

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
October 26, 1998**



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

PRESENT

Mr. Fred Broemmer
Mr. Charles Eifler
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Ms. Rachel Nolen
Mr. Jerry Right
Ms. Victoria Sherman
Mr. Allen Yaffe
Chairman Robert Grant
Ms. Teresa Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Mr. Todd Streiler, Planner II
Ms. Angela McCormick, Planner I
Ms. Annissa McCaskill, Planner I
Ms. Molly Butler-Dunham, Planner I
Ms. Kathy Lone, Executive Secretary, Planning Assistant

ABSENT

INVOCATION: Commissioner Charles Eifler

PLEDGE OF ALLEGIANCE - All

Chairman Grant recognized the attendance of Council Liaison: Councilmember Mary Brown (Ward IV).

PUBLIC HEARINGS:

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

- A. **P.Z. 36-98 Rombach Farms:** a request for a change of zoning from an "NU" Non-Urban District to an "AG" Agricultural District for a 37.69 acre tract of land located on Olive Street Road in the Chesterfield Valley (Locator Number: 17W53-0024).

And

- B. **P.Z. 37-98 Rombach Farms**: a request for a Conditional Use Permit in the "AG" Agricultural District for a 37.69 acre tract of land located on Olive Street Road in the Chesterfield Valley. (Locator Number: 17W53-0024); Proposed Use: Salesrooms for commercial gardens, plant nurseries, and greenhouses.

Planner I Angela McCormick gave a slide presentation of the subject site and surrounding area.

Mr. Steve Rombach, 18639 Olive Street Rd., Chesterfield, Mo 63005, petitioner, noted the following:

- Barn will be 54 feet by 100 feet, which is slightly larger than barn they are replacing;
- The barn will be used for storage;
- The barn will be a corrugated tin building.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION - None

SPEAKERS – NEUTRAL - None

REBUTTAL - Waived

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

Commissioner Broemmer made a motion to waive having Rombach's appear before the Architectural Review Board. This motion was seconded by Chairman Grant and passes by a voice vote of 9-0.

V. Approval of October 12, 1998 Planning Commission Meeting Minutes.

City Attorney Beach requested a change in the Minutes, page 9, paragraph 4 from "residents" to "businesses."

A motion to **approve** the October 12, 1998 Minutes **with above change** was made by Commissioner Eifler and seconded by Commissioner Macaluso. **The motion passes by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT:

1. Ms. Delores Silverberg, 2477 Baxton Way, Chesterfield, MO 63017, spoke in opposition of P.Z. 25-98 Mobil Mart,

- Stated that there is already too much litter and noise and the plans call for moving the project approximately sixteen (16) feet closer to the homes.

Chairman Grant stated that this petition would be carried on the agenda. Staff is still awaiting information, including the traffic study clarification. The Planning Commission should receive all of the information by the next meeting to vote on this petition.

2. Dr. Mark Cohen, 16953 Crystal Springs Dr., Chesterfield, MO 63005, spoke neutral to petition P.Z. 3 & 4-93 DCL Development (Wildhorse Springs). Dr. Cohen stated that he was at the meeting just to gain general information concerning the petition.

- Dr. Cohen answered questions from the Commissioners:

1. There is adequate drainage on a rainy day;
2. The property was not properly maintained but a neighbor has recently seeded property and the grass looks very nice.

3. Mr. Scott Malin, 287 Woodcliffe Place Dr., Chesterfield, MO 63005, Trustee for Wildhorse Springs Subdivision, spoke in favor of P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs).

- Property is a useless interior lot and is larger than the average lot in the subdivision. The proceeds from the sale are intended to make improvements in the subdivision. Homeowners have already used their own money to improve the common ground.

- A house built on the lot would look better than what is there.

- Land has been appraised between \$50,000-\$70,000.

Commissioner Nolen asked the speaker what would happen with the proceeds.

Mr. Malin stated that the common ground belongs to the subdivision and it should be able to use the money as it deems appropriate.

4. Mr. Scott Goodman, 248 Woodcliffe Place, Chesterfield, MO 63005, Trustee for Wildhorse Springs Subdivision, speaking in favor of P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs).

- The common ground is an eyesore. There is also an eight (8) foot concrete wall which is a hazard because kids want to play on it. Small trees could be planted to have a small park. He believes the proceeds would be taxable.

- Residents of the subdivision want to sell the common ground. The neighbor next to the

property would like to have a house there. With grading, it could also be a small park.

5. Mr. Jed Margolis, 16801 Baxter Rd., Chesterfield, MO 63005, Director of the Jewish Community Center, speaking in favor of P.Z. 25-94 Jewish Community Center Association.
 - Wanted to express his thanks to the Staff and Planning Commission for the time and energy spent bringing his project through the approval process.
6. Ms. Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, MO 63005, speaking neutral to P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs).
 - Expressed concern about selling the common ground. This could set a precedent for other subdivisions. Ms. Geckeler hopes the Planning Commission can develop some language to solve this dilemma.

