PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
OCTOBER 22, 2007

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

I. PRESENT **ABSENT**

Mr. Fred Broemmer — Mr. David Banks
Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Ms. Lu Perantoni
Mr. Gene Schenberg
Mr. Michael Watson
Chairman Maurice L. Hirsch, Jr.

Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Director of Planning & Public Works
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Susan Mueller, Principal Engineer
Ms. Mara Perry, Senior Planner
Mr. Charles Campo, Project Planner
Mr. Justin Wyse, Project Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Geckeler

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Councilmember Connie Fults, Council Liaison; and City Administrator Mike Herring.

IV. PUBLIC HEARINGS – Commissioner Broemmer read the "Opening Comments" for the Public Hearing.

A. P.Z. 44-2007 Woods Mill Park Apartments (542 Kingscross Ln.): A request for a change of zoning from "NU" Non-Urban District, "FPNU" Flood Plain Non-Urban District, "R-3" Residential District and, "FPR-3" Flood Plain Residential District with a PEU to "R-6A" Residential District for a 16.8 acre tract of land located at the corner of Woodsmill Rd. and Kingscross Ln.

STAFF PRESENTATION:

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

- All of the City's Public Hearing notification requirements were followed.
- The site was zoned R-3 and FPR-3 in 1966 under the terms of St. Louis County Ordinance 3916.
- In 1968, St. Louis County Ordinance 4843 gave preliminary approval for a PEU procedure on the site.
- The site contains 20 buildings, 140 units, and 12 covered parking structures.
- The comprehensive plan shows the site to be bordered by Single Family Residential to the north and west, Parkway Central High School to the west, and Hwy. 141 expansion to the south and east.
- ISSUES TO BE ADDRESSED:
  - Additional information regarding the existing conditions on the site will need to be provided by the petitioner.
  - The Department will work with the petitioner to determine a zoning classification that will accurately reflect the existing conditions.
- The site is currently built. The Petitioner is proposing to rezone the site to fit what is built on the site. No changes to the site are proposed at this time.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, Attorney representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
   - The Petitioner is seeking to rezone the property solely for purposes of cleaning up the zoning record.
   - No changes to the use or intensity of the property are being proposed, but considerable improvements and upgrades are scheduled to enhance the property - amounting to approximately $850,000. No buildings or units will be added to the property.
   - In 1966, St. Louis County Ordinance No 3916 amended the St. Louis County Zoning Ordinance by changing the boundaries of the "NU" Non-Urban District, the "FP NU" Flood Plain Non-Urban District, the "R-3" 10,000 sq. ft. Residence District, and the "FP" Flood Plain "R-3" 10,000 sq. ft. Residence District of certain land.
   - Neither the "R-3" nor "NU" zoning permits multi-family use.

- In 1968, a PEU Planned Environment Unit was approved by St. Louis County pursuant to Ordinance 4843.
- The 1965 County Ordinance 3916 created the zoning for Woods Mill Creek Apartments. It zoned 1/3 of the project "NU" and "FPNU", and zoned 2/3 of the project "R-3" and "FPR-3".
- In 1968, Ordinance 4843 established the PEU in "R-3" and "FP" districts. The PEU was approved without an Attachment A. The Ordinance language does not include any mention of the approval of "multi-family".
- Speaker contrasted the existing situation of the Woods Mill Park Apartments with the Briarcliffe Villas, which were zoned by Council on September 26, 2005. Briarcliffe Villas is an "R-3" Residence District with a PEU. Through its Attachment A, this PEU specifically allows attached single-family dwellings.
- Each time the subject property changes hands, a prospective purchaser will do due diligence with respect to the site. That due diligence includes investigation of the existing zoning. The zoning becomes an issue at that time. One could conclude that the zoning on the property does not authorize what is there and could be interpreted as an illegal non-conforming use. This presents an issue with the buyer being able to secure a zoning ordinance from a title insurance company, and in terms of securing financing for the project.
- The Petitioner is attempting to clean up the zoning record so that the zoning category fits what is already on the site with no proposed changes.
- In discussions with Staff, it is felt that the "R-6A" zoning is the correct zoning category, but it is also felt that a PEU is needed for the site. The PEU would limit the number of buildings and units on the site to what already exists so there is no question of the Petitioner's intentions.

