

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
October 27, 1997**



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

PRESENT

Mr. Fred Broemmer
Mr. Michael Casey
Mr. Dave Dalton
Mr. Charles Eifler
Mr. Robert Grant
Mr. Dan Layton, Jr.
Ms. Linda McCarthy
Mr. Allen Yaffe
Chairman Rick Bly
Mr. Douglas R. Beach, City Attorney
Mayor Nancy Greenwood
Councilmember Mary Brown (Ward IV) - Council Liaison
Teresa J. Price, Director of Planning
Ms. Patricia Detch, Planner II
Ms. Cheryl Smith, Planner II
Mr. Michael Walker, Planning Technician
Ms. Sandra Lohman, Executive Secretary

ABSENT

INVOCATION - Commissioner Casey

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS: Chairman Grant read the first portion of the "Opening Comments."

- A. The Planning Commission of the City of Chesterfield will hold a Public Hearing on an update to the City of Chesterfield Comprehensive Land Use Map. Specifically, changes in land use designations are proposed in the following areas: Spirit of St. Louis Airpark; City of Chesterfield Park Sites (Wild Horse Creek Road, Chesterfield Valley (2), Chesterfield Parkway South); Western terminus of Lea Oak Court, Northeast corner of Kehrs Mill and Clarkson Roads; New Rockwood Elementary School on Wild Horse Creek Road; Northeast quadrant of the intersection of Long and Wild Horse Creek Roads; East and West sides of Schoettler Road, North of Clayton Road; Southwest corner of Timberlake Manor Parkway and South Outer Forty Road; Union Electric Site between Conway Road and North Outer Forty Road, east of Timberlake Manor overpass; St. Louis County Park expansion (East of Faust Park); Woods Mill Road, north of Conway; Hog Hollow retail area; and Property on the North Side of Olive Boulevard, east of Old Riverwoods Lane.

Chairman Bly recognized the attendance of Councilmember Larry Grosser, Ward II; and Councilmember Linda Tilley, Ward IV.

Planning Technician Mike Walker gave a presentation outlining the eighteen (18) changes to the Comprehensive Plan Land Use Map, as directed by the Planning Commission.

SPEAKERS - IN FAVOR: None

SPEAKERS - IN OPPOSITION: None

SPEAKERS - NEUTRAL: None

REBUTTAL - Waived

Chairman Grant read final portion of the "Opening Comments."

APPROVAL OF THE MINUTES:

A motion to approve the minutes of October 13, 1997, was made by Commissioner Casey, seconded by Commissioner Grant and passes by a voice vote of 9 to 0.

PUBLIC COMMENT

1. Mike Staenberg, THF, 955 Executive Parkway, Suite 210, St. Louis, Mo 63141, spoke in favor of P.Z. 24-97 THF Chesterfield Development L.L.C. (Chesterfield Commons). He requested the Commission consider three (3) principal points in reviewing this matter:
 - Chesterfield Commons will be a major step forward in implementing the Chesterfield Valley Master Plan.
 - The project will help to make possible the much needed infrastructure improvements in Chesterfield, especially the flood protection and highway and traffic needs.
 - Chesterfield Commons represents the kind of sensible and balanced development that is compatible with the Chesterfield community.
2. Joan Schmelig, Executive Director of the Chesterfield Chamber of Commerce, 17405 Wild Horse Creek Road, Chesterfield, MO 63005, spoke in favor of P.Z. 24-97 THF (Chesterfield Commons).

3. John Puricelli, Chesterfield Farms Subdivision Trustee, 16751 Deveronne Circle, Chesterfield, Mo 63005, spoke in favor of P.Z. 24-97 THF (Chesterfield Commons), except he would like limited hours of operation for the proposed development.
4. Craig Conway, President and CEO of Founders Bank, 15500 Olive Boulevard, Chesterfield, Mo 63017, spoke in favor of P.Z. 24-97 THF (Chesterfield Commons).
5. Robert Affholder, representative of Affholder, Inc. and Insituform, 1622 Timberlake Manor Parkway, Chesterfield, Mo 63017, spoke in favor of P.Z. 24-97 THF (Chesterfield Commons).
6. Tedd Niemeyer, 168 Brighthurst Drive, Chesterfield, Mo 63005, spoke as a neutral party regarding P.Z. 24-97 THF (Chesterfield Commons) noting opposition to the twenty-four (24) hour operation option of the proposed development.
7. Bob Brinkmann, contractor for Wal-Mart, in favor of P.Z. 24-97 THF (Chesterfield Commons). He urged the Commission not to put any undo restrictions on the Wal-Mart Center or other businesses in the development (i.e., restrict the 24 hours of operation).
8. Ed Holthaus, Holthaus Realty, 2623 Highway 109, Wildwood, Mo 63040, spoke in favor of P.Z. 24-97 THF (Chesterfield Commons), noting the development would assist in building the 500 Year Levee in the Valley.
9. Gregg Hollabaugh, President - Chesterfield Chamber of Commerce, 656 E. Jefferson Avenue, St. Louis, Mo 63122, spoke in favor of P.Z. 24-97 THF (Chesterfield Commons), noting the project would provide dollars for much needed infrastructure improvements in the City.
10. Tracy McElroy, Chesterfield Farms Subdivision, 148 Brighthurst Drive, Chesterfield, Mo 63005, spoke in opposition to P.Z. 24-97 THF (Chesterfield Commons), noting concerns about noise levels, light levels, traffic and hours of operation.