Commissioner Yaffee left the meeting at this time.

VII. NEW BUSINESS

- A. P.Z. 25-98 Mobil Mart; a request for a change in zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 1.7 acre tract of land located at the intersection of Clayton and Baxter Roads. (Locator Number: 21R41-0960.) Proposed uses: Filling station, including emergency towing and repair services, provided that no automobile, truck, or other vehicles may be parked or stored in the open on the premises for longer than twenty-four (24) hours; restaurant, fast food; and vehicle washing facility for automobiles.

Assistant Planning Director Laura Griggs-McElhanon had stated that she is waiting for clarification on when the traffic consultant for the petitioner did the traffic study. The Staff hopes this project will come before the Planning Commission on November 9, 1998 with a staff report.

Chairman Grant made a motion to hold this matter which was seconded by Commissioner Sherman. The motion passes by a voice vote of 8 to 0.

- A. P.Z. 26-98 St. Mary's Institute of O'Fallon, Inc. (Linda Vista School); a request for a change of zoning from "NU" Non-Urban District to "LLR" Large Lot Residential District for a 68.59 acre tract of land on Kehrs Mill Road. Proposed Use: Schools, public or private, including kindergarten, elementary, secondary and collegiate; cultivation and sale of plant crops, commercial vegetable and flower gardening well as plant nurseries and greenhouses, but excluding any structure used as a salesroom.

Planner I Angela McCormick summarized the request and the Department's recommendation of approval as stated in the report and conditions contained in Attachment A.

Commissioner Layton made a motion to approve this matter. The motion was seconded by Commissioner Right and passes by a vote of 8 to 0.

- C. P.Z. 27-98 St. Mary's Institute of O'Fallon, Inc. (Linda Vista School); a request for a Conditional Use Permit in the "LLR" Large Lot Residential District for a 18.4 acre tract of land located on Kehrs Mill Road. Proposed Use: Dormitory or group living facilities for religious, educational or charitable purposes.

Planner I Angela McCormick summarized the request and the Department's recommendation of approval as stated in the report and conditions contained in Attachment A.

Commissioner Eifler made a motion to approve this matter. The motion was seconded by Commissioner Macaluso and passes by a vote of 8 to 0.

- D. P.Z. 31-98 Strutman and Busch; a request for a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a .39 acre tract of land located at 16676 Chesterfield Airport Road. Proposed uses: Offices or office buildings.

Planner II Todd Streiler summarized the request for rezoning. He stated that the site abuts "NU" property and, with the proposed setbacks, would need to petition for a Landmark and Preservation Area Special Procedure. This petition will be heard at a Public Hearing at the November 9, 1998 Planning Commission Meeting.

The Commission asked Mr. Streiler for clarification on the following: Attachment A, page 3, Note: 1) under Access.

City Attorney Beach stated that the language in the last sentence is critical: "The Department of Public Works recognizes that with the acquisition of the common access easement, we cannot currently restrict access for the property to the east. As such, the 50-foot restriction will be applied if and when the adjacent parcel develops." The 50-foot restriction is not a condition on the current Attachment A but was on the original Attachment A that has since been reworked. The distance was from the right-of-way of Chesterfield Airport Road to a 50-foot depth to the main entrance. The setback was to eliminate cars turning into the neighboring lot and thus eliminate any traffic problems. Public Works is saying they cannot limit the access to the site to the east. They decided to take the 50-foot setback off until the other site develops. The adjacent lot can now access the petition site. It is the intention of Strutman-Busch to sign an agreement with their neighbor allowing the cross access.

Commissioner Sherman made a motion to amend Attachment A, page 4 under Sign Requirements to replace existing conditions l, m, n, o, and p with the following: "All signs shall be reviewed by the Architectural Review Board for compatibility." The motion was seconded by Commissioner Layton and passes by a voice vote of 8 to 0.

Commissioner Broemmer made a motion to approve this matter subject to the Attachment A, as amended. The motion was seconded by Commissioner Sherman and passes by a vote of 8 to 0.

- E. **P.Z. 33-98 YMCA**; a request for a change in zoning from "R-6A" Residence District with a (CUP) Conditional Use Permit to a "PC" Planned Commercial District for a 9.0 acre tract of land located on Burkhardt Place, 400 feet West of Chesterfield Parkway. (Locator Numbers: 18T34-0146 & 18T34-0157). Proposed Use: Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.

Planner I Angela McCormick referenced the issues contained in the meeting packet and inquired if the Commission had additional issues. The Department requests that these petitions be held until the November 9, 1998 Planning Commission Meeting.