Chair Hirsch questioned what could happen to the site in the future if other things allowed under "R-6A" zoning were implemented. Mr. Doster replied that "R-6A" is a straight district so a PEU, with an Attachment A, is necessary to limit what can be done on the property. Any substantive changes to the site would then need to come before the Commission and Council through the Public Hearing process.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Allan Sheppard, Trustee of Judson Manor Subdivision, 826 Judson Manor Drive, Chesterfield, MO submitted his written comments to the Commission, which will become a part of the public record. He then stated the following:
   - The Judson Manor Subdivision is the only subdivision that borders the Woods Mill Apartments.
   - The residents of Judson Manor Subdivision are against the proposed zoning.
   - Speaker questioned how St. Louis County could allow owners of "R-3" residential property to build multi-storied apartments on the site. He noted

that Judson Manor, Ladue Trails, Green Trails Country Club Grounds, Ladue Farm Estates, and Conwood were all built on "R-3" or larger lots.
- Speaker stated that another 40 units could be added to the property under the "F-6A" zoning.
- Speaker expressed concern about a precedent being set in the area if the requested zoning is approved. He also expressed concern that the Lavat Addition property, which is on the northern edge of the subject property, could be purchased for multi-family apartments.

SPEAKERS – NEUTRAL:

1. Mr. Kenneth R. Cooper, 716 Judson Manor Drive, Chesterfield, MO stated the following:
   - He and his wife purchased their current property in 1974. He referred to a portion of the subject property which abuts his property. He has maintained this part of the property over the years being told it was common ground.
   - He questioned if there would be any change with respect to his property – Lot 27 of the Judson Manor Subdivision.

Chair Hirsch stated that since there are no changes being proposed to the property, he did not feel there would be any effect to the adjacent property referred to by Mr. Cooper.

2. Mr. Jim Friedle, 700 Judson Manor Drive, St. Louis, MO stated the following:
   - He had concerns that the property would be further built upon. He noted that the Petitioner has stated that the rezoning will require a PEU, which will approve just the existing buildings.

REBUTTAL:

1. Mr. Mike Doster stated the following:
   - Regarding Mr. Sheppard's comments, Mr. Doster and the Petitioner offer to meet with the Trustees of Judson Manor Subdivision to inform them of the particular legal issues they are attempting to address through the rezoning. They would also give them assurances that they will not be changing the property.
   - With respect to concerns of precedent-setting, he noted that the precedent was set in 1968-1969 when the development was built as multi-family. He is not sure if it is possible to determine what County's view was at that time as to why multi-family was allowed.
   - Regarding Mr. Cooper's concerns with respect to changes to his property, Mr. Doster stated that they will be not affect his property as no changes are being made to the site – other than upgrading the existing buildings and grounds.
   - With respect to a possible 40 additional units being added to the site, they have no intention of building any additional units. They just want a zoning entitlement in place that comports to what has been built.

Responding to questions from the Commission, Mr. Doster stated the following:

- **Regarding future development on the site:** With the "R-6A" zoning, without a PEU, additional units could be built on the site. The Petitioner has discussed with Staff the need for a PEU with the "R-6A" zoning so that there will be an Attachment A that governs the height, number of buildings, and number of units on the site. This would limit the site to what is already there keeping the density the same. Any possible future development would require an amendment to the PEU through the Public Hearing process.
- **Regarding precedent-setting in the area:** The Petitioner has no intent of acquiring additional properties in the area. The PEU could contain language that would address the particular circumstances of this property and its history to protect against a precedent being set. Mr. Hirsch stated that the public record will show that the rationale for rezoning the property is to bring the zoning into compliance with what is actually built on the site and noting that the rezoning is not stating anything about a precedent for the area.

ISSUES:

1. No change to the development as it exists today. Attachment A will be specifically written to allow only what is currently existing on the site.
2. Insure that the public record (in the PEU, the Attachment A, or Staff Report) notes that the rezoning is to rectify zoning for what is there. The public record should also include the history of the zoning noting this is why an exception is being made for this site.
3. Have the Petitioner provide an explanation as to why the existing situation makes it necessary for the site to be zoned "R-6" vs. "R-5".

Commissioner Broemmer read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the October 8, 2007 Planning Commission Meeting. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 7 to 0.**

Mr. Mike Geisel, Director of Planning & Public Works, corrected his comment made during the October 8th meeting on page 9 of the Meeting Summary regarding "one new curb cut being granted" for the MPD project. He noted that all three entrances to the property are existing curb cuts.

