District and against the ordinance for tear-downs and additions. Staff found no issues with respect to setbacks or use requirements. The District allows detached structures, and the overall height and proposed materials are in conformance with the Zoning Ordinance.

Commissioner Proctor made a motion to reconsider the detached residential addition for 508 Redondo Drive (Claymont Estates Subdivision). The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

Aye: Commissioner Puyear, Commissioner Banks,
Commissioner Geckeler, Commissioner Grissom,
Commissioner Nolan, Commissioner Perantoni,
Commissioner Proctor

Nay: Commissioner Watson, Chairman Hirsch

The motion **passed** by a vote of 7 to 2.

Chair Hirsch stated that the request will be placed on the November 23rd Site Plan Committee and Planning Commission Meeting Agendas.

IX. NEW BUSINESS

- A. Approval of 2010 Planning Commission Meeting Schedule

Commissioner Banks made a motion to approve the 2010 Planning Commission Meeting Schedule. The motion was seconded by Commissioner Puyear and **passed** by a voice vote of 9 to 0.

X. COMMITTEE REPORTS

A meeting of the Ordinance Review Committee will be scheduled in the next few weeks.

XI. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Michael Watson, Secretary