

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
OCTOBER 27, 2008**

The meeting was called to order at 7:00 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.

Councilmember Dan Hurt, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Sarah Cantlon, Community Services & Economic Development Specialist
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Mara Perry, Senior Planner
Ms. Susan Mueller, Principal Engineer
Mr. Shawn Seymour, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Hirsch acknowledged the attendance of Councilmember Dan Hurt, Council Liaison and Councilmember Mike Casey, Ward III.

IV. PUBLIC HEARINGS – Commissioner Watson read the “Opening Comments” for the Public Hearing.

- A. **P.Z. 24-2008 Pohlman Industrial Park (PPM/Long Road, LLC):** A request for a change of zoning from an "M3" Planned Industrial District to a "PI" Planned Industrial District for a 8.328 acre tract of land located along Long Road south of Chesterfield Airport Road (17U140533).

STAFF PRESENTATION:

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

- The Petitioners are requesting the following uses:
 - (f) Auditoriums, churches, clubs or lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
 - (g) Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages; and
 - (iii) Confections.
 - (k) Business service establishments.
 - (v) Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private).
 - (ff) Manufacturing, fabrication, assembly, processing or packaging of any commodity except:
 - (i) Facilities producing or processing explosives or flammable gases or liquids;
 - (ii) Facilities for animal slaughtering, meat packing, or rendering;
 - (iii) Sulphur plants, rubber reclamation plants or cement plants; and
 - (iv) Steel mills, foundries, or smelters.
 - (gg) Medical and dental offices.
 - (ii) Offices or office buildings.
 - (tt) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practicing ranges, gymnasiums, and indoor theaters, including drive-in theaters.
 - (vv) Restaurants, fast food.
 - (ww) Restaurants, sit down.
 - (rrr) Warehousing, storage, or wholesaling of manufactured commodities, except:
 - (i) Live animals;
 - (ii) Explosives; and
 - (iii) Flammable gases and liquids.
- State statute requirements and City of Chesterfield requirements were met in the publishing and public notification of this petition.
- The subject property is located in an area designated as "Mixed Use Retail/Office/Warehouse" by the City's Comprehensive Plan Land Use Map.
- Staff has no outstanding issues with this petition.

Chair Hirsh referred to proposed uses (v) and (tt), as outlined in the Public Hearing Notice, noting that there are some repetitive uses, as well as contradiction – specifically “*unlighted outdoor tennis courts*” in use (v) and “*tennis courts*” that would be “*illuminated*” in use (tt). Mr. Seymour stated that Staff has had a conversation with the Petitioner and the Petitioner is willing to remove both the “*tennis*” and “*golf course*” uses.

Commissioner Banks asked if there are any existing cross access easements to the north. Mr. Seymour replied that there are not.

PETITIONER’S PRESENTATION:

1. Mr. Doug Holtzman, 1 Pillsbury Place, St. Louis, MO stated he was available for questions.

Discussion was then held on the following issues:

- **Uses:** Mr. Holtzman indicated he was not adverse to eliminating “*drive-in theaters*”.
- **Cross Access:** Mr. Holtzman indicated he was not adverse to establishing cross access to the north. City Attorney Heggie stated that the City did not see any particular need for cross access to the north at this time. Commissioner Banks noted that this would be the City’s only opportunity to require cross access for this parcel and he feels it should be required.
- **Fast-food, drive-thru:** Commissioner Perantoni expressed concern with a “*fast food, drive-thru*” use. Mr. Holtzman indicated that there would not be enough room on the site for a drive-thru.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Uses
2. Access

Commissioner Watson read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Watson made a motion to approve the minutes of the **October 13, 2008 Planning Commission Meeting**. The motion was seconded by Commissioner Grissom and **passed** by a voice vote of 8 to 0 with 1 abstention from Chair Hirsch.

