

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 9, 1992**



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

PRESENT

Ms. Mary Brown
Mr. Dave Dalton
Mr. Bill Kirchoff
Ms. Barbara McGuinness
Ms. Pat O'Brien
Mr. Walter Scruggs
Chairman Mary Domahidy
Mr. Douglas R. Beach, City Attorney
Councilmember Betty Hathaway, Council Liaison
Mayor Jack Leonard
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Ms. Toni Hunt, Planning Technician
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Jamie Cannon
Ms. Victoria Sherman

INVOCATION: - Councilmember Betty Hathaway

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - Commissioner O'Brien read the opening comments.

- A. P.Z. 19-92 AT&T; a request for a change in zoning from "R-2" 15,000 square foot Residence District and "FPR-2" Flood Plain 15,000 square foot Residence District to "C-8" Planned Commercial District for a .5612 acre tract of land located north of Olive Boulevard, approximately 600 feet east of the intersection of Olive Boulevard and State Highway 141 (Woods Mill Road); (Locator Number 16Q330984); and amended "C-8" Planned Commercial District for a total 1.6051 acre tract of land located north of Olive Boulevard, approximately 600 feet east of the intersection of Olive Boulevard and State Highway 141 (Woods Mill Road); (Locator Numbers: 16Q330975 and 16Q330984).

Senior Planner Laura Griggs-McElhanon gave a slide presentation of the subject site and surrounding area.

Mr. Jim Watkins, spoke on behalf of the petition noting the following:

- He gave a brief history of the site.
- The existing building provides a light guide regenerator to enable communication (via a fiber optic cable) between Hazelwood and Hillsboro, Missouri.
- Ingress and Egress is via Olive Boulevard.
- St. Louis County Planning Commission made an error when the original petition was filed for Valvoline by depicting the front part as "C-8" and the rear portion as "R-2." St. Louis County amended the ordinance (to correct the legal description).
- The existing AT&T building fits entirely in the existing "C-8" area.
- Rezoning was not requested at the time of original site plan submittal, as it would have held up processing time of the building permit for the existing building.
- St. Louis County told AT&T to come back, when ready, to have the remaining portion rezoned from "R-2" Residential to "C-8" Commercial.
- A rezoning request was before St. Louis County when the Chesterfield Annexation came into effect on May 15, 1992. Therefore, the request is before the City of Chesterfield.
- At the present time, AT&T has no plans to build on the subject property. However, if at some future date they deem it necessary to erect another building, they want the zoning in place.

COMMENTS/DISCUSSION BY COMMISSION

- If the building were to be expanded, it would be necessary to provide additional parking to the rear property. There are currently five (5) parking spaces in the front.

Mr. Watkins described the existing building as a Fiber Optic Regenerator and a Point of Presence (POP) facility. He noted that, if you have a Fiber Optic Cable, it must have a regenerator for every twenty (20) miles of cable. The Point of Presence (POP) is where the cable connects to Southwestern Bell traffic to utilize the AT&T Network.

- Due to increased growth in the area, AT&T could outgrow its current facility. Twenty-five (25) feet may be added on to the back of the existing building, to be used, basically, for some type of equipment.
- Currently, AT&T has an approved Subdivision Plat depicting a one hundred and fifty (150) foot tower located on the "C-8" portion of the property. The setback requirements would prevent a tower on the "R-2" portion of the property.
- There are no other towers in the vicinity.
- There would be no noise from the present, nor future, AT&T development on the property.
- The percentage of floor space currently utilized by the equipment is not available at this time, but will be provided to the Commission when calculated.
- The only requested use of the parcel is for communications.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION:

1. Mr. Barry Flachsbart, 347 Ridge Meadow Drive, Chesterfield, MO 63017, as an individual.

Mr. Flachsbart noted the following:

- Concern that the "C-8" zoning could adversely affect abutting residential property.
- Concern that allowing this parcel to be zoned "C-8" could result in additional forced rezonings to commercial in the area.

