CORRECTED

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
October 14, 2002

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

I. PRESENT

Mr. David Banks
Mr. Mike Kodner
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Mr. Jerry Right
Mr. B. G. Wardlaw
Chairman Victoria Sherman
Mr. Doug Beach, City Attorney
Mayor John Nations
Ms. Mary Brown, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Barbara Weigel, Senior Planner
Mr. Mike Hurlbert, Project Planner
Mr. John Wagner, Project Planner
Ms. Kathy Lone, Planning Assistant

ABSENT

Mr. Fred Broemmer
Ms. Rachel Nolen

II. INVOCATION: Chairman Sherman

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Mayor John Nations, Councilmember Connie Fults (Ward IV) and Council Liaison Mary Brown (Ward IV.)

IV. PUBLIC HEARINGS:

Commissioner Layton read the first portion of the 'Opening Comments.'

A. **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C.**: a request for a change of zoning from an "FPNU" Flood Plain Non-Urban District and an "NU" Non-Urban District to a "PC" Planned Commercial District for 4.725 acre tract of land located north of I-64/Highway 40/61, west of Boone's Crossing, and south of North Outer Forty Road. (Locator Numbers: 17U 61 0074, 17U 62 0127).

Permitted Uses:

(x) Medical and dental offices.
(z) Offices or office buildings.
(pp) Permitted signs (See Section 1003.168 'Sign Regulations').

Ancillary Uses:

(e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
(g) Automatic vending facilities for:
  (i) Ice and solid carbon dioxide (dry ice);
  (ii) Beverages;
  (iii) Confections.
(h) Barber shops and beauty parlors.
(i) Bookstores.
(l) Cafeterias for employee and guests only.
(m) Child care centers, nursery schools, and day nurseries.
(bb) Outpatient substance abuse treatment facilities.
(cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
(mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
(rr) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

Project Planner Mike Hurlbert gave a power point presentation showing the subject site and surrounding area for **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C.**

1. Mr. Mike Doster, Doster James, L.L.C., 17107 Chesterfield Airport Road, Chesterfield, MO 63005, attorney for **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C.,** stated the following;

- Rezoning from 'FPNU' Flood Plain Non-Urban District and 'NU' Non-Urban District to 'PC' Planned Commercial District;

- Parcel is 4.725 acres;
- 3-story office building-63,600 total square feet;
- 310 parking spaces (4.87/1000 square feet);
- Levee is north of the site;
- Green space - 35.4% (Larry Enterprises has 31% green space);
- Floor area ratio – 30.9%;
- Permitted uses are: Medical and dental offices, offices or office building;
- Would be named Chesterfield Valley Professional Building II;
- Approximately 50,000 cubic yards of material will be necessary to build area up and out of the flood plain. Levee was pushed back due to the building of Boone's Crossing interchange.

2. Mr. Dean Burns, THF Realty, Inc., 2127 Innerbelt Business Center Drive, St. Louis, MO 63114, petitioner for **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C.;**

- Present to answer questions.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL – None

REBUTTAL – None

Mr. Hurlbert stated that the following issues would be reviewed and addressed:

- Elevation of ground;
- Defining ancillary uses;
- Definition of low rise building equal to 3 stories;
- Elevation relative to the level of Boone's Crossing building (floor, roof and site lines);
- Comparison to the height of the Larry Enterprises and Junior Achievement buildings.

Chairman Sherman stated that **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C.** would not need to go to the Architectural Review Board (ARB) for review.

Commissioner Layton read the next portion of the 'Opening Comments.'

B. **P.Z. 22-2002 Wildhorse Way**; a request for a change of zoning from an "NU" Non-Urban District to an "E-3" One Half-Acre Estate Residence District for 2.62 acres of land located on the north side of Wildhorse Creek Road across from Eagle Crest Estates. (Locator Number: 18U-34-0101)
Proposed use: Single-family homes

Project Planner John Wagner gave a power point presentation showing the subject site and surrounding area for **P.Z. 22-2002 Wildhorse Way**.