VI. PUBLIC COMMENT

A. The Smokehouse (Annie Gunn's Restaurant)

The following persons representing the **Petitioner** were available for questions:

1. Mr. Tom O'Toole, Jr. Attorney representing The Smokehouse, Mickes, Goldman, O'Toole, 555 Maryville University Drive, Suite 240, St. Louis, MO.
2. Mr. Thom Sehnert, Annie Gunn's, 16806 Chesterfield Airport Road, Chesterfield, MO
3. Mr. Dick Busch, 16678 Old Chesterfield Road, Chesterfield, MO
4. Ms. Carol Duenke, Lauren Strutman Architect, PC, 16676 Old Chesterfield Road, Chesterfield, MO
5. Ms. Erin Connelly, Mickes, Goldman, O'Toole, 555 Maryville University Drive, Suite 240, St. Louis, MO

Chair Hirsch announced that Commissioner Grissom will continue with the Site Plan Committee meeting later in the evening. At that time, discussion of The Smokehouse will continue since there was not adequate time to cover it in the earlier Site Plan Committee meeting.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- a. **1513 Timberlake Manor Parkway:** A request for a Residential Addition to the southwest side of an existing home zoned "R2" Residence District and located at 1513 Timberlake Manor Parkway, in the Thousand Oaks Subdivision.

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the Residential Addition for **1513 Timberlake Manor Parkway**. The motion was seconded by Commissioner Watson and **passed** by a voice vote of 9 to 0.

- b. **The Smokehouse (Annie Gunn's Restaurant):** Amended Architectural Elevations for a 1.85 acre parcel of land zoned "C-8" Planned Commercial District and located south of Chesterfield Airport Road and west of Baxter Road. (17T240201)

Commissioner Grissom, as Chair of the Site Plan Committee, re-opened the Site Plan Committee for discussion on The Smokehouse.

Planning Chair Hirsch summarized that concern was raised during the Site Plan Committee as to whether the proposed membrane structure should be considered "temporary" or "permanent". The other issue raised was whether a precedent would be set by allowing these types of materials as a permanent structure.

Noting that the structure is already in place, Commissioner Watson asked the Petitioner if it was erected with the intention of it being a permanent, or temporary, structure.

Mr. Tom O'Toole, Attorney for the Petitioner, then gave background information on the situation. He explained that The Smokehouse replaced an existing ten-year-old tent on the site with the current membrane structure now in place. They then received a notice from St. Louis County requiring a building permit for the structure. In a collaboration with Monarch Fire, St. Louis County, and the City, it was determined that the structure would be considered "permanent" since it is attached to the building. The Petitioner views the structure as "temporary" considering the future expansion planned for the site; but because of the current economic times, the expansion may be delayed.

Mr. Thom Sehnert, Annie Gunn's, stated that the City gave them permission to put up the previous tent. In August, 2005, they received final approval from the City for their ten-year Master Plan. Christmas of 2005 was extremely successful for the restaurant and its mail-order business. During 2006, they reviewed their plans for growth. During this process, he approached the City about replacing the older tent and it was suggested that it be replaced with a membrane structure. He was advised by Staff not to change the footprint of the site, to add any seating, or to change the parking. County then contacted them noting that since the structure is attached to the building, it is considered a permanent structure.

Planning Chair Hirsch stated that the Commission is not opposed to the membrane, but has concerns about setting a precedent by allowing such structures as permanent structures.

Commissioner Banks questioned whether the City could extend the temporary nature of the structure for an additional 5-10 years. Ms. Nassif replied that the City's zoning code defines a "temporary structure" as a structure that is up for no

more than one year. Because of how long the structure has already been in place, and because of how long the Petitioner would like the structure to remain, Staff is viewing it as a permanent structure.

Further discussion brought out (1) the Commission's concerns about setting a precedent by considering such structures as permanent; and (2) the Petitioner's uncertainty as to how long they plan to keep the structure up considering the current economy.

Planning Chair Hirsch then made a motion to approve the Amended Architectural Elevations for The Smokehouse (Annie Gunn's Restaurant) with the temporary structure depicted on the renderings as a permanent structure for the purpose of the City's Zoning Ordinance in light of the unique benefits of tent-dining enjoyed by City residents during the past many years. The motion was seconded by Commissioner Proctor.

City Attorney Heggie stated it is his opinion that this is not a precedent-setting matter since the City is dealing with a unique situation of a business that has been a part of Chesterfield Valley prior to the City's incorporation by a number of years. He further noted that the restaurant has had a structure similar to the one being proposed in place for a number of years. This should not be an issue unless there is an existing business with a similar-type structure up for 10 years or more.

Commissioner Watson moved to amend the motion by allowing a three-year permit that could be renewed by the Planning Commission after the three-year period. The motion was seconded by Commissioner Perantoni.