Commissioner Broemmer and Commissioner Sherman both stated concerns that sidewalks be five (5) feet wide and that they would be visibly and conceptually compatible with the 'walkable community concept.'

A motion was made by Commissioner Eifler, seconded by Commissioner Macaluso to hold this matter. The motion passes by a voice vote of 8 to 0.

- F. **P.Z. 3&4-93 DCL Development Co. (Wildhorse Springs)**; a request for amendment of City of Chesterfield Ordinance Number 787 providing for an increase in the number of lots from 30 to 31 in Wildhorse Springs Subdivision; located on the North side of Wild Horse Creek Road, East of the intersection of Wild Horse Creek Road and Wilson Road.

And

- G. **P.Z. 3&4-93 DCL Development Co. (Wildhorse Springs)**; a request for amendment of City of Chesterfield Ordinance Number 879, providing for a First Amendment to Indenture of Trust and Restrictions of Wildhorse Springs Subdivision; located on the North side of Wildhorse Creek Road, East of the intersection of Wildhorse Creek Road and Wilson Road.

Planner I Annissa McCaskill clarified that the minimum lot size for this PEU was 12,000 square feet with an average lot size of 12,000 square feet. She stated in the Work Session that the average lot size for a "PEU" and "R-2" was 12,000 square feet. The number should be 10,000 square feet but the average in Wildhorse Springs Subdivision is 12,000 square feet. She stated the matter was held at the October 12, 1998 Planning Commission Meeting at which time the Commission asked Ms. McCaskill to contact adjacent homeowners and provide information on parcel location. The Department recommends approval of the above two (2) amendments. Ms. McCaskill stated that the original plan showed that the parcel in question was originally labeled

as common ground on the approved Site Development Plan approved by the Planning Commission on August 23, 1993. The Record Plat for Plat One had this parcel labeled as "Common Ground #E Detention." The density in Plat One supports the addition of one (1) more lot. Plat Two is adjacent to this property. Nothing on the original plans indicated that it would be incorporated into a second plat.

A motion was made by Chairman Grant, seconded by Commissioner Right, to approve amending Ordinance #787.

City Attorney Beach feels that the Planning Commission could make an approval based upon knowing in advance what is to be done with the money and taking away any profit. The subdivision could provide a Landscape Plan and show what they intend to do with the money. Approval would be conditional upon this concept of a plan.

Commissioner Layton stated that at the beginning when the subdivision was formed, there was no question but that it was common ground. None of the original plans showed what would happen once the detention basin was switched over to Plat Two.

Chairman Grant is not concerned with the precedent issue. The case was made that circumstances were different. He believes that when people buy land, they are paying for common ground. They actually are selling property they own. Chairman Grant trusts that the residents will do what is best for their subdivision.

Commissioner Nolen stated that it is the responsibility of the residents to take care of the subdivision.

The motion **failed by a vote of 4 to 4** for reconsideration. This request for amendment to Ordinance 787 will be **carried forward** to the next meeting.

Chairman Grant made a motion to hold P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs) amendment to Ordinance 879. This motion was seconded by Commissioner Sherman and passes by a voice vote of 8 to 0.

VIII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. **D.L. 2-49 Spirit of St. Louis Airport (National Air Insurance Agency); "M-3"**
Planned Industrial District Amended Site Development Plans; South of Edison Avenue, West of Bell Avenue.

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approved this request. The motion was seconded by Commissioner Grant and passes by a voice vote of 8 to 0.

- B. **P.Z. 25-94 Jewish Community Center Association:** A Site Development Section

- C. Plan for an outdoor pool in the "R-2" Residential District, governed by City of Chesterfield Conditional Use Permit Number 16 located at the corner of Baxter and Wildhorse Creek Road.

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approved this request. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 8 to 0.

COMMITTEE REPORTS:

- A. Ordinance Review Committee - No report
- B. Architectural Review Committee - No report
- C. Site Plan/Landscape Committee - No report
- C. Comprehensive Plan Committee -

Director of Planning Teresa Price, met with the Comprehensive Plan Committee to decide on a meeting time and date for amending the Comprehensive Plan to include the Valley Master Plan. The meeting will be held Tuesday, November 3, 1998 at 6:00 PM in Conference Room A. The following are members of this committee: Fred Broemmer, Committee Chairman; Charles Eifler, Dan Layton, Victoria Sherman, Allen Yaffe, and Bob Grant.

- D. Procedures and Planning Committee - No report

Commissioner Macaluso expressed a desire to have all meetings and times announced to Planning Commission members.

A motion to adjourn was made by Commissioner Eifler and seconded by Commissioner Broemmer. The motion passes by a voice vote of 8 to 0.

The meeting adjourned at 8:45 p.m


Fred Broemmer, Secretary