COMMENTS/DISCUSSION BY COMMISSION

- When she purchased her property in Chesterfield Farms she knew the subject parcel was zoned "Industrial."
- Noise from the traffic on I-64/U.S. 40 is not bothersome to her.
- 11. Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, Mo 63005, spoke on behalf of the Trustees of Chesterfield Lakes Subdivision (50 homeowners) as a neutral party, noting the following concerns regarding P.Z. 24-97 THF (Chesterfield Commons):
 - The homeowners strongly disapprove of 24 hour retail operations at the subject site;

- Noise from the trains running on the Southwestern Railroad lines and traffic on I-64/U.S. 40 can be heard now by residents of Chesterfield Lakes Subdivision.
 - The 24 hours of operation option for grocery stores in Chesterfield was approved by St. Louis County, before Chesterfield incorporated, and is not a precedent for the City.
 - Town and Country, in approving the Manchester Meadows development, restricted the hours by ordinance to 11:00 p.m.
12. Russ Rosener, P.O. Box 747, Chesterfield, Mo 63017, spoke in opposition to Clarkson Grove III.
- Mr. Rosener gave copies of various Agreements between Greater Missouri Builders, Inc., and the Trustees of Clarkson Grove III ("Trustees"), and Clarkson Grove Condominium Association, noting the signature of Carol A. Scoville, as President of Clarkson Grove Condominium Association, was invalid.

City Attorney Doug Beach noted the Planning Commission is not a judicial body (i.e., cannot make a legal determination regarding the Agreement handed out tonight) The actions by the Commission are based upon what the developer brings to them, and the provisions of the ordinance passed by City Council. Should the subdivision owners get a judgement to prevent the developer from utilizing their streets, the action taken tonight is moot, as the existing ordinance requires this access. Legal action would be between the Subdivision and the developer, not between the City and the Subdivision, or between the City and that developer. The Planning Commission cannot make a legal determination. He noted that if the Trustees believe they have a legal basis, they would need to obtain the services of an attorney, file an action, bring an action against the developer to make a determination as to whether or not their documents are legal.

13. George Heidelbaugh, Project Manager for Greater Missouri Builders, 13 Bel-Rae Court, St. Charles, Missouri 63301-5857, spoke as President of the Board of Trustees of Clarkson Grove III in favor of Clarkson Grove III.

City Attorney Beach stated that the action by the Planning Commission tonight gives him no greater leg-up on them than anything else. He further noted that, if the homeowners take action, that's going to be a legal action for the developer to defend.

Mr. Heidelbaugh noted he understands this.

14. Phil Catanzaro, 16666 Chesterfield Airport Road, Chesterfield, Mo 63017, spoke in favor of P.Z. 24-97 THF (Chesterfield Commons).
15. Mike Flavin, 16917 Crystal Springs, Chesterfield, Mo 63005, spoke in favor of P.Z. 24-97 THF (Chesterfield Commons) noting the proposed development will generate tremendous taxes to Rockwood School District, help pay for improvements to the 500 Year Levee, and assist in the completion of the Boones Crossing Interchange.

16. Larry Thayer, 112 Chippenham Lane, Chesterfield, Mo 63005, spoke on behalf of Port-A-Fab Corporation in favor of P.Z. 24-97 THF (Chesterfield Commons).

NEW BUSINESS:

- A. **P.Z. 26-97 City of Chesterfield Planning Commission**; a proposal to amend the City of Chesterfield Subdivision Ordinance relative to work being done by the Character of Neighborhoods Moratorium Panel of the City of Chesterfield.