Planning Chair Hirsch did not accept the amendment to his motion, which now requires a separate vote on the amendment. The floor was then open for discussion on the amendment.

Mr. O'Toole asked for a suspension of the rules to address the Committee. Site Plan Committee Chair Grissom allowed Mr. O'Toole to address the Committee at this time.

Because of the economic climate, Mr. O'Toole requested a five-year renewable permit vs. the proposed three-year permit noting all the work that has been done with Monarch Fire, the County, and the improvements to the interior of the tent.

Commissioner Banks asked what the expected lifetime is of the proposed membrane structure. Mr. Sehnert replied that it is considered "permanent" but that they would probably consider replacing it in five years.

Commissioner Watson amended his motion to allow a renewable five-year permit for the membrane structure. Planning Chair Hirsch and Commissioner Perantoni accepted the amendment as part of the original motion; the amendment was also accepted by Commissioner Proctor as the seconder of the original motion.

Site Plan Committee Chair Grissom called for the vote on the original motion, as amended. **The motion, as amended, passed by a voice vote of 9 to 0.**

The Site Plan Committee meeting was then adjourned.

Commissioner Grissom, representing the Site Plan Committee, then made a motion to approve the Amended Architectural Elevations for The Smokehouse (Annie Gunn's Restaurant) with the temporary structure depicted on the renderings as a permanent structure for the purpose of the City's Zoning Ordinance in light of the unique benefits of tent-dining enjoyed by City residents during the past many years. The structure is allowed for a total of five years and can be renewed by the Planning Commission after the five-year period. The motion was seconded by Commissioner Watson and passed by a voice vote of 9 to 0.

VIII. OLD BUSINESS

- A. P.Z. 24-2008 Pohlman Industrial Park (PPM/Long Road, LLC):** A request for a change of zoning from an "M3" Planned Industrial District to a "PI" Planned Industrial District for a 8.328 acre tract of land located along Long Road south of Chesterfield Airport Road (17U140533).

Project Planner Shawn Seymour stated that Staff has conversed with the Petitioner and they have agreed to amend the following uses:

- c. Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), ~~and indoor and unlighted outdoor tennis courts (public or private).~~
- g. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, ~~golf courses, golf practicing ranges, tennis courts and gymnasiums, and indoor theaters, including drive-in theaters.~~
- h. ~~Restaurants, fast food.~~

Mr. Seymour stated that Staff has reviewed and applied access management standards to the subject property as it is now designed. Staff believes that the site meets these standards and that cross access is not warranted at this time.

Commissioner Geckeler expressed her concern about cross access. She noted that there are a lot of curb cuts along Long Road and felt that the City should consider the future in terms of cross access. She felt that cross access would allow the elimination of some curb cuts along Long Road.

Commissioner Grissom made a motion to approve P.Z. 24-2008 Pohlman Industrial Park (PPM/Long Road, LLC) with the amendments to Section I.A.1. of the Attachment A regarding “Permitted Uses” as outlined above by Mr. Seymour. The motion was seconded by Commissioner Watson.

DISCUSSION ON THE MOTION:

Commissioner Banks expressed his concern about the issue of cross access and suggested that language be included that would provide for future cross access on the north side of the property.

Ms. Nassif stated that all petitions are reviewed in detail by the Engineering Staff with respect to the City’s Access Management Guidelines as they pertain to cross access and access. The Project Planner and Principal Engineer have reviewed the plans and they do not feel cross access is warranted at this time. If the Commission would like to move the petition forward, Staff will have more time to review it before it gets to the Planning & Public Works Committee.

Commissioner Banks indicated his reluctance to vote on the petition at this time considering his issue with cross access.

Commissioner Perantoni stated she would not want to have cross access at the north part of the site because of past access issues with the Farmers Market, the lube business, and the McDonald’s restaurant on the site.

Upon roll call, the vote to approve, as amended, was as follows:

**Aye: Commissioner Grissom, Commissioner Nolan,
Commissioner Perantoni, Commissioner Proctor,
Commissioner Puyear, Commissioner Watson,
Chairman Hirsch**

Nay: Commissioner Banks, Commissioner Geckeler

The motion passed by a vote of 7 to 2.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

- A. Comprehensive Land Use Plan Committee** - The Committee will meet on October 30th at 3:00 p.m. All Commissioners are invited to attend.

XI. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Michael Watson, Secretary