- Suggested that the Commission and Staff review existing Chesterfield ordinances in the light of advancing technology in the telephone industry, where towers are replacing telephone lines.
 - Suggested that the Commission consider eliminating the possibility of towers being placed in residential zoned areas, or, at least not without a very clear determination of a public need via a use permit process.
 - Believes the use permit process should be **required** for towers in industrial and commercial tracts, with very strict limits on height.
2. Ms. Pat Willie, 349 Ridge Meadow Drive, Chesterfield, Missouri 63017, as an individual.

Ms. Willie noted the following:

- Concern that the promised berm and Pine Trees are disappearing on the site.
 - Requested a clear definition of what the future use would be for the parcel.
 - Concern about the future of trees presently tagged on the property.
 - Concern about rumors of a tower.
 - Concern about possible water problems and decreased property values.
3. Royce Engel, 135 Ridgecrest Drive, Chesterfield, MO 63017, for the River Bend Association.

Mr. Engel noted the following:

- A history of the site, beginning with P.C. 255-88.
- The original owner of the property, Blackstone Group, stated they had no interest in development of the rear portion of the property.
- Concern that the "C-8" zoning could pass on to another owner having a different use in mind.
- Concern that the intended use for the subject site is not identified in the petition.

- Concern about stress on the drainage situation of the creek located on the Flood Plain area at the rear of the property.
- Concern over the increased probability of the installation of an unsightly communication tower.

COMMENTS/DISCUSSION BY COMMISSION

- Discussion whether the berm behind the Valvoline Station was a condition of the original ordinance.
- The size of the property was discussed.
- The plans for the extension of Woods Mill Road were discussed.
- The front portion of this parcel was zoned "C-8" originally to provide for extension of the existing Woods Mill Road stub street. This connection has been abandoned, as it would have to go through the existing Woodchase development.
- Woods Mill Road will cross Olive further to the east - on the north side it will go between Woodchase on the west and Creve Coeur Crossing on the east. It has yet to be determined whether this will be a state road, and whether it will have an interchange with the Page Avenue Expressway extension.

Councilmember Hathaway noted that property east of Woodchase has been purchased by St. Louis County and will become a part of the roadway of extended Woods Mill Road.

SPEAKERS - NEUTRAL: - None

REBUTTAL

Mr. Watkins noted the following:

- Water runoff - AT&T had an engineering firm check the site prior to submittal of the Subdivision Plat.

- Markings currently on trees - have nothing to do with AT&T.
- The only use would be to expand the existing communications building.

COMMENTS/DISCUSSION BY COMMISSION

- The existing building is 50' x 50' in size.
- The length and width of the property will be provided to staff and presented to the Commission.
- New technology could reduce the need for additional space. The percentage of usage of current building will be provided to determine future expansion needs.

SHOW OF HANDS

IN FAVOR 2

IN OPPOSITION 6

APPROVAL OF THE MINUTES

The Minutes from the meeting of October 26, 1992, were approved.

OLD BUSINESS - None

NEW BUSINESS

- A. P.Z. 21-92 City of Chesterfield Planning Commission; "R-2" 15,000 square foot Residence District, "FPR-2" Flood Plain "R-2" 15,000 square foot Residence District, and "R-6" 4,500 square foot Residence District to "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District; north side of Wild Horse Creek Road, at the west side of Santa Maria Drive.
- B. P.Z. 22-92 Chesterfield Village, Inc., Jones Custom Homes and Mayer Homes, Inc. (Wild Horse Creek Place); "NU" Non-Urban District to "R-6" 4,500 square foot Residence District; approximately 1,250 feet north of Wild Horse Creek Road.