Commissioner Casey made a motion to approve P.Z. 26-97. The motion was seconded by Commissioner Grant.

COMMENTS/DISCUSSION BY COMMISSION

- This petition is not amending the Subdivision Ordinance.

Upon a roll call the vote was as follows: **Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Bly, yes.**

The motion passes by a vote of 9 to 0.

- B. **P.Z. 27-97 City of Chesterfield Planning Commission**; a proposal to amend the City of Chesterfield Zoning Ordinance relative to work being done by the Character of Neighborhoods Moratorium Panel of the City of Chesterfield, which includes creation of the following new zoning districts: E-1 Residence District (2 acre); E-2 Residence District (1 acre); E-3 Residence District (1/2 acre); LLR Large Lot Residential (3 acre); and, AG Agriculture.

Commissioner Casey made a motion for approval of P.Z. 27-97. The motion was seconded by Commissioner McCarthy.

COMMENTS/DISCUSSION BY COMMISSIONERS

Commissioner Eifler made a motion to amend the original motion to **remove** item (e) under the **Permitted Uses** for LLR, E-1, E-2 and E-3, that allow for commercial operations of vegetable and flower gardening, plant nurseries and greenhouses and **include** them in **Conditional Uses** for LLR, E-1, E-2 and E-3. The motion was seconded by Commissioner Layton.

Upon a roll call the vote on the amendment was as follows: **Commissioner Broemmer, yes; Commissioner Casey, no; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, no; Commissioner Yaffe, yes; Chairman Bly, yes.**

The amendment to the original motion passes by a vote of 7 to 2.

Commissioner Eifler made a motion to amend the original motion, as amended, to eliminate item (o) **Conditional Uses**- riding stables and kennels from the E-2 and E-3 Districts. The motion dies for lack of a second.

Commissioner Grant noted he still has questions/issues in his mind as to how the document the Commission is going to forward to Council should read. He noted that he would be willing to put his concerns in writing and forward to the Planning and Zoning Committee, rather than going over every comment Staff has brought forward and questions he has that have not, as yet, been fully addressed.

Commissioner Casey encouraged the Chairman and Vice-Chairman of the Commission to attend the next Planning and Zoning Committee meeting in order to bring forward these issues/concerns.

City Attorney Beach noted that, if each Commissioner feels that the document, as presented by the Planning Staff, sufficiently meets their own individual criteria with regard to whether or not it is prepared to go forward, it would be appropriate to vote on the ordinance as drafted. If this passes, it would then be appropriate for a motion that would indicate that the Chair or Vice-Chair will convey the concerns noted in the October 24, 1997 report, plus any additional concerns, to the Planning and Zoning Committee. The Commission first needs to feel comfortable that the ordinance is ready to move forward; then going forward with the issues being presented to the Planning and Zoning Committee would enable the Commission to vote on this matter at this time.

Commissioner Grant noted he would be comfortable with the procedure as outlined by Mr. Beach.

Councilmember Brown noted that, as liaison from the Planning and Zoning Committee, she will state to the Committee her appreciation of the fact that the Commission is willing to move this matter forward. She noted her awareness of the time pressure on the Commission in terms of getting all of the ordinances passed in a timely manner. She will convey the Commission's request to have their concerns addressed at the Planning and Zoning Committee meeting.

Upon a roll call the vote on the original motion, as amended, was as follows: Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Bly, yes.

The motion passes by a vote of 9 to 0.

Commissioner Grant made a motion to direct the Chairman or Vice-Chairman of the Commission attend the Planning and Zoning Committee meeting and express to the Committee the concerns in the Planning Staff's memorandum, plus any other concerns that are brought forward between now and that meeting. The motion was seconded by Commissioner Casey and **passes by a voice vote of 9 to 0.**

- C. P.Z. 24-97 THF Chesterfield Development, L.L.C., (Chesterfield Commons); "M-3" Planned Industrial District and "NU" Non-Urban District to "C-8" Planned Commercial District; north and south sides of Chesterfield Airport Road, east of the intersection of Boone's Crossing Street.

Commissioner Layton made a motion to approve the Department's recommendation on P.Z. 24-97, subject to the following additional conditions being included in the ordinance:

1. Hours of retail sales operations being limited to 7:00 a.m. to 11:00 p.m.
2. All deliveries and trash pick-ups shall be limited to the hours from 7:00 a.m. and 10:00 p.m.
3. No vehicles shall remain on the premises with idling engines between 11:00 pm. and 7:00 a.m.
4. All loading docks are to be screened by sound proofing materials.
5. No retail sales storage or displays are permitted outside of enclosed buildings.