VI. PUBLIC COMMENT

RE: P.Z. 42-2007 Spirit Valley Business Park II (18730 Olive Street Road)

Petitioner:
Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO encouraged the Commission's approval of the petition noting that all issues have been addressed.

RE: P.Z. 29-2007 Elbridge Payne Office Park (1281 Chesterfield Parkway East)

Petitioner:
Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO encouraged the Commission's approval of the petition noting that all issues have been addressed.

RE: P.Z. 24-2007 Mark Andy Inc. (18081 Chesterfield Airport Rd.):

Petitioner:
Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO was asked if he preferred that this petition be held indefinitely rather than from meeting to meeting. Mr. Doster replied that they would like the petition held until the November 15th meeting. If at that time, the Petitioner is not ready to proceed, they are agreeable to holding it indefinitely.

He explained that they are trying to address an issue on the existing western access of Mark Andy. They will be presenting a plan to the adjoining property owner to the west regarding the possibility of developing a joint access.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Clocktower Plaza: A sign package for a 2.61-acre "PC" Planned Commercial District located north of Edison Road at its intersection with Chesterfield Commons East.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Sign Package with the exception that the Edison monument sign be held until the next meeting of the Planning Commission. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 7 to 0**.

B. **St. Luke's Hospital Parcel B (Outpatient Services):** Amended Site Development Section Plan, Amended Landscape Plan and Signage for 21.75 acres of land zoned "MU" Medical Use District located on the northwest corner of Highway 141 (Woods Mill Road) at the intersection with Brookings Park Drive.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Amended Landscape Plan and Signage. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 6 to 1** with Commissioner Broemmer voting "no".

C. **The Goddard School (1633 Kehrs Mill Road):** An Amended Site Plan, Tree Stand Delineation, Landscape Plan, Lighting Plan and Architectural Elevations for a 10.262 acre parcel located at the northwest corner of the intersection of Kehrs Mill Road and Strecker Road.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Amended Site Plan, Tree Stand Delineation, Landscape Plan, Lighting Plan and Architectural Elevations with the condition of saving tree number MT5. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 6 to 1** with Chair Hirsch voting "no".

D. **Westfield Shoppingtown Chesterfield:** An Amended Site Development Concept Plan for a regional shopping center in a "C-8" Planned Commercial District located south of Highway 40/Interstate 64.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 6 to 1** with Commissioner Broemmer voting "no".

E. **Westfield Shoppingtown Chesterfield (Jared's Jewelers):** A Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan for a free-standing retail building located in a regional shopping center in a "C-8" Planned Commercial District located south of Highway 40/Interstate 64.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan, Architectural Elevations, and Lighting Plan. The motion was seconded by Commissioner Geckeler.

Commissioner Perantoni expressed concern that the Commission is approving architectural elevations with signage on four elevations of the subject building.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, clarified that signage is not being approved at this time. Signage for this development is per the Zoning Ordinance. The Commission is approving architectural elevations only – signage is not included as part of the review or approval at this time.

The motion to approve passed by a voice vote of 6 to 1 with Commissioner Broemmer voting "no".

F. **West Valley Plaza (17670 Chesterfield Airport Road)**: A Site Development Plan, Landscape Plan, Lighting Plan and Architectural Elevations for a 2.05 acre parcel located at 17670 Chesterfield Airport Road, west of the intersection of Long Road and Chesterfield Airport Road.

Chair Hirsch announced that there was not adequate time to review West Valley Plaza during the previous Site Plan Committee meeting and asked Staff to make its presentation at this time.

Staff Report

Project Planner Jennifer Yackley stated that the Petitioner is proposing entrance into the site from the southern portion of the neighboring Regions Bank property. They have an entrance off of this property from Chesterfield Industrial Road – they will not be accessing Chesterfield Airport Road directly.

The Architectural Review Board had four concerns, three of which have been addressed by the Petitioner:

- Three Norway spruce trees have been added.
- The rear elevation has been changed to include a parapet to more adequately screen the HVAC units.

- The trash enclosure will be constructed of the same materials as the building. (It was noted that the ARB had taken a separate vote on this specific issue.)