- C. P.Z. 24-92 Chesterfield Village, Inc., Jones Custom Homes and Mayer Homes, Inc. (Wild Horse Creek Place); "NU" Non-Urban District to "R-6" 4,500 square foot Residence District; north of Wild Horse Creek Road.
- D. P.Z. 25-92 Chesterfield Village, Inc., Jones Custom Homes and Mayer Homes, Inc. (Wild Horse Creek Place); "NU" Non-Urban District to "R-2" 15,000 square foot Residence District; intersection of Santa Maria Drive and Wild Horse Creek Road.
- E. P.Z. 26-92 Chesterfield Village, Inc., Jones Custom Homes and Mayer Homes, Inc. (Wild Horse Creek Place); Planned Environment Unit (PEU) Procedure in an "R-2" 15,000 square foot Residence District, "FPR-2" Flood Plain "R-2" 15,000 square foot Residence District, and "R-6" 4,500 square foot Residence District; north of Wild Horse Creek Road, at the west side of Santa Maria Drive.

Director Duepner noted the petitioner's correspondence requesting the petitions be held until November 23, 1992. It is anticipated by the petitioner that certain site plan revisions dealing with ingress and egress would be resolved. In accord with Mr. Michenfelder's correspondence, the Department recommends that P.Z. 21, 22, 24, 25 and 26-92 be held. Director Duepner presented the revised drawing submitted by the petitioner for review and discussion by Commission.

A motion to hold these petitions was made by Commissioner Kirchoff and seconded by Commissioner O'Brien. **The motion passed by a voice vote of 7 to 0.**

COMMENTS/DISCUSSION BY COMMISSION

- The second submittal shows a relocation of the road back 500 feet from Wild Horse Creek Road, for the two (2) entrances into the single-family development, and one entrance into the multi-family development.
- Two access points are approximately 230 to 240 feet apart.
- Increasing of the buffer area of the recreation facilities along the south line is proposed.
- A buffer area adjacent to Wild Horse Creek Road is proposed.
- The access to the MSD facility would continue to be via the existing gravel road. This will be via the stub street, once the stub street is developed.

- The proposed stub streets and addition of stub streets were discussed.
- The Fire District has submitted comments relative to provision of additional access until such time as Baxter extension is completed.
- The location of the proposed recreational facilities was discussed.

Director Duepner gave the following update of the requested petition:

The original zoning is still in place. The petitioner is asking the Commission to deny the petition initiated by the City, (i.e., to rezone the northern portion of the site from "R-6" Residential back to "NU" Non-Urban, and the southern portion of the site from "R-2" Residential to "NU" Non-Urban). In addition, the petition submitted is to rezone three (3) parcels which were not part of the original petition for the PEU. They have sought those to be consistent with the zoning that is currently in place. The last petition filed is asking for a re-instatement of a Planned Environment Unit, not only for the site that was rezoned originally, but also adding those three (3) parcels.

The original zoning would expire only upon action by the City Council. Under the terms of a Planned Environment Unit, the intent is that zoning was granted in conjunction with the granting of a Planned Environment Unit. Therefore, if the Planned Environment Unit terminates, the issue to be addressed is whether the zoning is still appropriate for the property. Under our Zoning Ordinance, not even a building permit can be considered for this property until a petition to consider the rezoning back to the prior classification has been acted upon.

- Concern that stub streets may encourage cut-through traffic and increase crime rates.
- Concern that a stub street accessing the recreation area would present a safety hazard.
- The thirty (30) foot buffer would be provided along the entire length of the site adjacent to Wild Horse Creek Road.
- Concern that lighting of the recreational facility could present a nuisance to adjacent property owners.
- The County Highway Department is recommending that, in conjunction with this development, the Baxter extension be carried not only through the site, but extended to Chesterfield Airport Road.

- The termination of the proposed stub streets was discussed.
- Concern was expressed regarding the proximity of Baxter Road extension and Santa Maria Drive. The Department will verify this information.
- Concern about the transitional nature of the proposed development in the Wild Horse Creek area.

Commissioner Kirchoff suggested the western-most stub be eliminated and relocated nearly west of the planned recreation center.

- F. P.Z. 20-92 Ladue Associates, Inc.; "C-8" Planned Commercial District to "R-2" 15,000 square foot Residence District; south side of Ladue Road, east of the intersection of Green Trails Drive and Ladue Road.

Planning Technician Toni Hunt presented the request and the Department's recommendation of approval. She noted that there are no conditions attached to the petition due to the fact that this is a straight zoning; however, the Department notes that issues of site design will be discussed at the preliminary plat stage.