The motion was seconded by Commissioner Grant.

COMMENTS/DISCUSSION BY COMMISSION

- There has been much confusion regarding the issue of the hours of operation for the proposed development.
- A number of issues will not be resolved at this time (i.e., light standards, setbacks, etc.); but will be addressed when the site development plan is submitted for review and approval.
- The motion on the table is restricting hours of operation on retail sales buildings only.

Councilmember Brown noted she has correspondence from Mr. *Staenberg* to Ms. McElroy indicating that the hours of operation of the stores would be 7:00 a.m. to 11:00 p.m. He then followed this up with a fax stating that Wal-Mart, and possibly one other user, would like the 24 hours of operation option. The issue of the hours of operation was raised consistently by the residents, particularly when they found out the developer wanted to pursue this option.

A motion to waive the rules and ask the developer's representative, Mr. *Staenberg*, to address the Commission so we can clear the matter of the hours of operation was made by Commissioner Casey. The motion was seconded by Commissioner Dalton and **passes by a voice vote of 9 to 0.**

Commissioner McCarthy noted her concern is that there were several people here this evening who *alluded* to the fact that the 24 hour operation issue may be a deal-breaker. She inquired as to why the Commission didn't know about this with the original request and how important this is to the developer.

Mr. Staenberg responded as follows:

- The petitioner checked with the City of Chesterfield to see if there were any restriction of hours.
- Two (2) or three (3) weeks ago he was asked what the hours of operation would be for the Wal-Mart, and/or other stores proposed for the development.
- To clarify one point, he noted there is nothing in their lease that states the hours of operation. It was never brought up to him before, and he assumed that, since Dierberg's and Schnuck's are opened 24 hours per day, the stores in the proposed development could have 24 hours of operation in Chesterfield.
- When the neighbors brought it up he immediately called Wal-Mart and told them that residents want to limit your hours of operation to 7:00 a.m. to 11:00 p.m. Wal-Mart responded that they are not going to go, as they want to have the flexibility, if deemed necessary, to have a 24 hour store, as long as there are other stores such as Schnuck's and Dierberg's that have a capability of doing that.
- He did mention to Wal-Mart, to clarify, that we are going to limit the hours of deliveries and trash pick-up to the hours from 7:00 a.m. to 11:00 p.m.
- The developer will utilize only shielded lights, straight down.
- Wal-Mart agreed to use sound proofing screening, and will not allow trucks to idle in their parking lot.
- The issue of the hours of operation have just come up in the last three (3) or four (4) weeks.

Commissioner McCarthy asked what the Wal-Mart hours are at their store in Town and Country..

Mr. Staenberg noted they are 7:00 a.m. to 11:00 p.m. He also noted there is a Wal-Mart in Ferguson that operates from 7:00 a.m. to 10:00 p.m., and that store hours vary from one location to another. He noted they have hired sound and lighting experts to address concerns of neighbors, and they don't want to cause problems for the neighbors. He noted that tonight is the first he has heard that the City doesn't want outside storage.

Commissioner McCarthy noted the outside storage can be explained (i.e., it could be screened, etc.); but we don't want mulch, etc. taking-up parking lots. She further noted that this is something we can discuss later.

Upon a roll call the vote was as follows: Commissioner Broemmer, no; Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Bly, yes.

The motion passes by a vote of 8 to 1. (Commissioner Broemmer voted no.)

- D. **P.Z. 25-97 John J. and Caroline A. Williams (West County Motor Sports)**; an amendment to an existing "C-8" Planned Commercial District; north side of North Outer Forty Road, 3,000 feet east of Boone's Crossing Street.

Planner II Cheryl Smith noted the issues presented in the report and asked whether the Planning Commission had additional issues to be addressed.

It was noted that the the letter from Mr. Human will be incorporated in the Department's report.

- E. **P.Z. 28-97 City of Chesterfield Planning Commission**; a proposal to amend Section 1003.168 of the City of Chesterfield Zoning Ordinance relative to balloons.

City Attorney Doug Beach read the proposed change to the definition of balloons:

"A balloon would be defined as any non porous bag of light material filled with heated air, a gas lighter than air, or with continuous air flows so as to be inflated whether it floats in the air or is inflated and remains on the ground. For the purpose of these regulations, a balloon devoid of characters, letters, symbols or illustrations shall be considered a sign."

Commissioner Grant made a motion to adopt the revised definition of a balloon, as read by City Attorney Beach. The motion was seconded by Commissioner Casey.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Eifler proposed an amendment to the balloon definition as follows: "For the purpose of these regulations, a balloon, **whether or not** devoid of characters, letters, symbols or illustrations, shall be considered a sign."