1. Ms. Joy McMillen, Doster James, L.L.C., 17107 Chesterfield Airport Road, Chesterfield, MO 63005, attorney for **P.Z. 22-2002 Wildhorse Way**, stated the following:

- Rezoning from 'NU' Non-Urban to 'E-3' One Half-Acre Estate Residence District;
- There would be three (3) lots and the lots would be just short of one (1) acre (.9 acre per lot);
- Site is located off Wildhorse Creek Road, between Wilson Road and Kehrs Mill Road, across from Eagle Crest Estates;
- Parcel is 2.62 acres and vacant;
- According to West Area Study, this area is proposed for single-family residential, 1-acre density;
- Two (2) access points are being proposed off Wildhorse Creek Road;
- Heavy landscaping is being proposed in the front on Wildhorse Creek Road;
- Petitioner has been in contact with the neighboring resident and has not received any objections to the proposal.

2. Mr. Mike Lawless, President of Lawless Homes, Inc., 298 Vance Road, Valley Park, MO 63088, petitioner for **P.Z. 22-2002 Wildhorse Way**, stated the following;

- The north corner of the parcel is an easement by prescription which extends over an existing driveway for access. The neighboring resident (Mr. Fienup) has asked about purchasing the road and a small portion extending over the driveway;
- Homes would be in the $1,000,000 price range;
- The drive and streets would be private, not public.

3. Mr. Mike Kieschner, Doerring Engineering, 7321 South Lindbergh Boulevard, St. Louis, MO 63125, engineer for **P.Z. 22-2002 Wildhorse Way;**

- Speaker stated that he was present to answer questions.

SPEAKERS IN FAVOR –

4. Mr. W. G. Fienup, 17047 Wildhorse Creek Road, Chesterfield, MO 63005, speaking in favor of **P.Z. 22-2002 Wildhorse Way**;

- Speaker stated that he favors the project if something can be worked out with the petitioner concerning the driveway;
- Speaker stated that, if possible, he prefers to purchase the driveway.

SPEAKERS IN OPPOSITION –

5. Mr. Steve Swim, 16915 Wildhorse Creek Road, Chesterfield, MO 63005, speaking in opposition to **P.Z. 22-2002 Wildhorse Way**;

- Declined to speak.

SPEAKERS – NEUTRAL – None

REBUTTAL – None

Mr. Wagner stated that the following issues would be reviewed and addressed:

- The driveway through the northeastern portion of the lot;
- The one (1) acre density from the West Area Study;
- Aligning the entrance across from Wildhorse Creek Road with Riverdale Drive;
- The two (2) proposed curb cuts on Wildhorse Creek Road and the distance between them.

Chairman Sherman stated that **P.Z. 22-2002 Wildhorse Way** would not go to the Architectural Review Board (ARB) for review.

Commissioner Layton read the closing portion of the 'Opening Comments.'

V. APPROVAL OF MEETING MINUTES

Commissioner Right made a motion to approve the September 23, 2002 Meeting Minutes. The motion was seconded by Commissioner Kodner **and passes by a voice vote of 7 to 0.**

VI. PUBLIC COMMENT -

1. Mr. Mike Doster, Doster James, L.L.C., 17107 Chesterfield Airport Road, Chesterfield, MO 63005, attorney for and speaking in favor of **P.Z. 13-2002 Drury Development Corporation;**

    - Speaker stated that Trust Fund #554 is not a trust fund that was established by any ordinance of St. Louis County;
    - Speaker asked that the Planning Commission not impose Trust Fund #554 but do impose, per the petitioner's agreement, the requirement that the recommended right turn lane be built;
    - Speaker stated that an analysis needed to be done before development concerning storm water detention.

2. Ms. Julie Nolfo, Crawford, Bunte, Brammeier, 1830 Craig Park, St. Louis, MO, traffic engineer and speaking in favor of for **P.Z. 13-2002 Drury Development Corporation;**

    - Speaker stated that to maintain the same current level of service, the petitioner would have to eliminate 200 units from the hotel.

3. Mr. Bob Boland, 16839 Chesterfield Bluff Circle, Chesterfield, MO 63005, architect and speaking in favor of **P.Z. 13-2002 Drury Development Corporation;**

    - Speaker stated that the Creve Coeur Drury Hotel has 20.5% green space to the edge of the street pavement. This proposal has 38.89% green space which is almost double the green space.