COMMENTS/DISCUSSION BY COMMISSION

- The direction houses will face on Lots 1 and 2 is not known at this time.
- The issue of buffering will be taken up at the time of preliminary plat review.

Commissioner McGuinness made a motion to approve the request. The motion was seconded by Commissioner Scruggs.

Upon a roll call the vote was as follows: Commissioner Brown, yes; Commissioner Dalton, yes; Commissioner Kirchoff, yes; Commissioner McGuinness, yes; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Chairman Domahidy, yes. **The motion passed by a vote of 7 to 0.**

- G. P.C. 111-79 Mason-Cassily, Inc. (Westfield Farm Subdivision); request for amendment of Planned Environment Unit in "R-1A" 22,000 square foot Residence District, "FPR-1A" Flood Plain "R-1A" Residence District, "FPR-2" Flood Plain "R-2" Residence District, and "R-2" Residence District; west side of Schoettler Road at Grantley Drive.

Director Duepner presented the request and the Department's recommendation to deny.

COMMENTS/DISCUSSION BY COMMISSION

City Attorney Douglas Beach noted, for informational purposes, that one of the reasons for this being presented is that, apparently, the homeowner who originally owned the outlot sold property, at approximately the same time, to the people who built the first structure (approved previously), and also sold property to someone else.

- There are two (2) houses and one (1) lot. A subdivision plat cannot be located that actually divided this into two (2) lots. There are three (3) parcels there for taxing purposes.
- It cannot be determined how a building permit was authorized for the newer house since there is not a sufficient amount of information recorded on this property.

Commissioner McGuinness made a motion to deny the request. The motion was seconded by Commissioner Brown and **passed** by a voice vote of 7 to 0.

- H. P.C. 223-77 Sachs Properties, Inc.; request for extension of time for Conditional Use Permit in "R-6A" Residence District submittal of Site Development Plan; west side of Chesterfield Parkway South, south of Chesterfield Airport Road.

Planning Technician Toni Hunt presented the request and the Department's recommendation for approval of an extension of time to August 22, 1994, for submittal of a Site Development Plan.

Commissioner Scruggs made a motion to approve the extension of time. The motion was seconded by Commissioner Brown and **passed** by a voice vote of 7 to 0.

- I. P.C. 54-84 Eric Bly (Ethan Allen Galleries); a request for amendment of "C-8" Planned Commercial District Ordinance; east side of Olive Boulevard, south of White Plains Drive.

Commissioner McGuinness left the meeting.

Senior Planner Laura Griggs-McElhanon presented the request and the Department's recommendation of approval, subject to the conditions in the Department's report.

Commissioner McGuinness returned to the meeting.

Senior Planner Laura Griggs-McElhanon summarized the request as follows:

- What is before the Commission is an ordinance amendment which would allow, at a future date, the petitioner to come in and submit revised elevations for the drawing.
- Approval of this ordinance amendment would not constitute approval of the plans presented tonight, nor the samples being passed around. This would be submitted for approval at a later date.
- Approval tonight would just afford the petitioner the opportunity to come in with revised elevations for the existing building.

COMMENTS/DISCUSSION BY COMMISSION

- In keeping with Department policy, if the petitioner is requesting to change the face of the sign only, not enlarging the existing sign, they would not have to come back before the Commission. However, it has been indicated to the Department that the structural supports are going to be changed for the sign.
- The petitioner obtained a variance from the St. Louis County Board of Adjustment to allow for a one hundred (100) square foot sign.
- It was suggested that a condition of approval be attached to include the provision that the Commission shall have review of the sign.

Director Duepner noted that the reason this is before the Commission is that there is a specific condition relative to the elevations of the building. There is not a condition relative to the sign. As long as they are just changing the face of the sign, it would not constitute a new sign submittal before the Planning Commission.

Commissioner Brown noted that the direction of the Ordinance Review Committee is that approval of signage be given at the time of site plan approval. There is an attempt to integrate the architectural elevations of the building with the signage.