City Attorney Beach accepted this amendment to his proposed definition.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Bly, yes.

The motion, as amended, passes by a vote of 9 to 0.

City Attorney Beach noted the Commission still needs to vote on Section 1003.168 of the ordinance which recommends prohibiting balloons in the City of Chesterfield.

A motion to approve the proposal to amend Section 1003.168 of the City of Chesterfield Zoning Ordinance (prohibiting balloons in the City of Chesterfield) was made by Commissioner Grant. The motion was seconded by Commissioner Casey.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Bly, yes.

The motion passes by a vote of 9 to 0.

F. Approval of 1998 Planning Commission Meeting Schedule.

A motion to approve the proposed 1998 Planning Commission Meeting Schedule was made by Commissioner Casey, seconded by Commissioner Yaffe and passes by a voice vote of 9 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

A. **D.L. 2-49 Spirit of St. Louis Airpark - Surdex Corporation**; "M-3" Planned Industrial District Amended Site Development Section Plan, Architectural Elevations and Landscape Plan; east of Spirit of St. Louis Boulevard, north of Edison Avenue.

Commissioner Grant, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Architectural Elevations and Landscape Plan. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 9 to 0.

B. **P.C. 141-79 Chesterfield Village, Inc. - Northwest Quadrant**: Planned Commercial District Final Development Concept Plan; generally bounded by St. Louis Southwestern Railroad Line, U.S. Highway 40, and Olive Boulevard.

Commissioner Grant, on behalf of the Site Plan Committee, made a motion to approve the Planned Commercial District Final Development Concept Plan. The motion was seconded by Commissioner Casey and passes by a voice vote of 9 to 0.

C. **Prestige Nursery**; A Site Plan for two tracts of land being part of U.S. Survey 362 T. 45N.-R.3E.; "NU" Non-Urban District; east side of Eatherton Road, north of the St. Louis Southwestern Railroad Line, approximately one mile north of Wild Horse Creek Road.

Commissioner Grant, on behalf of the Site Plan Committee, made a motion to approve the Site Plan and Landscape Plan. The motion was seconded by Commissioner Casey and passes by a voice vote of 9 to 0.

D. **P.Z. 6-96 St. Louis County - Spirit Airpark/Aero Charter Office/Hangar**; "M-3" Planned Industrial District Site Development Plan, Landscape Plan and Architectural Elevations; at the terminus of Turbine Avenue, south of Edison Avenue.

Commissioner Grant, on behalf of the Site Plan Committee, made a motion to approve the Site Development Plan, Landscape Plan and Architectural Elevations. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 9 to 0.

- E. **Clarkson Grove III Subdivision**: Planned Environment Unit (PEU) Procedure in the "R-6A" Residence District Record Plat; west side of Clarkson Road, at the terminus of Lea Oak Court.

Commissioner Grant, on behalf of the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Casey and passes by a voice vote of 9 to 0.

- F. **P.Z. 15&16-97 Tara at Wildhorse**; "R-1" (PEU) Planned Residential District Site Development Plan, Landscape Plan and Architectural Elevations; north of Wild Horse Creek Road, west of Gateway Academy, east of Royal Oak Estates and Hacienda de la Pina, and south of the St. Louis Southwestern Railroad Line.

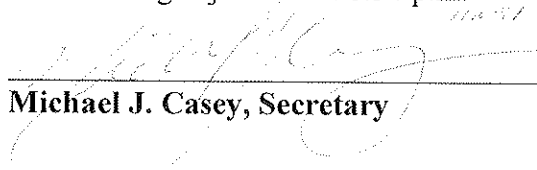
Commissioner Grant, on behalf of the Site Plan Committee, made a motion to approve the Site Development Plan, Landscape Plan and Architectural Elevations. The motion was seconded by Commissioner Casey and passes by a voice vote of 9 to 0.

IX. **COMMITTEE REPORTS:**

- A. **Ordinance Review Committee** - No report
- B. **Architectural Review Committee** - No report
- C. **Site Plan/Landscape Committee** - No report
- D. **Comprehensive Plan Committee** - No report
- E. **Procedures and Planning Committee** - No report.

A motion to adjourn was made by Commissioner McCarthy, seconded by Commissioner Broemmer and passes by a voice vote of 9 to 0.

The meeting adjourned at 8:34 p.m.



Michael J. Casey, Secretary

[Amended 11/10/97]

[MIN10-27.097]