4. Mr. Larry Hasselfeld, 8315 Drury Industrial Parkway, St. Louis, MO, petitioner and speaking in favor of **P.Z. 13-2002 Drury Development Corporation;**

    - Speaker stated that he was present to answer questions.

5. Mr. Mark Teitelbaum, 777 Craig Road, St. Louis, MO 63141, petitioner for and speaking in favor of **P.Z. P.Z. 14-2002, The Fred M. Kemp Foundation;**

    - Speaker stated that Louis Sachs has agreed to grant the petitioner a cross access easement for ingress and egress on the east side of the proposed

building which would line up with the existing traffic signal where Target is located, go through Mr. Sachs' property and along the north edge into the petitioner's property. Because of this, a curb cut would no longer be necessary immediately on the east side of the petitioner's building;
- Speaker stated that the wickets were proposed as part of an architectural solution to rehabbing the buildings.

6. Mr. Dan Wind, Wind Engineering, 122 North Kirkwood Road, Kirkwood, MO 63122, representing the Home Builders Association (HBA) and speaking in opposition to **P.Z. 19-2002 City of Chesterfield;**

   - Presented a hand-out to the Planning Commission;
   - Speaker stated that the HBA is in favor of the flexibility but the way that the ordinance is written now, they feel there is rigidity to it that takes away the flexibility and creativity that designers could use on pieces of property.

7. Mr. Randy Stagmann, 13830 Olive Boulevard, Chesterfield, MO 63017, petitioner and speaking in favor of **P.Z. 18-2002 Randall Stagmann**;

   - Speaker stated that many of the issues from the Public Hearing have been addressed.

8. Ms. Rona Barth, 177 Marcrest, Chesterfield, MO 63017, speaking neutral to **P.Z. 18-2002 Randall Stagmann**;

   - Speaker stated that the noise on Olive Boulevard is so unbearable that her windows shake;
   - Speaker stated that she has had water problems since Olive Boulevard was widened.

9. Mr. Brett Hardesty, 232 Chesterfield Industrial Boulevard, Chesterfield, MO 63005, representing the Home Builders Association (HBA) and speaking in opposition to **P.Z. 19-2002 City of Chesterfield;**

   - Speaker asked that the HBA and City work together to figure out what is best for all parties.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

A. **Retail Building - Chesterfield Commons Outlot #15**: Site Development Section Plan, Architectural Elevations and Landscape Plan for a retail building on a 1.81 acre tract of land, zoned "C-8" Planned Commercial District located south of Chesterfield Airport Road and east of Chesterfield Commons Drive.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations and Landscape Plan for **Retail Building - Chesterfield Commons Outlot #15** with the condition that Staff review the Landscape Plan when the additional plantings adjacent to the building are finalized. The motion was seconded by Commissioner Layton **and passes by a voice vote of 7 to 0.**

B. **Belle Monte Road;** Amended Site Development and Landscape Plans for a 6.3-acre Planned Environment Unit (PEU) in an "R3" 10,000 Square-foot Residence District located on the south side of Conway Road, west of August Hill on Conway, east of Delmar Gardens.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Plan and Landscape Plan for **Belle Monte Road.** The motion was seconded by Commissioner Banks **and passes by a voice vote of 7 to 0.**

C. **Walgreens**; Site Development Plan, Landscape Plan and Architectural Elevations for 2.08 acres of land in a "PC" Planned Commercial District located on Chesterfield Parkway East between Swingley Ridge Road and Olive Boulevard.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan and Architectural Elevations for **Walgreen's** with the condition of the inclusion of the Architectural Review Board (ARB) recommendations and the cornices added to the building. The motion was seconded by Commissioner Layton **and passes by a roll call vote of 5 to 2.**

Upon a roll call the vote was as follows: Commissioner Banks, yes; Commissioner Kodner, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Right, yes; Commissioner Wardlaw, no; Chairman Sherman, no.