Director Duepner noted the Department's recommendation would be not to revise that condition.

Commissioner McGuinness noted opposition to changing a structure from brick to dry-vit, especially along Olive Street Road.

Commissioner McGuinness made a motion to deny the request. **The motion dies for lack of a second.**

Commissioner Scruggs made a motion to approve the Department's recommendation. The motion was seconded by Commissioner O'Brien.

COMMENTS/DISCUSSION BY COMMISSION

- It was suggested that the existing facade could be improved.
- There is a standard condition that requires a Landscape Installation Bond. If new landscaping is proposed around the new sign, approval by the Planning Commission is not required, unless the sign must be reviewed and approved by the Planning Commission.
- There may be an opportunity for review of additional landscaping in conjunction with the revisions to the elevations, should they propose revisions to their site plan (i.e., building expansion, additional parking, change in circulation, etc.).
- Concern that, if dry-vit is approved in this area, it will encourage more requests for same in this area.

Commissioner Brown offered an amendment to the motion to approve the original motion with the inclusion of: approval of signage and architectural elevations. The motion dies for lack of a second.

COMMENTS/DISCUSSION BY COMMISSION

- The pros and cons of allowing a petitioner to choose dry-vit over brick for building facade were discussed.

Commissioner O'Brien called for previous question. The motion was seconded by Commissioner Brown, and passed by a voice vote of 6 to 1, with Commissioner McGuinness voting no.

Upon a roll call for approval of the **original motion** the vote was as follows: Commissioner Brown, yes; Commissioner Dalton, yes; Commissioner Kirchoff, yes; Commissioner McGuinness, no; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Chairman Domahidy, yes. **The motion passed by a vote of 6 to 1.**

Commissioner Scruggs left the meeting.

Commissioner McGuinness left the meeting.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. P.Z. 6-92 Premier Development Corporation (Wellesley Place Amended); Planned Environment Unit (PEU) in "R-2" Residence District Landscape Plan; west side of Olive Boulevard, south of West Drive.

Commissioner Kirchoff, on behalf of the Site Plan Review Committee, made a motion to approve the landscape plan as presented by petitioner. Commissioner Brown seconded the motion.

Director Duepner presented the Department's recommendation:

- Landscaping be provided not only in front of the proposed fence adjacent to West Drive, but, also at the rear of the fence adjacent to the residences.

- The fence be moved on Lots 2 and 3 to eight (8) feet from the property, instead of **on** the property line, as proposed by the petitioner. An additional seven (7) feet of landscaping be provided in that area to confirm with the requirement of the twenty (20) foot landscape area.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Kirchoff offered an amendment to the motion to approve the Department's recommendation, with one modification with respect to the trees which the Department proposes to be located on the side of the fence away from the road (ten (10) to fifteen (15) foot centers), be changed to read fifteen (15) to twenty (20) foot centers. **The motion dies for lack of a second.**

The original motion passed as recommended by the Committee, by a voice vote of 4 to 1, with Commissioner Kirchoff voting no.

- B. D.L. 2-49 Spirit of St. Louis Airpark (Twentieth Investors); "M-3" Planned Industrial District Amended Architectural Elevations; west side of North Bell, north of Edison Avenue.

Commissioner Kirchoff, on behalf of the Site Plan Review Committee, made a motion to approve the Amended Architectural Elevations, as presented. The motion was seconded by Commissioner Brown and **passed by a voice vote of 5 to 0.**

- C. P.C. 108-71 Schoettler Estates Company (Schoettler Village Apartments); Planned Environment Unit in "R-1A" 22,000 square foot Residence District, "R-2" 15,000 square foot Residence District, "FPR-2" Flood Plain 15,000 square foot Residence District, "R-3" 10,000 square foot Residence District, and "R-6A" Residence District Subdivision Information Sign; Chesterfield Parkway South at Schoettler Valley Road.