Ms. Yackley noted that the Architectural Elevations show the trash enclosure to be 5'11", which is incorrect. The trash enclosure is to be 6' as indicated on the Site Plan and required by Ordinance.

Commissioner Broemmer asked if any changes had been made to the north elevation per ARB's recommendation that the architectural detailing be more in keeping with precedents set in the surrounding context. Ms. Yackley replied that no changes have been made. She noted that ARB was referring to the retail center across the street from the subject site, which has a roofline that varies. The subject development does not match this because it has a straight roofline. She did not feel it is severely inconsistent with the surrounding context as they are proposing a canopy and a large pedestrian area for individuals in front of the retail center.

Commissioner Schenberg, Chair of the Site Plan Committee, invited the Petitioner to add any comments at this time. The Petitioner declined.

As Chair of the Site Plan Committee, Commissioner Schenberg then asked for a motion to approve. Commissioner Broemmer made a motion to approve the Site Development Plan, Landscape Plan, Lighting Plan and Architectural Elevations. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 7 to 0.**

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Landscape Plan, Lighting Plan, and Architectural Elevations. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 7 to 0**.

VIII. OLD BUSINESS

A. P.Z. 24-2007 Mark Andy Inc. (18081 Chesterfield Airport Rd.): A request for a change of zoning from "M-3" Planned Industrial District to "PI" Planned Industrial District for a 23-acre tract of land located on the north side of Chesterfield Airport Road, one half mile west of the corner of Long Road and Chesterfield Airport Road. (17V510016)

Commissioner Schenberg made a motion to hold P.Z. 24-2007 Mark Andy Inc. (18081 Chesterfield Airport Rd.) until the next meeting of the Planning Commission. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0.**

B. P.Z. 29-2007 Elbridge Payne Office Park (1281 Chesterfield Parkway East): A request for an amendment to St. Louis County Ordinance Number 8,800 for an amendment to the parking setback requirement for Elbridge Payne Office Park, an approximately 5.4 acre tract of land, zoned "C-8" Planned Commercial District and located at the intersection of Chesterfield Parkway East and Elbridge Payne Road.

Mr. Charles Campo, Project Planner, stated that the Public Hearing for the project was held on July 23, 2007, at which time no issues were identified by the Commission.

During review of the project, some issues arose related to parking setbacks and compliance with MoDOT comments. The Petitioner has stated by letter that these issues will be addressed.

Commissioner Schenberg made a motion to approve P.Z. 29-2007 Elbridge Payne Office Park (1281 Chesterfield Parkway East). The motion was seconded by Commissioner Watson.

Upon roll call, the vote was as follows:

Aye: Commissioner Geckeler, Commissioner Grissom, Commissioner Perantoni, Commissioner Schenberg, Commissioner Watson, Commissioner Broemmer, Chairman Hirsch

Nay: None

The motion passed by a vote of 7 to 0.

C. P.Z. 42-2007 Spirit Valley Business Park II (18730 Olive Street Road): A request for a change of zoning from a "NU" Non-Urban District to a "PI" Planned Industrial District for an approximately 27.4 acre parcel of land located at 18730 Olive Street Road, south of Olive Street Road and west of Wardenburg. (17W420024)

Mr. Justin Wyse, Project Planner, stated that the Public Hearing was held for the project on October 8, 2007 at which time several issues were identified. The Petitioner has responded to all of the issues and the responses are included in the meeting packet.

The Petitioner is making a request to modify the parking standards to match the standards found in the City Code. This same modification was granted to the Spirit Valley Business Park, Phase I.

Commissioner Broemmer made a motion to amend the parking requirements to meet the parking regulations of Section 1003.165 of the City Zoning Ordinance. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 7 to 0.**

Commissioner Grissom made a motion to approve P.Z. 42-2007 Spirit Valley Business Park II (18730 Olive Street Road), as amended. The motion was seconded by Commissioner Perantoni.

Upon roll call, the vote was as follows:

Aye: Commissioner Grissom, Commissioner Perantoni, Commissioner Schenberg, Commissioner Watson, Commissioner Broemmer, Commissioner Geckeler, Chairman Hirsch

Nay: None

The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

Chair Hirsch announced that the **Ordinance Review Committee** will meet on October 24th at 3:00 p.m. to discuss the Residential Districts. All members of the Commission are welcome to attend

XI. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

_____

Gene Schenberg, Secretary