D. **Chesterfield Business Park – Lot 2**; a Record Plat for a 1.72-acre tract of land in a "PI" Planned Industrial District located east of Chesterfield Business Parkway, south of Chesterfield Airport Road.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Record Plat for **Chesterfield Business Park – Lot 2**. The motion was seconded by Commissioner Wardlaw **and passes by a voice vote of 7 to 0.**

VIII. OLD BUSINESS -

A. **P.Z. 13-2002 Drury Development Corporation**; a request for a change of zoning from three "C8" Planned Commercial Districts and a "NU" Non-Urban District to a "PC" Planned Commercial District for 4.85 acres of land adjacent to Chesterfield Mall at the intersection of Clarkson Road and U.S. Highway 40/64 (Interstate 64). (Locator Numbers: 18S-21-0161, 18S-23-0356, 18S-23-0345 and 18S-23-0279).

Proposed Uses:

Permitted Uses

(e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
(v) Hotels and motels.
(cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
(ii) Restaurants, sit down
(pp) Permitted signs (See Section 1003.168 'Sign Regulations').

Ancillary Uses

(f) Auditoriums, ~~churches, clubs, 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;
    (iii) Confections.
(h) Barber shops and beauty parlors.
(i) Bookstores.
(ff) 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~~.
(rr) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, ~~including indoor sale of motor vehicles~~, are being offered for sale or hire to the general public on the premises.

Project Planner John Wagner gave an overview of **P.Z. 13-2002 Drury Development Corporation.**

Commissioner Layton made a motion to approve **P.Z. 13-2002 Drury Development Corporation** as Attachment A is written. The motion was seconded by Commissioner Kodner.

Commissioner Banks asked Commissioner Layton and Commissioner Kodner if they would amend their motion to have written in Attachment A that the petitioner submit a sign package with either the Site Development Concept Plan or the Site Development Plan. Both Commissioner Layton and Commissioner Kodner accepted the amendment to their motion.

Commissioner Banks expressed concern with the detention pond.

Commissioner Banks asked Commissioner Layton and Commissioner Kodner if they would amend their motion to add to Attachment A, page 8, VII. VERIFICATION PRIOR TO APPROVAL, 2. STORMWATER AND SANITARY SEWER, (a) Detention/retention is to be provided for this site **unless studies undertaken prior to development determine to the satisfaction of the Department of Public Works that it is not necessary or provided elsewhere.** Both Commissioner Layton and Commissioner Kodner accepted the amendment to their motion.

Commissioner Wardlaw made an amendment to the motion not to allow the 10% parking reduction. Commissioner Layton would not accept the amendment to the motion so this amendment **dies due to the lack of a second**.

Commissioner Wardlaw made an amendment to the motion not to allow the 10% parking reduction. The amendment to the motion **dies due to the lack of a second**.

The Planning Commission voted on the motion with two (2) amendments:

Upon a roll call the vote was as follows: Commissioner Banks, yes; Commissioner Kodner, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Right, yes; Commissioner Wardlaw, yes; Chairman Sherman, yes.

The motion, as amended, passes by a vote of 7 to 0.

B. **P.Z. 14-2002, The Fred M. Kemp Foundation:** A request by The Fred M. Kemp Foundation and the JPR Corporation to change the zoning from "NU and M-3" to PC (Planned Commercial) for a 5.104 acre tract of land located on the north side of Chesterfield Airport Road. (parcel 17T140198 and portions of parcel 17T230991).

Proposed Uses:

(f) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly
(uu) Vehicle service centers for automobiles

Ancillary uses:

(g) Automatic vending facilities for:
(i) Ice and solid carbon dioxide (dry ice);
(ii) Beverages;
(iii) Confections.
(l) Cafeterias for employees and guests only
(qq) Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.

Senior Planner Barbara Weigel asked the Planning Commission if they had any additional issues to be reviewed and addressed.

Commissioner Right left the meeting at 8:41 p.m. and returned at 8:45 p.m.

Councilmember Brown left the meeting at 8:44 p.m.

Commissioner Macaluso left the meeting at 8:45 p.m. and returned at 8:49 p.m.

Ms. Weigel stated that the following additional issues would be reviewed and addressed:

- The wickets – height, visual impact and material they are made of;
- The Site Development Plan may be revised to show that there will be an access easement and a drive to the eastern adjoining property (the Sachs property) so the eastern curb cut would not be required;
- Tree Stand Delineation went to the Architectural Review Board (ARB) and there are comments to be addressed;
- Petitioner will allow the permitted use 'vehicular repair facility for automobiles' be designated an ancillary use;
- The revised Site Development Plan has accommodation for buses;
- Review of the wickets by the ARB at the Site Development Plan level;
- Language in Attachment A requiring further review of the wickets.