Commissioner Kirchoff, on behalf of the Site Plan Review Committee, made a motion to approve, with the condition that the location is to be at the corner of Schoettler Village Drive and South Outer 40. The motion was seconded by Commissioner Brown and **passed by a voice vote of 5 to 0.**

Chairman Domahidy noted that there were considerable comments/concerns expressed regarding the request P.C. 84-54 Eric Bly, and instructed Staff to convey the recommendations to him.

Commissioner McGuinness returned to the meeting.

Commissioner Scruggs returned to the meeting.

COMMITTEE REPORTS

A. Ordinance Review Committee

Committee Chair Brown reported the Committee met this evening and has tentatively scheduled a meeting on November 21, 1992, at 9:00 a.m. A letter was received from R.B. Clark requesting an additional meeting between representatives of HBA, the Chamber, and Chesterfield Civic Progress. She encouraged all Planning Commissioners to attend this meeting.

B. Architectural Review Committee

Committee Chair O'Brien requested Director Duepner to give an update.

Director Duepner reported that he has received comments from the AIA, and is anticipating comments from the Home Builders Association.

C. Site Plan/Landscape Committee

Committee Chair Kirchoff reported that the Landscape Policies were presented to the Planning and Zoning Committee at its meeting of November 4, 1992. The Planning and Zoning Committee expressed some concerns.

Commissioner Brown inquired about the appeal policy.

Director Duepner noted the policy presently utilized by the Planning and Zoning Committee has dealt only with site plans. It has been an issue where, if the Committee or Council directs that the final review and approval of a site plan would be by that Committee. It is an issue that will have to be dealt with by the Planning and Zoning Committee, as well. If a matter goes before the Planning Commission and is reviewed and approved, that is the final action unless the Council previously had requested the final review and approval of that particular element.

Commissioner Kirchoff noted some of the concerns expressed by the Planning and Zoning Committee as follow:

- Using different wording with respect to referring to the Landscape Policies as Landscape Guidelines.
- Use of the word should was suggested in many cases instead of the word shall.
- The appeal procedure was discussed. (It was suggested this issue be turned over to the Planning Commission's Procedures Committee).
- The use of a Landscape Architect was questioned. (It was suggested this issue be turned over to the Planning Commission's Procedures Committee).
- The issue of the Street Trees List being acceptable. (It was suggested this issue be turned over to the Public Works/Parks Committee.)
- Whether a landscape plan should be approved before or after the grading permit.
- Continued use of the term with respect to landscaping in connection with commercial development, that the landscape design be done by a Missouri registered landscape architect. The Planning and Zoning Committee is of the belief that this is over-kill.

COMMENTS/DISCUSSION BY COMMISSION

- The issue of acquiring grading information before submitting a landscape plan was discussed.

Director Duepner noted that the City might consider acquiring accurate topo information. This would be beneficial, not only in terms of the City reviewing projects, but would also allow for petitioners to have a better handle on what they can or cannot do when making a submittal.

- It was noted that this matter would best be resolved by the Finance and Procedures Committees.
- The Landscape Policies/Guidelines will go back to the Landscape Committee to decide the next step, either to take back to the Planning and Zoning Committee or bring back to the Planning Commission with the revisions.

- The interface with the Council's Committee is meant to provide a unified plan of action between the Planning and Zoning Committee and the Planning Commission.
- Concern was expressed that the changes recommended by the Planning and Zoning Committee would downgrade these issues when trying to deal with developers.

D. Comprehensive Plan Committee

Committee Chair McGuinness reported that the Committee will meet Thursday, November 12, 1992, at 4:00 p.m., to discuss and, possibly include the comments of citizens regarding the Comprehensive Plan during the last public hearing.

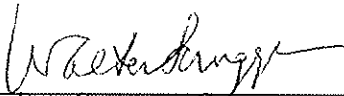
Chairman Domahidy noted she has a list of comments to submit to the Committee.

E. Procedures Committee

Committee Chair Scruggs reported that the Committee will have to determine the next meeting.

Council Liaison Betty Hathaway reminded Commissioners to turn in their reservations, by tomorrow morning, for the dinner next Saturday.

The meeting adjourned at 9:12 p.m.



 Walter Scruggs, Secretary

[MIN11-9.092]