Chairman Sherman stated that **P.Z. 19-2002 City of Chesterfield** would be held until all issues were reviewed and addressed.

C. **P.Z. 19-2002 City of Chesterfield**: a request to amend the "E" Estate districts of the City of Chesterfield Zoning Ordinance (Sections 1003.107, 1003.108 and 1003.109). Said amendments are to include the following: 1) removal of the standard procedure option for development, 2) elimination of the 10 acre requirement for a Planned Environment Unit (PEU) procedure, 3) requiring the number of homes allowable to correlate to the number of acres, 4) requiring the minimum lot size of the District to be placed along the collector or arterial roadways

Senior Planner Barbara Weigel gave an overview of **P.Z. 19-2002 City of Chesterfield**.

Commissioner Banks left the room at 8:47 p.m. and returned at 8:50 p.m.

General discussion followed concerning the 'E' Estate Districts and comments from the Home Builders Association (HBA).

City Attorney Doug Beach encouraged the Planning Commission to pass and move forward the following items of this petition: 2. Elimination of the 10-acre requirement for a Planned Environment Unit (PEU) procedure and, 3. Requiring the number of homes allowable to correlate to the number of acres.

Commissioner Banks made a motion to suspend the rules and vote on items #2 and #3 of **P.Z. 19-2002 City of Chesterfield.** The motion was seconded by Commissioner Wardlaw **and passes by a voice vote of 7 to 0.**

Director of Planning Teresa Price suggested that items #1 and #4 of **P.Z. 19-2002 City of Chesterfield** go to a committee of the Planning Commission to work with Staff.

Commissioner Macaluso made a motion to approve the following items of **P.Z. 19-2002 City of Chesterfield**: 2. Elimination of the 10-acre requirement for a Planned Environment Unit (PEU) procedure and, 3. Requiring the number of homes allowable to correlate to the number of acres. The motion was seconded by Commissioner Banks.

Upon a roll call the vote was as follows: Commissioner Kodner, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Right, yes; Commissioner Wardlaw, yes; Commissioner Banks, yes; Chairman Sherman, yes.

The motion passes by a vote of 7 to 0.

Chairman Sherman stated that items #1 and #4 would be discussed during the Work Session portion of the next Planning Commission Meeting on October 28, 2002.

Ms. Price stated that she and Ms. Weigel would rewrite the general concepts for the Planning Commission and return this petition to the Planning Commission when ready.

Commissioner Banks made a motion to hold Items #1 and #4 of **P.Z. 19-2002 City of Chesterfield** until Staff has them rewritten. The motion was seconded by Commissioner Macaluso **and passes by a voice vote of 7 to 0.**

IX. NEW BUSINESS -

A. P.Z. 15-98 Arthur R. McRoberts and Mary McRoberts (Hart Body Inc.): A request for an extension of time to submit a Site Development Plan for a "PC" Planned Commercial District located on the north side of Chesterfield Airport Road, West of Long Road.

Commissioner Macaluso made a motion to approve the request for a time extension to submit a Site Development Plan until September 19, 2003 for **P.Z. 15-98 Arthur R. McRoberts and Mary McRoberts (Hart Body Inc.)** The motion was seconded by Commissioner Banks **and passes by a voice vote of 7 to 0.**

X. COMMITTEE REPORTS:

A. Committee of the Whole
B. Ordinance Review Committee
C. Architectural Review Committee

Committee Chair Right stated that Planning Commission members would be rotating as liaison to the Architectural Review Board (ARB) Meetings. A schedule would be formalized at their next meeting on Tuesday, November 5, 2002, at 8:30 a.m. at City Hall.

D. Landscape Committee
E. Comprehensive Plan Committee
F. Procedures and Planning Committee
G. Architectural Review Board Update
H. Landmarks Preservation Commission

Commissioner Kodner suggested that the Planning Commission read Stephen Kling's article on 'The Comprehensive Plan and Missouri Land Use Planning Law.'

The meeting unanimously adjourned at 9:24 p.m.

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Jerry Right, Secretary